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February 19, 2020

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1365

By: Stanislawski

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[ school funding - State Aid for charter schools -
effective-date -
emergency ]
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-142, as last amended by Section 6, Chapter 170, O.S.L. 2015 (70 O.S. Supp. 2019, Section 3-142), is amended to read as follows:

Section 3-142. A. For purposes of funding, a charter school sponsored by a board of education of a school district shall be considered a site within the school district in which the charter school is located. The student membership of the charter school shall be considered separate from the student membership of the district in which the charter school is located for the purpose of calculating weighted average daily membership pursuant to Section 18-201.1 of this title and State Aid pursuant to Section 18-200.1 of this title. For charter schools sponsored by a board of education of a school district, the sum of the separate calculations for the

1 charter school and the school district shall be used to determine
2 the total State Aid allocation for the district in which the charter
3 school is located. A charter school shall receive from the
4 sponsoring school district, the State Aid allocation and any other
5 state-appropriated revenue generated by its students for the
6 applicable year, less up to five percent (5%) of the State Aid
7 allocation, which may be retained by the school district as a fee
8 for administrative services rendered. For charter schools sponsored
9 by the board of education of a technology center school district, a
10 higher education institution, the State Board of Education, or a
11 federally recognized Indian tribe and for statewide virtual charter
12 schools sponsored by the Statewide Virtual Charter School Board, the
13 State Aid allocation for the charter school shall be distributed by
14 the State Board of Education and not more than five percent (5%) of
15 the State Aid allocation may be charged by the sponsor as a fee for
16 administrative services rendered. The State Board of Education
17 shall determine the policy and procedure for making payments to a
18 charter school. The fee for administrative services as authorized
19 in this subsection shall only be assessed on the State Aid
20 allocation amount and shall not be assessed on any other
21 appropriated amounts.

22 B. 1. The weighted average daily membership for the first year
23 of operation of a charter school shall be determined initially by
24 multiplying the actual enrollment of students as of August 1 by

1 1.333. The charter school shall receive revenue equal to that which
2 would be generated by the estimated weighted average daily
3 membership calculated pursuant to this paragraph. At midyear, the
4 allocation for the charter school shall be adjusted using the first
5 quarter weighted average daily membership for the charter school
6 calculated pursuant to subsection A of this section.

7 2. a. For the purpose of calculating weighted average daily
8 membership pursuant to Section 18-201.1 of this title
9 and State Aid pursuant to Section 18-200.1 of this
10 title, the weighted average daily membership for the
11 first year of operation and each year thereafter of a
12 full-time virtual charter school shall be determined
13 by multiplying the actual enrollment of students as of
14 August 1 by 1.333. The full-time virtual charter
15 school shall receive revenue equal to that which would
16 be generated by the estimated weighted average daily
17 membership calculated pursuant to this paragraph. At
18 midyear, the allocation for the full-time virtual
19 charter school shall be adjusted using the first
20 quarter weighted average daily membership for the
21 virtual charter school calculated pursuant to
22 subsection A of this section.

23 b. For statewide virtual charter schools sponsored by the
24 Statewide Virtual Charter School Board that have an

1 average daily membership (ADM) of more than five
2 thousand (5,000) students, the State Board of
3 Education shall deduct five percent (5%) from the
4 State Aid allocation as determined by the mid-year
5 allocation the school would receive pursuant to this
6 section to be deposited into the State Public Common
7 School Building Equalization Fund established by
8 Section 32 of Article X of the Oklahoma Constitution.

9 C. A charter school shall be eligible to receive any other aid,
10 grants or revenues allowed to other schools. A charter school
11 sponsored by the board of education of a technology center school
12 district, a higher education institution, the State Board of
13 Education, or a federally recognized Indian tribe shall be
14 considered a local education agency for purposes of funding. A
15 charter school sponsored by a board of education of a school
16 district shall be considered a local education agency for purposes
17 of federal funding.

18 D. A charter school, in addition to the money received from the
19 state, may receive money from any other source. Any unexpended
20 funds may be reserved and used for future purposes. The governing
21 body of a charter school shall not levy taxes or issue bonds. If
22 otherwise allowed by law, the governing body of a charter school may
23 enter into private contracts for the purposes of borrowing money
24 from lenders. If the governing body of the charter school borrows

1 money, the charter school shall be solely responsible for repaying
2 the debt, and the state or the sponsor shall not in any way be
3 responsible or obligated to repay the debt.

4 E. Any charter school which chooses to lease property shall be
5 eligible to receive current government lease rates.

6 ~~SECTION 2. This act shall become effective July 1, 2020.~~

7 ~~SECTION 3. It being immediately necessary for the preservation~~
8 ~~of the public peace, health or safety, an emergency is hereby~~
9 ~~declared to exist, by reason whereof this act shall take effect and~~
10 ~~be in full force from and after its passage and approval.~~

11 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
12 February 19, 2020 - DO PASS AS AMENDED
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