

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 705

By: Pugh

AS INTRODUCED

An Act relating to charter schools; amending 70 O.S. 2021, Section 3-144, as amended by Section 13, Chapter 323, O.S.L. 2023 (70 O.S. Supp. 2024, Section 3-144), which relates to the Charter Schools Incentive Fund; renaming fund; adding source of fund; adding purpose of fund; amending 70 O.S. 2021, Section 3-142, as last amended by Section 1, Chapter 396, O.S.L. 2024 (70 O.S. Supp. 2024, Section 3-142), which relates to state funding for charter schools; modifying revolving fund to which certain payments are to be made; directing the Statewide Charter School Board to transfer certain remaining balance upon certain date to certain fund; updating statutory references; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 3-144, as amended by Section 13, Chapter 323, O.S.L. 2023 (70 O.S. Supp. 2024, Section 3-144), is amended to read as follows:

Section 3-144. A. There is hereby created in the State Treasury a fund to be designated the "Charter Schools Incentive and Closure Reimbursement Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all

1 monies appropriated by the Legislature, gifts, grants, devises, and
2 donations from any public or private source, and all monies received
3 by the Statewide Charter School Board from charter schools pursuant
4 to subsection G of Section 3-142 of this title. The Statewide
5 Charter School Board shall administer the fund for the purpose of
6 providing financial support to charter school and virtual charter
7 school applicants and, charter schools and virtual charter schools
8 for start-up costs and, costs associated with renovating or
9 remodeling existing buildings and structures for use by a charter
10 school, and for paying expenditures incurred due to closure of a
11 charter school. The Statewide Charter School Board is authorized to
12 allocate funds on a per-pupil basis for purposes of providing
13 matching funds for the federal State Charter School Facilities
14 Incentive Grants Program created pursuant to the No Child Left
15 Behind Act of 2001, 20 ~~USCA~~ U.S.C., Section 7221d.

16 B. The Statewide Charter School Board shall adopt rules to
17 implement the provisions of this section including application and
18 notification requirements.

19 SECTION 2. AMENDATORY 70 O.S. 2021, Section 3-142, as
20 last amended by Section 1, Chapter 396, O.S.L. 2024 (70 O.S. Supp.
21 2024, Section 3-142), is amended to read as follows:

22 Section 3-142. A. The student membership and attendance of a
23 charter school shall be considered separate from the student
24 membership and attendance of the sponsor for the purpose of

1 calculating enrollment and funding including weighted average daily
2 membership pursuant to Section 18-201.1 of this title and State Aid
3 pursuant to Section 18-200.1 of this title. A charter school shall
4 receive the State Aid allocation, federal funds to which it is
5 eligible and qualifies for, and any other state-appropriated revenue
6 generated by its students for the applicable year. Not more than
7 three percent (3%) of the State Aid allocation may be charged by the
8 sponsor as a fee for administrative services rendered if the sponsor
9 is a school district, a comprehensive or regional institution of
10 higher education, a two-year college, a private institution of
11 higher learning accredited pursuant to Section 4103 of this title,
12 or a federally recognized Indian tribe pursuant to Section 3-132 of
13 this title. The Statewide Charter School Board shall not charge any
14 charter school or virtual charter school a fee for administrative or
15 other services. The State Department of Education shall determine
16 the policy and procedure for making payments to a charter school or
17 virtual charter school. The fee for administrative services as
18 authorized in this subsection shall only be assessed on the State
19 Aid allocation amount and shall not be assessed on any other
20 appropriated amounts. A sponsor of a charter school shall not
21 charge any additional State Aid allocation or charge the charter
22 school any additional fee above the amounts allowed by this
23 subsection unless the additional fees are for additional services
24 rendered. The charter school sponsor shall provide to the State

1 Department of Education financial records documenting any state
2 funds charged by the sponsor for administrative services rendered
3 for the previous year.

4 B. The fee for administrative services authorized by subsection
5 A of this section shall be used by the sponsor to provide oversight
6 and services to the charter schools it sponsors. The State
7 Department of Education shall develop data codes for the Oklahoma
8 Cost Accounting System which shall be used to comply with the
9 administrative services reporting required by this section. A
10 charter school sponsor shall publish a detailed report on its
11 website and present the report in a public meeting of the charter
12 school governing board and the charter school sponsor governing
13 board. The report shall provide sponsor performance and stewardship
14 including compliance with all applicable laws, regulations, and
15 terms of the charter contract and listing expenses related to
16 oversight and services provided by the sponsor to the charter
17 schools it sponsors.

18 C. For the purpose of calculating weighted average daily
19 membership pursuant to Section 18-201.1 of this title and State Aid
20 pursuant to Section 18-200.1 of this title, the weighted average
21 daily membership for the first year of operation of a charter school
22 or full-time statewide virtual charter school shall be determined
23 initially by multiplying the actual enrollment of students as of
24 August 1 by 1.333. The charter school or virtual charter school

1 shall receive revenue equal to that which would be generated by the
2 estimated weighted average daily membership calculated pursuant to
3 this subsection. At midyear, the allocation for the charter school
4 or virtual charter school shall be adjusted using the first quarter
5 weighted average daily membership for the charter school or virtual
6 charter school calculated pursuant to subsection A of this section.
7 For each subsequent school year, weighted average daily membership
8 shall be calculated as provided for in Section 18-201.1 of this
9 title, and State Aid shall be calculated as provided for in Section
10 18-200.1 of this title.

11 D. Except as explicitly authorized by state law, a charter
12 school or virtual charter school shall not be eligible to receive
13 state-dedicated, local, or county revenue; provided, a charter
14 school or virtual charter school may be eligible to receive any
15 other aid, grants, or revenues allowed to other schools. A charter
16 school or virtual charter school shall be considered a local
17 education agency for purposes of funding.

18 E. Any unexpended funds received by a charter school or virtual
19 charter school may be reserved and used for future purposes. The
20 governing board of a charter school or virtual charter school shall
21 not levy taxes or issue bonds. If otherwise allowed by law, the
22 governing board of a charter school or virtual charter school may
23 enter into private contracts for the purposes of borrowing money
24 from lenders. If the governing board of the charter school or

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

5 F. Any charter school or virtual charter school which chooses
6 to lease property shall be eligible to receive current government
7 lease rates.

8 G. Except as otherwise provided in this subsection, each
9 charter school shall pay to the Charter ~~School~~ Schools Incentive and
10 Closure Reimbursement Revolving Fund created in ~~subsection H~~ Section
11 3-144 of this ~~section~~ title an amount equal to Five Dollars (\$5.00)
12 per student based on average daily membership, as defined by
13 paragraph 2 of Section 18-107 of this title, during the first nine
14 (9) weeks of the school year. Each charter school shall complete
15 the payment every school year within thirty (30) days after the
16 first nine (9) weeks of the school year. If the Charter ~~School~~
17 Schools Incentive and Closure Reimbursement ~~Revolving~~ Fund has a
18 balance of One Million Dollars (\$1,000,000.00) or more on July 1, no
19 payment shall be required the following school year.

20 H. ~~There is hereby created in the State Treasury a revolving~~
21 ~~fund for~~ Upon the effective date of this act, the Statewide Charter
22 School Board ~~to be designated the "Charter School Closure~~
23 ~~Reimbursement Revolving Fund"~~. ~~The fund shall be a continuing fund,~~
24 ~~not subject to fiscal year limitations, and shall consist of all~~

1 ~~monies received by the Statewide Charter School Board from charter~~
2 ~~schools as provided in subsection C of this section. All monies~~
3 ~~accruing to the credit of the fund are hereby appropriated and may~~
4 ~~be budgeted and expended by the Statewide Charter School Board for~~
5 ~~the purpose of paying for expenditures incurred due to the closure~~
6 ~~of a charter school. Expenditures from the fund shall be made upon~~
7 ~~warrants issued by the State Treasurer against claims filed as~~
8 ~~prescribed by law with the Director of the Office of Management and~~
9 ~~Enterprise Services for approval and payment~~ shall transfer all
10 funds remaining in the balance of the Charter School Closure
11 Reimbursement Revolving Fund to the Charter Schools Incentive and
12 Closure Reimbursement Fund created pursuant to Section 3-144 of this
13 title.

14 SECTION 3. This act shall become effective July 1, 2025.

15 SECTION 4. It being immediately necessary for the preservation
16 of the public peace, health, or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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