

# An Act

ENROLLED SENATE  
BILL NO. 445

By: Ford of the Senate

and

Denney and Cooksey of the  
House

An Act relating to charter schools; amending 70 O.S. 2001, Section 3-140, as amended by Section 3, Chapter 288, O.S.L. 2010 (70 O.S. Supp. 2010, Section 3-140), which relates to student eligibility to enroll in a charter school; allowing charter schools to enroll emergency transfer students; and clarifying transfer requirement for certain students.

SUBJECT: Charter schools

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 3-140, as amended by Section 3, Chapter 288, O.S.L. 2010 (70 O.S. Supp. 2010, Section 3-140), is amended to read as follows:

Section 3-140. A. Except for a charter school sponsored by the State Board of Education, a charter school shall enroll those students whose legal residence is within the boundaries of the school district in which the charter school is located and who submit a timely application, or those students who transfer to the district in which the charter school is located in accordance with Section 8-103 or 8-104 of this title, unless the number of applications exceeds the capacity of a program, class, grade level, or building. Students who reside in a school district where a charter school is located shall not be required to obtain a transfer in order to attend a charter school in the school district of residence. If capacity is insufficient to enroll all eligible

students, the charter school shall select students through a lottery selection process. Except for a charter school sponsored by the State Board of Education, a charter school shall give enrollment preference to eligible students who reside within the boundaries of the school district in which the charter school is located. Except for a charter school sponsored by the State Board of Education, a charter school created after the effective date of this act shall give enrollment preference to eligible students who reside within the boundaries of the school district in which the charter school is located and who attend a school site listed on the school improvement list as determined by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized. A charter school may limit admission to students within a given age group or grade level. A charter school sponsored by the State Board of Education shall limit admission to youth that are in the custody or supervision of the Office of Juvenile Affairs.

B. Except for a charter school sponsored by the State Board of Education, a charter school shall admit students who reside in the attendance area of a school or in a school district that is under a court order of desegregation or that is a party to an agreement with the United States Department of Education Office for Civil Rights directed towards mediating alleged or proven racial discrimination unless notice is received from the resident school district that admission of the student would violate the court order or agreement.

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

D. Except as provided in subsections B and C of this section, a charter school shall not limit admission based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measures of achievement, aptitude, or athletic ability.

Passed the Senate the 2nd day of May, 2011.

*Jermond*  
Presiding Officer of the Senate

Passed the House of Representatives the 4th day of April, 2011.

*Tris Steele*  
Presiding Officer of the House  
of Representatives

**OFFICE OF THE GOVERNOR**

Received by the Governor this 3<sup>rd</sup>  
day of May, 2011,  
at 12:32 o'clock P.M.

By: *Jessica R. Byers*

Approved by the Governor of the State of Oklahoma the 9<sup>th</sup> day of  
May, 2011, at 10:37 o'clock a.M.

*Mary Fallin*  
Governor of the State of Oklahoma

**OFFICE OF THE SECRETARY OF STATE**

Received by the Secretary of State this  
9<sup>th</sup> day of May, 2011,  
at 1:20 o'clock P M.

By: *Michelle R. Day*