

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3405

By: Fincher

AS INTRODUCED

An Act relating to schools; amending 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), which relates to the Oklahoma Charter Schools Act; modifying certain average daily membership calculation; 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. 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

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

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

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

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

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

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

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

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

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