

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 153

6 By: Stanislawski

7 COMMITTEE SUBSTITUTE

8 An Act relating to charter school funding; amending  
9 70 O.S. 2011, Section 3-142, as last amended by  
10 Section 6, Chapter 170, O.S.L. 2015 (70 O.S. Supp.  
11 2018, Section 3-142), which relates to calculation of  
12 charter school funding; directing a charter school  
13 that has been in operation for certain number of  
14 years to receive certain funding amount to be used  
15 for certain capital projects and improvements;  
16 excluding certain statewide virtual charter schools  
17 from certain provisions; providing an effective date;  
18 and declaring an emergency.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-142, as  
21 last amended by Section 6, Chapter 170, O.S.L. 2015 (70 O.S. Supp.  
22 2018, Section 3-142), is amended to read as follows:

23 Section 3-142. A. For purposes of funding, a charter school  
24 sponsored by a board of education of a school district shall be  
25 considered a site within the school district in which the charter  
26 school is located. The student membership of the charter school  
27 shall be considered separate from the student membership of the

1 district in which the charter school is located for the purpose of  
2 calculating weighted average daily membership pursuant to Section  
3 18-201.1 of this title and State Aid pursuant to Section 18-200.1 of  
4 this title. For charter schools sponsored by a board of education  
5 of a school district, the sum of the separate calculations for the  
6 charter school and the school district shall be used to determine  
7 the total State Aid allocation for the district in which the charter  
8 school is located. A charter school shall receive from the  
9 sponsoring school district, the State Aid allocation and any other  
10 state-appropriated revenue generated by its students for the  
11 applicable year, less up to five percent (5%) of the State Aid  
12 allocation, which may be retained by the school district as a fee  
13 for administrative services rendered. For charter schools sponsored  
14 by the board of education of a technology center school district, a  
15 higher education institution, the State Board of Education, or a  
16 federally recognized Indian tribe and for statewide virtual charter  
17 schools sponsored by the Statewide Virtual Charter School Board, the  
18 State Aid allocation for the charter school shall be distributed by  
19 the State Board of Education and not more than five percent (5%) of  
20 the State Aid allocation may be charged by the sponsor as a fee for  
21 administrative services rendered. The State Board of Education  
22 shall determine the policy and procedure for making payments to a  
23 charter school. The fee for administrative services as authorized  
24 in this subsection shall only be assessed on the State Aid

1 allocation amount and shall not be assessed on any other  
2 appropriated amounts.

3 B. 1. The weighted average daily membership for the first year  
4 of operation of a charter school shall be determined initially by  
5 multiplying the actual enrollment of students as of August 1 by  
6 1.333. The charter school shall receive revenue equal to that which  
7 would be generated by the estimated weighted average daily  
8 membership calculated pursuant to this paragraph. At midyear, the  
9 allocation for the charter school shall be adjusted using the first  
10 quarter weighted average daily membership for the charter school  
11 calculated pursuant to subsection A of this section.

12 2. Beginning in the 2019-2020 school year, a charter school  
13 that has been in operation for two or more years shall receive an  
14 amount equal to the weighted average daily membership of the charter  
15 school multiplied by a building fund weight of 0.05. The funding  
16 allocated pursuant to this paragraph may be used for capital  
17 projects and improvements including, but not limited to, erecting,  
18 remodeling, repairing or maintaining school buildings. The  
19 provisions of this paragraph shall not apply to a statewide virtual  
20 charter school sponsored by the Statewide Virtual Charter School  
21 Board pursuant to Section 3-145.3 of this title.

22 3. For the purpose of calculating weighted average daily  
23 membership pursuant to Section 18-201.1 of this title and State Aid  
24 pursuant to Section 18-200.1 of this title, the weighted average

1 daily membership for the first year of operation and each year  
2 thereafter of a full-time virtual charter school shall be determined  
3 by multiplying the actual enrollment of students as of August 1 by  
4 1.333. The full-time virtual charter school shall receive revenue  
5 equal to that which would be generated by the estimated weighted  
6 average daily membership calculated pursuant to this paragraph. At  
7 midyear, the allocation for the full-time virtual charter school  
8 shall be adjusted using the first quarter weighted average daily  
9 membership for the virtual charter school calculated pursuant to  
10 subsection A of this section.

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

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

1 enter into private contracts for the purposes of borrowing money  
2 from lenders. If the governing body of the charter school borrows  
3 money, the charter school shall be solely responsible for repaying  
4 the debt, and the state or the sponsor shall not in any way be  
5 responsible or obligated to repay the debt.

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

8 SECTION 2. This act shall become effective July 1, 2019.

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

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