

1 **SENATE FLOOR VERSION**

February 26, 2020

2 **AS AMENDED**

3 SENATE BILL NO. 1203

By: Stanislawski

4
5
6 **[charter school funding - State Aid - legal average**
7 **daily attendance - ~~effective date~~ -**
8 **emergency]**
9

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

11 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-142, as
12 last amended by Section 6, Chapter 170, O.S.L. 2015 (70 O.S. Supp.
13 2019, Section 3-142), is amended to read as follows:

14 Section 3-142. A. ~~For purposes of funding, a charter school~~
15 ~~sponsored by a board of education of a school district shall be~~
16 ~~considered a site within the school district in which the charter~~
17 ~~school is located.~~ The student membership and attendance of the
18 charter school shall be considered separate from the student
19 membership and attendance of the ~~district in which the charter~~
20 ~~school is located~~ sponsor for the purpose of calculating enrollment
21 and funding, including weighted average daily membership pursuant to
22 Section 18-201.1 of this title and State Aid pursuant to Section 18-
23 200.1 of this title. ~~For charter schools sponsored by a board of~~
24 ~~education of a school district, the sum of the separate calculations~~

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

23 B. 1. The weighted average daily membership for the first year
24 of operation of a charter school shall be determined initially by

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

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

21 C. A Except for state-dedicated and local and county revenue, a
22 charter school shall be eligible to receive any other aid, grants or
23 revenues allowed to other schools. A charter school ~~sponsored by~~
24 ~~the board of education of a technology center school district, a~~

1 ~~higher education institution, the State Board of Education, or a~~
2 ~~federally recognized Indian tribe~~ shall be considered a local
3 education agency for purposes of funding. ~~A charter school~~
4 ~~sponsored by a board of education of a school district shall be~~
5 ~~considered a local education agency for purposes of federal funding.~~

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

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

18 SECTION 2. AMENDATORY 70 O.S. 2011, Section 10-103.1, is
19 amended to read as follows:

20 Section 10-103.1. A. The school population, scholastic
21 population, scholastic enumeration, and enumeration of a district
22 shall be the legal average daily attendance. The legal average
23 daily attendance shall be the average number of pupils present in a
24 school district during a year or other specified period of time.

1 The State Board of Education shall determine the legal average daily
2 attendance for each school district by dividing the aggregate days
3 of pupils present in each school district by the number of days
4 taught in each school district.

5 B. The legal average daily attendance for purposes of the
6 distributions contained in subsection (b) of Section 9 of Article X
7 of the Oklahoma Constitution, Section 1004 of Title 68 of the
8 Oklahoma Statutes, Section 1104 of Title 47 of the Oklahoma Statutes
9 and Sections 615 and 10-104 of this title shall not include the
10 average daily attendance for students enrolled in a charter school.

11 ~~SECTION 3. This act shall become effective July 1, 2020.~~

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

16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
17 February 26, 2020 - DO PASS AS AMENDED
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