

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 15

By: Sharp

AS INTRODUCED

An Act relating to charter schools; amending 70 O.S. 2011, Section 3-132, as last amended by Section 29, Chapter 42, O.S.L. 2017 (70 O.S. Supp. 2018, Section 3-132), which relates to charter school sponsorship; removing language allowing certain entities to sponsor charter schools; allowing only a school district or a federally recognized Indian tribe to sponsor charter schools beginning on certain date; requiring certain notification; directing certain charter school applicants to enter into certain contract by certain date; providing for dissolution of certain charter schools after certain date; amending 70 O.S. 2011, Section 3-134, as amended by Section 2, Chapter 170, O.S.L. 2015 (70 O.S. Supp. 2018, Section 3-134), which relates to charter school applications; removing reference to certain charter school sponsors; removing language regarding the location of certain charter schools; modifying which charter school applicants can seek certain arbitration under certain conditions; amending 70 O.S. 2011, Section 3-140, as last amended by Section 5, Chapter 170, O.S.L. 2015 (70 O.S. Supp. 2018, Section 3-140), which relates to charter school enrollment eligibility; modifying reference to enrollment limitation for certain charter school; amending 70 O.S. 2011, Section 3-142, as last amended by Section 6, Chapter 170, O.S.L. 2015 (70 O.S. Supp. 2018, Section 3-142), which relates to charter school funding; removing reference to charter schools with certain sponsors; providing effective dates; and declaring an emergency.

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

2 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-132, as
3 last amended by Section 29, Chapter 42, O.S.L. 2017 (70 O.S. Supp.
4 2018, Section 3-132), is amended to read as follows:

5 Section 3-132. A. The Oklahoma Charter Schools Act shall apply
6 only to charter schools formed and operated under the provisions of
7 the act. Charter schools shall be sponsored only as follows:

8 1. By any school district located in the State of Oklahoma,
9 provided such charter school shall only be located within the
10 geographical boundaries of the sponsoring district and subject to
11 the restrictions of Section 3-145.6 of this title;

12 2. ~~By a technology center school district if the charter school~~
13 ~~is located in a school district served by the technology center~~
14 ~~school district in which all or part of the school district is~~
15 ~~located in a county having more than five hundred thousand (500,000)~~
16 ~~population according to the latest Federal Decennial Census;~~

17 3. ~~By a technology center school district if the charter school~~
18 ~~is located in a school district served by the technology center~~
19 ~~school district and the school district has a school site that has~~
20 ~~been identified as in need of improvement by the State Board of~~
21 ~~Education pursuant to the Elementary and Secondary Education Act of~~
22 ~~1965, as amended or reauthorized;~~

23 4. ~~By an accredited comprehensive or regional institution that~~
24 ~~is a member of The Oklahoma State System of Higher Education or a~~

1 ~~community college if the charter school is located in a school~~
2 ~~district in which all or part of the school district is located in a~~
3 ~~county having more than five hundred thousand (500,000) population~~
4 ~~according to the latest Federal Decennial Census;~~

5 ~~5. By a comprehensive or regional institution that is a member~~
6 ~~of The Oklahoma State System of Higher Education if the charter~~
7 ~~school is located in a school district that has a school site that~~
8 ~~has been identified as in need of improvement by the State Board of~~
9 ~~Education pursuant to the Elementary and Secondary Education Act of~~
10 ~~1965, as amended or reauthorized. In addition, the institution~~
11 ~~shall have a teacher education program accredited by the Oklahoma~~
12 ~~Commission for Teacher Preparation and have a branch campus or~~
13 ~~constituent agency physically located within the school district in~~
14 ~~which the charter school is located in the State of Oklahoma;~~

15 ~~6. By a federally recognized Indian tribe, operating a high~~
16 ~~school under the authority of the Bureau of Indian Affairs as of~~
17 ~~November 1, 2010, if the charter school is for the purpose of~~
18 ~~demonstrating native language immersion instruction, and is located~~
19 ~~within its former reservation or treaty area boundaries. For~~
20 ~~purposes of this paragraph, native language immersion instruction~~
21 ~~shall require that educational instruction and other activities~~
22 ~~conducted at the school site are primarily conducted in the native~~
23 ~~language;~~

1 ~~7. By the State Board of Education when the applicant of the~~
2 ~~charter school is the Office of Juvenile Affairs or the applicant~~
3 ~~has a contract with the Office of Juvenile Affairs to provide a~~
4 ~~fixed rate level E, D, or D+ group home service and the charter~~
5 ~~school is for the purpose of providing education services to youth~~
6 ~~in the custody or supervision of the state. Not more than two~~
7 ~~charter schools shall be sponsored by the Board as provided for in~~
8 ~~this paragraph during the period of time beginning July 1, 2010,~~
9 ~~through July 1, 2016; or~~

10 ~~8. 3.~~ By a federally recognized Indian tribe only when the
11 charter school is located within the former reservation or treaty
12 area boundaries of the tribe on property held in trust by the Bureau
13 of Indian Affairs of the United States Department of the Interior
14 for the benefit of the tribe; ~~or~~

15 ~~9. By the State Board of Education when the applicant has first~~
16 ~~been denied a charter by the local school district in which it seeks~~
17 ~~to operate. In counties with fewer than five hundred thousand~~
18 ~~(500,000) population, according to the latest Federal Decennial~~
19 ~~Census, the State Board of Education shall not sponsor more than~~
20 ~~five charter schools per year each year for the first five (5) years~~
21 ~~after the effective date of this act, with not more than one charter~~
22 ~~school sponsored in a single school district per year. In order to~~
23 ~~authorize a charter school under this section, the State Board of~~
24 ~~Education shall find evidence of all of the following:~~

- 1 ~~a. a thorough and high-quality charter school application~~
2 ~~from the applicant based on the authorizing standards~~
3 ~~in subsection B of Section 3-134 of this title,~~
4 ~~b. a clear demonstration of community support for the~~
5 ~~charter school, and~~
6 ~~c. the grounds and basis of objection by the school~~
7 ~~district for denying the operation of the charter are~~
8 ~~not supported by the greater weight of evidence and~~
9 ~~the strength of the application.~~

10 B. An eligible non-school-district sponsor shall give priority
11 to opening charter schools that serve at-risk student populations or
12 students from low-performing traditional public schools.

13 C. An eligible non-school-district sponsor shall give priority
14 to applicants that have demonstrated a record of operating at least
15 one school or similar program that demonstrates academic success and
16 organizational viability and serves student populations similar to
17 those the proposed charter school seeks to serve. In assessing the
18 potential for quality replication of a charter school, a sponsor
19 shall consider the following factors before approving a new site or
20 school:

21 1. Evidence of a strong and reliable record of academic success
22 based primarily on student performance data, as well as other viable
23 indicators, including financial and operational success;

24 2. A sound, detailed, and well-supported growth plan;

1 3. Evidence of the ability to transfer successful practices to
2 a potentially different context that includes reproducing critical
3 cultural, organizational and instructional characteristics;

4 4. Any management organization involved in a potential
5 replication is fully vetted, and the academic, financial and
6 operational records of the schools it operates are found to be
7 satisfactory;

8 5. Evidence the program seeking to be replicated has the
9 capacity to do so successfully without diminishing or putting at
10 risk its current operations; and

11 6. A financial structure that ensures that funds attributable
12 to each charter school within a network and required by law to be
13 utilized by a school remain with and are used to benefit that
14 school.

15 D. For purposes of the Oklahoma Charter Schools Act, "charter
16 school" means a public school established by contract with a board
17 of education of a school district, ~~an area vocational technical~~
18 ~~school district, a higher education institution, or~~ or a federally
19 recognized Indian tribe, ~~or the State Board of Education~~ pursuant to
20 the Oklahoma Charter Schools Act to provide learning that will
21 improve student achievement and as defined in the Elementary and
22 Secondary Education Act of 1965, 20 U.S.C. 8065.

23 E. 1. For the purposes of the Oklahoma Charter Schools Act,
24 "conversion school" means a school created by converting all or any
25

1 part of a traditional public school in order to access any or all
2 flexibilities afforded to a charter school.

3 2. Prior to the board of education of a school district
4 converting all or any part of a traditional public school to a
5 conversion school, the board shall prepare a conversion plan. The
6 conversion plan shall include documentation that demonstrates and
7 complies with paragraphs 1, 2, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17,
8 19, 20, 21, 22, 23, 24, 34 and 35 of subsection B of Section 3-134
9 of this title. The conversion plan and all documents shall be in
10 writing and shall be available to the public pursuant to the
11 requirements of the Oklahoma Open Records Act. All votes by the
12 board of education of a school district to approve a conversion plan
13 shall be held in an open public session. If the board of education
14 of a school district votes to approve a conversion plan, the board
15 shall notify the State Board of Education within sixty (60) days
16 after the vote. The notification shall include a copy of the
17 minutes for the board meeting at which the conversion plan was
18 approved.

19 3. A conversion school shall comply with all the same
20 accountability measures as are required of a charter school as
21 defined in subsection D of this section. The provisions of Sections
22 3-140 and 3-142 of this title shall not apply to a conversion
23 school. Conversion schools shall comply with the same laws and
24 State Board of Education rules relating to student enrollment which

1 apply to traditional public schools. Conversion schools shall be
2 funded by the board of education of the school district as a school
3 site within the school district and funding shall not be affected by
4 the conversion of the school.

5 4. The board of education of a school district may vote to
6 revert a conversion school back to a traditional public school at
7 any time; provided, the change shall only occur during a break
8 between school years.

9 5. Unless otherwise provided for in this subsection, a
10 conversion school shall retain the characteristics of a traditional
11 public school.

12 F. A charter school may consist of a new school site, new
13 school sites or all or any portion of an existing school site. An
14 entire school district may not become a charter school site.

15 G. 1. Beginning July 1, 2020, only a school district or a
16 federally recognized Indian tribe shall be eligible to sponsor
17 charter schools as provided for in subsection A of this section.

18 2. On the effective date of this act, the State Board of
19 Education shall notify any charter school that is sponsored in a
20 manner other than that allowed by subsection A of this section that
21 its sponsorship shall cease effective July 1, 2020. The charter
22 school applicant shall have one (1) year from the date of
23 notification to enter into a contract with a sponsor as provided for
24 in subsection A of this section. If the charter school applicant

1 does not successfully enter into a contract with a sponsor by July
2 1, 2020, the charter school shall be dissolved.

3 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3-134, as
4 amended by Section 2, Chapter 170, O.S.L. 2015 (70 O.S. Supp. 2018,
5 Section 3-134), is amended to read as follows:

6 Section 3-134. A. For written applications filed after January
7 1, 2008, prior to submission of the application to a proposed
8 sponsor seeking to establish a charter school, the applicant shall
9 be required to complete training which shall not exceed ten (10)
10 hours provided by the State Department of Education on the process
11 and requirements for establishing a charter school. The Department
12 shall develop and implement the training by January 1, 2008. The
13 Department may provide the training in any format and manner that
14 the Department determines to be efficient and effective including,
15 but not limited to, web-based training.

16 B. Except as otherwise provided for in Section 3-137 of this
17 title, an applicant seeking to establish a charter school shall
18 submit a written application to the proposed sponsor as prescribed
19 in subsection E of this section. The application shall include:

- 20 1. A mission statement for the charter school;
- 21 2. A description including, but not limited to, background
22 information of the organizational structure and the governing body
23 of the charter school;

- 1 3. A financial plan for the first five (5) years of operation
2 of the charter school and a description of the treasurer or other
3 officers or persons who shall have primary responsibility for the
4 finances of the charter school. Such person shall have demonstrated
5 experience in school finance or the equivalent thereof;
- 6 4. A description of the hiring policy of the charter school;
- 7 5. The name of the applicant or applicants and requested
8 sponsor;
- 9 6. A description of the facility and location of the charter
10 school;
- 11 7. A description of the grades being served;
- 12 8. An outline of criteria designed to measure the effectiveness
13 of the charter school;
- 14 9. A demonstration of support for the charter school from
15 residents of the school district which may include but is not
16 limited to a survey of the school district residents or a petition
17 signed by residents of the school district;
- 18 10. Documentation that the applicants completed charter school
19 training as set forth in subsection A of this section;
- 20 11. A description of the minimum and maximum enrollment planned
21 per year for each term of the charter contract;
- 22 12. The proposed calendar for the charter school and sample
23 daily schedule;
- 24

1 13. Unless otherwise authorized by law or regulation, a
2 description of the academic program aligned with state standards;

3 14. A description of the instructional design of the charter
4 school, including the type of learning environment, class size and
5 structure, curriculum overview and teaching methods;

6 15. The plan for using internal and external assessments to
7 measure and report student progress on the performance framework
8 developed by the applicant in accordance with subsection C of
9 Section 3-135 of this title;

10 16. The plans for identifying and successfully serving students
11 with disabilities, students who are English language learners and
12 students who are academically behind;

13 17. A description of cocurricular or extracurricular programs
14 and how they will be funded and delivered;

15 18. Plans and time lines for student recruitment and
16 enrollment, including lottery procedures;

17 19. The student discipline policies for the charter school,
18 including those for special education students;

19 20. An organizational chart that clearly presents the
20 organizational structure of the charter school, including lines of
21 authority and reporting between the governing board, staff, any
22 related bodies such as advisory bodies or parent and teacher
23 councils and any external organizations that will play a role in
24 managing the school;

1 21. A clear description of the roles and responsibilities for
2 the governing board, the leadership and management team for the
3 charter school and any other entities shown in the organizational
4 chart;

5 22. The leadership and teacher employment policies for the
6 charter school;

7 23. Proposed governing bylaws;

8 24. Explanations of any partnerships or contractual
9 partnerships central to the operations or mission of the charter
10 school;

11 25. The plans for providing transportation, food service and
12 all other significant operational or ancillary services;

13 26. Opportunities and expectations for parental involvement;

14 27. A detailed school start-up plan that identifies tasks, time
15 lines and responsible individuals;

16 28. A description of the financial plan and policies for the
17 charter school, including financial controls and audit requirements;

18 29. A description of the insurance coverage the charter school
19 will obtain;

20 30. Start-up and five-year budgets with clearly stated
21 assumptions;

22 31. Start-up and first-year cash-flow projections with clearly
23 stated assumptions;

24

25

1 32. Evidence of anticipated fundraising contributions, if
2 claimed in the application;

3 33. A sound facilities plan, including backup or contingency
4 plans if appropriate;

5 34. A requirement that the charter school governing board meet
6 at a minimum quarterly in the state and that for those charter
7 schools outside of counties with a population of five hundred
8 thousand (500,000) or more, that a majority of members are residents
9 within the geographic boundary of the sponsoring entity; and

10 35. A requirement that the charter school follow the
11 requirements of the Oklahoma Open Meeting Act and Oklahoma Open
12 Records Act.

13 C. A board of education of a public school district, public
14 body, ~~public or private college or university,~~ private person, or
15 private organization may contract with a sponsor to establish a
16 charter school. A private school shall not be eligible to contract
17 for a charter school under the provisions of the Oklahoma Charter
18 Schools Act.

19 D. The sponsor of a charter school is the board of education of
20 a school district, ~~the board of education of a technology center~~
21 ~~school district, a higher education institution, the State Board of~~
22 ~~Education,~~ or a federally recognized Indian tribe which meets the
23 criteria established in Section 3-132 of this title. Any board of
24 education of a school district in the state may sponsor one or more

1 charter schools. The physical location of a charter school
2 sponsored by a board of education of a school district ~~or a~~
3 ~~technology center school district~~ shall be within the boundaries of
4 the sponsoring school district. ~~The physical location of a charter~~
5 ~~school sponsored by the State Board of Education when the applicant~~
6 ~~of the charter school is the Office of Juvenile Affairs shall be~~
7 ~~where an Office of Juvenile Affairs facility for youth is located.~~
8 ~~The physical location of a charter school otherwise sponsored by the~~
9 ~~State Board of Education pursuant to paragraph 8 of subsection A of~~
10 ~~Section 3-132 of this title shall be in the school district in which~~
11 ~~the application originated.~~

12 E. An applicant for a charter school may submit an application
13 to a proposed sponsor which shall either accept or reject
14 sponsorship of the charter school within ninety (90) days of receipt
15 of the application. If the proposed sponsor rejects the
16 application, it shall notify the applicant in writing of the reasons
17 for the rejection. The applicant may submit a revised application
18 for reconsideration to the proposed sponsor within thirty (30) days
19 after receiving notification of the rejection. The proposed sponsor
20 shall accept or reject the revised application within thirty (30)
21 days of its receipt. ~~Should the sponsor reject the application on~~
22 ~~reconsideration, the applicant may appeal the decision to the State~~
23 ~~Board of Education with the revised application for review pursuant~~
24 ~~to paragraph 8 of subsection A of Section 3-132 of this title. The~~

1 ~~State Board of Education shall hear the appeal no later than sixty~~
2 ~~(60) days from the date received by the Board.~~

3 F. A board of education of a school district, ~~board of~~
4 ~~education of a technology center school district, higher education~~
5 ~~institution,~~ or federally recognized Indian tribe sponsor of a
6 charter school shall notify the State Board of Education when it
7 accepts sponsorship of a charter school. The notification shall
8 include a copy of the charter of the charter school.

9 G. Applicants for charter schools proposed to be sponsored by
10 ~~an entity other than a school district pursuant to paragraph 1 of~~
11 ~~subsection A of Section 3-132 of this title may, upon rejection of~~
12 ~~the revised application, proceed to binding arbitration under the~~
13 ~~commercial rules of the American Arbitration Association with costs~~
14 ~~of the arbitration to be borne by the proposed sponsor. Applicants~~
15 ~~for charter schools proposed to be sponsored by school districts~~
16 ~~pursuant to paragraph 1 of subsection A of Section 3-132 of this~~
17 ~~title may not proceed to binding arbitration but may be sponsored by~~
18 ~~the State Board of Education as provided in paragraph 8 of~~
19 ~~subsection A of Section 3-132 of this title.~~

20 H. If a ~~board of education of a technology center school~~
21 ~~district, a higher education institution, the State Board of~~
22 ~~Education, or a federally recognized Indian tribe accepts~~
23 sponsorship of a charter school, the administrative, fiscal and
24 oversight responsibilities of the ~~technology center school district,~~

1 ~~the higher education institution, or the~~ federally recognized Indian
2 tribe shall be listed in the contract. No responsibilities shall be
3 delegated to a school district unless the local school district
4 agrees to assume the responsibilities.

5 I. A sponsor of a public charter school shall have the
6 following powers and duties:

7 1. Provide oversight of the operations of charter schools in
8 the state through annual performance reviews of charter schools and
9 reauthorization of charter schools for which it is a sponsor;

10 2. Solicit and evaluate charter applications;

11 3. Approve quality charter applications that meet identified
12 educational needs and promote a diversity of educational choices;

13 4. Decline to approve weak or inadequate charter applications;

14 5. Negotiate and execute sound charter contracts with each
15 approved public charter school;

16 6. Monitor, in accordance with charter contract terms, the
17 performance and legal compliance of charter schools; and

18 7. Determine whether each charter contract merits renewal,
19 nonrenewal or revocation.

20 J. Sponsors shall establish a procedure for accepting,
21 approving and disapproving charter school applications in accordance
22 with subsection E of this section.

23 K. Sponsors shall be required to develop and maintain
24 chartering policies and practices consistent with recognized

1 principles and standards for quality charter authorizing as
2 established by the State Department of Education in all major areas
3 of authorizing responsibility, including organizational capacity and
4 infrastructure, soliciting and evaluating charter applications,
5 performance contracting, ongoing charter school oversight and
6 evaluation and charter renewal decision-making.

7 L. Sponsors acting in their official capacity shall be immune
8 from civil and criminal liability with respect to all activities
9 related to a charter school with which they contract.

10 SECTION 3. AMENDATORY 70 O.S. 2011, Section 3-140, as
11 last amended by Section 5, Chapter 170, O.S.L. 2015 (70 O.S. Supp.
12 2018, Section 3-140), is amended to read as follows:

13 Section 3-140. A. Except for when a charter ~~school sponsored~~
14 ~~by the State Board of Education~~ school's applicant is the Office of
15 Juvenile Affairs or the applicant has a contract with the Office of
16 Juvenile Affairs to provide fixed rate level E, D or D+ group home
17 services, a charter school shall enroll those students whose legal
18 residence is within the boundaries of the school district in which
19 the charter school is located and who submit a timely application,
20 or those students who transfer to the district in which the charter
21 school is located in accordance with Section 8-103 or 8-104 of this
22 title, unless the number of applications exceeds the capacity of a
23 program, class, grade level, or building. Students who reside in a
24 school district where a charter school is located shall not be

1 required to obtain a transfer in order to attend a charter school in
2 the school district of residence. If capacity is insufficient to
3 enroll all eligible students, the charter school shall select
4 students through a lottery selection process. Except for when a
5 ~~charter school sponsored by the State Board of Education~~ school's
6 applicant is the Office of Juvenile Affairs or the applicant has a
7 contract with the Office of Juvenile Affairs to provide fixed rate
8 level E, D or D+ group home services, a charter school shall give
9 enrollment preference to eligible students who reside within the
10 boundaries of the school district in which the charter school is
11 located. Except for when a charter school sponsored by the State
12 ~~Board of Education~~ school's applicant is the Office of Juvenile
13 Affairs or the applicant has a contract with the Office of Juvenile
14 Affairs to provide fixed rate level E, D or D+ group home services,
15 a charter school created after November 1, 2010, shall give
16 enrollment preference to eligible students who reside within the
17 boundaries of the school district in which the charter school is
18 located and who attend a school site that has been identified as in
19 need of improvement by the State Board of Education pursuant to the
20 Elementary and Secondary Education Act of 1965, as amended or
21 reauthorized. A charter school may limit admission to students
22 within a given age group or grade level. A charter school sponsored
23 ~~by the State Board of Education~~ pursuant to Section 3-132 of this
24 title when the applicant of the charter school is the Office of

1 Juvenile Affairs or the applicant has a contract with the Office of
2 Juvenile Affairs to provide fixed rate level E, D or D+ group home
3 services shall limit admission to youth that are in the custody or
4 supervision of the Office of Juvenile Affairs.

5 B. Except for when a charter school sponsored by the State
6 Board of Education school's applicant is the Office of Juvenile
7 Affairs or the applicant has a contract with the Office of Juvenile
8 Affairs to provide fixed rate level E, D or D+ group home services,
9 a charter school shall admit students who reside in the attendance
10 area of a school or in a school district that is under a court order
11 of desegregation or that is a party to an agreement with the United
12 States Department of Education Office for Civil Rights directed
13 towards mediating alleged or proven racial discrimination unless
14 notice is received from the resident school district that admission
15 of the student would violate the court order or agreement.

16 C. A charter school may designate a specific geographic area
17 within the school district in which the charter school is located as
18 an academic enterprise zone and may limit admissions to students who
19 reside within that area. An academic enterprise zone shall be a
20 geographic area in which sixty percent (60%) or more of the children
21 who reside in the area qualify for the free or reduced school lunch
22 program.

23 D. Except as provided in subsections B and C of this section, a
24 charter school shall not limit admission based on ethnicity,

1 national origin, gender, income level, disabling condition,
2 proficiency in the English language, measures of achievement,
3 aptitude, or athletic ability.

4 E. A sponsor of a charter school shall not restrict the number
5 of students a charter school may enroll. The capacity of the
6 charter school shall be determined annually by the governing board
7 of the charter school based on the ability of the charter school to
8 facilitate the academic success of the students, to achieve the
9 other objectives specified in the charter contract and to ensure
10 that the student enrollment does not exceed the capacity of its
11 facility or site.

12 SECTION 4. AMENDATORY 70 O.S. 2011, Section 3-142, as
13 last amended by Section 6, Chapter 170, O.S.L. 2015 (70 O.S. Supp.
14 2018, Section 3-142), is amended to read as follows:

15 Section 3-142. A. For purposes of funding, a charter school
16 sponsored by a board of education of a school district shall be
17 considered a site within the school district in which the charter
18 school is located. The student membership of the charter school
19 shall be considered separate from the student membership of the
20 district in which the charter school is located for the purpose of
21 calculating weighted average daily membership pursuant to Section
22 18-201.1 of this title and State Aid pursuant to Section 18-200.1 of
23 this title. For charter schools sponsored by a board of education
24 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. For the purpose of calculating weighted average daily
8 membership pursuant to Section 18-201.1 of this title and State Aid
9 pursuant to Section 18-200.1 of this title, the weighted average
10 daily membership for the first year of operation and each year
11 thereafter of a full-time virtual charter school shall be determined
12 by multiplying the actual enrollment of students as of August 1 by

13 1.333. The full-time virtual charter school shall receive revenue
14 equal to that which would be generated by the estimated weighted
15 average daily membership calculated pursuant to this paragraph. At
16 midyear, the allocation for the full-time virtual charter school
17 shall be adjusted using the first quarter weighted average daily
18 membership for the virtual charter school calculated pursuant to
19 subsection A of this section.

20 C. A charter school shall be eligible to receive any other aid,
21 grants or revenues allowed to other schools. A charter school
22 sponsored by ~~the board of education of a technology center school~~
23 ~~district, a higher education institution, the State Board of~~
24 ~~Education, or~~ a federally recognized Indian tribe shall be

1 considered a local education agency for purposes of funding. A
2 charter school sponsored by a board of education of a school
3 district shall be considered a local education agency for purposes
4 of federal funding.

5 D. A charter school, in addition to the money received from the
6 state, may receive money from any other source. Any unexpended
7 funds may be reserved and used for future purposes. The governing
8 body of a charter school shall not levy taxes or issue bonds. If
9 otherwise allowed by law, the governing body of a charter school may
10 enter into private contracts for the purposes of borrowing money
11 from lenders. If the governing body of the charter school borrows
12 money, the charter school shall be solely responsible for repaying
13 the debt, and the state or the sponsor shall not in any way be
14 responsible or obligated to repay the debt.

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

17 SECTION 5. Section 1 of this act shall become effective July 1,
18 2019.

19 SECTION 6. Sections 2 through 4 of this act shall become
20 effective July 1, 2020.

21 SECTION 7. It being immediately necessary for the preservation
22 of the public peace, health or safety, an emergency is hereby
23
24
25

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

57-1-193 EB 4/1/2019 8:17:55 AM