

THE HOUSE OF REPRESENTATIVES
Monday, March 2, 2009

Committee Substitute for
House Bill No. 1864

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1864 - By: HICKMAN, BILLY, DENNEY, OWNBEY, WRIGHT (HAROLD), HILLIARD, THOMSEN, KERN, CANNADAY, SHUMATE, FIELDS, HOLLAND AND COX of the House and BROWN of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 1-109, as last amended by Section 1, Chapter 250, O.S.L. 2006 (70 O.S. Supp. 2008, Section 1-109), which relates to length of the school year; changing calculation of the school year from days to hours; modifying time allowed for professional meetings; deleting duplicative language relating to days for professional meetings; deleting certain references; providing for number of hours for parent-teacher conferences to be counted as classroom instruction; authorizing school districts to establish an extended-day schedule; deleting approval requirement by the State Board of Education; modifying requirements for a high school extended-day schedule; providing that Fair Labor Standards Act status shall not be affected; amending 70 O.S. 2001, Section 1-111, as last amended by Section 81, Chapter 5, O.S.L. 2004 (70 O.S. Supp. 2008, Section 1-111), which relates to the school day; allowing school districts to extend school days; deleting references to an extended-school-day program; amending 70 O.S. 2001, Section 1-112, which relates to school taught on Saturday; deleting reference to certain number of school days; providing reference for school year requirements; clarifying exception; amending 70 O.S. 2001, Section 4516, which relates to the school calendar for schools operating under a continuous school year; changing reference to certain number of school days to hours; repealing 70 O.S. 2001, Section 1-110, which relates to the school month; providing that schools closed for weather-related purposes during 2008-2009 may make up instruction time; providing for noncodification; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 70 O.S. 2001, Section 1-109, as last amended by
2 Section 1, Chapter 250, O.S.L. 2006 (70 O.S. Supp. 2008, Section 1-109), is amended to
3 read as follows:

4 Section 1-109. A. ~~A school year for~~ For all public schools in Oklahoma shall consist
5 ~~of at least ten (10) months of four (4) weeks each, during which time,~~ school shall actually
6 be in session and classroom instruction offered for not less than ~~one hundred eighty (180)~~
7 ~~days~~ one thousand eighty (1,080) hours each school year. ~~Five (5) days~~

8 B. Not more than thirty (30) hours each school year may be used for attendance of
9 professional meetings and teachers may be paid for a length of term in excess thereof,
10 under conditions hereinafter outlined. Subject to district board of education policy or
11 collective bargaining agreement, additional professional leave days may be granted for
12 individual teachers to attend or participate in professional meetings, staff development
13 training, or National Board certification portfolio development as provided for in Section
14 6-204.2 of this title. ~~During two (2) days of the additional professional days granted to~~
15 ~~teachers for National Board certification portfolio development, a substitute teacher shall~~
16 ~~be provided by the school district at no cost to the teacher.~~

17 C. A school district may authorize parent-teacher conferences to be held during a
18 regular school day. ~~Following such authorization~~ If authorized by the school district,
19 these parent-teacher conferences shall be counted ~~towards a school day, as defined in~~
20 ~~Section 1-111 of this title, and included as part of the one hundred seventy-five (175)~~
21 ~~days of~~ as classroom instruction time for no more than six (6) hours per semester, for a
22 total of twelve (12) hours per school year.

1 D. A school district may maintain school for less than a full ~~term~~ school year only
2 when conditions beyond the control of school authorities make the maintenance of the
3 term impossible and the State Board of Education has been apprised and has expressed
4 concurrence in writing.

5 ~~B. The State Board of Education~~ E. A school district shall be authorized to
6 establish ~~criteria for~~ an extended-day schedule. The ~~criteria~~ extended-day schedule
7 adopted by a school district shall:

8 1. Prescribe a lengthened school day within limits determined not to be detrimental
9 to quality instruction; ~~and~~

10 2. Ensure that the schedule is equivalent in annual hours of instruction to ~~the one-~~
11 ~~hundred-eighty-day school year~~ one thousand eighty (1,080) as specified in subsection A
12 of this section; and

13 3. Be consistent with the provisions of this section and ~~Sections 1-110 through~~
14 Section 1-112 of this title, but may result in fewer annual days of instruction.

15 ~~C. The State Board of Education may authorize school districts to implement an~~
16 ~~extended day schedule for instruction pursuant to the criteria developed.~~

17 F. The State Board of Education shall require ~~the participating~~ school districts
18 which implement an extended-day schedule to prepare a report of the impact of the
19 extended-day schedule.

20 ~~D. Notwithstanding the provisions of subsections B and C of this section, a~~ G. A
21 school district board of education may adopt and implement an extended-day schedule
22 for grades nine through twelve subject to the following requirements:

1 1. The annual number of hours of instruction shall equal or exceed one thousand
2 eighty (1,080) hours, ~~which is the equivalent of one hundred eighty (180) days of~~
3 instruction as specified in subsection A of this section ~~for six (6) hours each day as~~
4 ~~specified in Section 1-111 of this title;~~

5 2. ~~The annual number of days of instruction shall equal or exceed one hundred~~
6 ~~eighty (180) days as specified in subsection A of this section;~~

7 ~~3.~~ 3. The schedule adopted shall be consistent with the provisions of ~~Sections 1-110~~
8 ~~through Section~~ Section 1-112 of this title, except that for not more than one (1) day per week, a
9 school day shall consist of not less than five (5) hours devoted to academic instruction in
10 a regular classroom setting;

11 ~~4.~~ 3. The district shall hold a public hearing prior to the adoption of an extended-
12 day schedule authorized pursuant to this subsection; and

13 ~~5.~~ 4. The district shall document the impact on student achievement as determined
14 by the academic performance index score and any other relevant factors that are a result
15 of implementation of an extended-day schedule authorized pursuant to this subsection
16 and provide an annual report to the State Board of Education of the results. If
17 improvement in student achievement cannot be documented in the report, the district
18 board of education shall revoke authorization as provided by this subsection. If the
19 district does not revoke authorization after student achievement is not documented in
20 the report, the State Board of Education may deny accreditation of any school in
21 violation of this subsection.

1 H. Nothing in this section shall be construed to affect the Fair Labor Standards Act
2 status of any school district employee.

3 SECTION 2. AMENDATORY 70 O.S. 2001, Section 1-111, as last amended by
4 Section 81, Chapter 5, O.S.L. 2004 (70 O.S. Supp. 2008, Section 1-111), is amended to
5 read as follows:

6 Section 1-111. A. ~~A~~ Except as otherwise provided for by law, a school day shall
7 consist of not less than six (6) hours devoted to school activities,~~except that a school day~~
8 ~~for.~~ A school may elect to extend the length of one (1) or more school days to more than
9 six (6) hours and reduce the number of school days as long as the total amount of
10 classroom instruction time is not less than one thousand eighty (1,080) hours per year as
11 required pursuant to Section 1-109 of this title.

12 B. A school day for nursery, early childhood education, kindergarten, ~~extended day~~
13 ~~program,~~ and alternative education programs shall be as otherwise defined by law or as
14 defined by the State Board of Education. ~~Except for schools operating under an extended~~
15 ~~day schedule as provided for in Section 1-109 of this title, not~~ Not more than one (1)
16 school day shall be counted for attendance purposes in any twenty-four-hour period.

17 ~~B.~~ C. Students absent from school in which they are regularly enrolled may be
18 considered as being in attendance if the reason for such absence is to participate in
19 scheduled school activities under the direction and supervision of a regular member of
20 the faculty or to participate in a remote internet-based course approved by the district
21 board of education. The State Board of Education shall adopt rules to provide for the
22 implementation of remote Internet-based courses.

1 ~~C. D.~~ Each district board of education shall adopt policies and procedures that
2 conform to rules for Internet-based courses as adopted by the State Board. Such policies
3 shall include criteria for approval of the course, the appropriateness of the course for a
4 particular student, authorization for full-time students to enroll in Internet-based
5 courses, and establishing fees or charges. No district shall be liable for payment of any
6 fees or charges for any Internet-based course for a student who has not complied with the
7 district's policies and procedures. Districts shall require students enrolled in Internet-
8 based courses to participate in the Oklahoma School Testing Program Act. Students
9 participating in Internet-based courses from a remote site will be responsible for
10 providing their own equipment and Internet access, unless the district chooses to provide
11 the equipment. Credit may not be granted for such courses except upon approval of the
12 State Board of Education and the district board of education.

13 ~~D. E.~~ The school day for kindergarten may consist of six (6) hours devoted to school
14 activities.

15 SECTION 3. AMENDATORY 70 O.S. 2001, Section 1-112, is amended to read
16 as follows:

17 Section 1-112. School taught on Saturday shall not be counted for attendance
18 purposes in meeting the school year requirements ~~of the law for one hundred eighty (180)~~
19 ~~days in any school term, except for substituting~~ as set forth in Section 1-109 of this title.
20 School taught on Saturday may be substituted for regular school days during which
21 school has been or will be closed, ~~and except by permission of~~ upon approval of the State
22 Board of Education.

1 SECTION 4. AMENDATORY 70 O.S. 2001, Section 4516, is amended to read
2 as follows:

3 Section 4516. The board of education of any school district operating pursuant to
4 the provisions of this act shall establish a school calendar whereby the teaching sessions
5 and vacation periods during the school year are on a rotating basis.

6 Each selected school shall be closed for all students and employees on regular school
7 holidays.

8 The schools and classes shall be conducted for a total of no ~~fewer than one hundred~~
9 ~~eighty (180) days~~ less than one thousand eighty (1,080) hours during the academic year.

10 The provisions of all other laws relating to compulsory full-time education and the
11 enrollment and attendance of pupils in the kindergarten, elementary and secondary
12 grades shall be applicable with respect to the regular school days prescribed for the
13 entire academic year established for the school at which a program pursuant to this act is
14 conducted, and to the attendance area established for such school.

15 SECTION 5. REPEALER 70 O.S. 2001, Section 1-110, is hereby repealed.

16 SECTION 6. NEW LAW A new section of law not to be codified in the
17 Oklahoma Statutes reads as follows:

18 Schools closed for weather-related purposes during the 2008-2009 school year shall
19 be allowed to make up the instruction time missed with either the equivalent number of
20 days added to the calendar or with the equivalent number of hours being added to
21 remaining school days previously scheduled. The time may also be made up on a
22 Saturday if approved by the State Board of Education.

1 SECTION 7. It being immediately necessary for the preservation of the public
2 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
3 this act shall take effect and be in full force from and after its passage and approval.
4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
5 dated 02-26-09 - DO PASS, As Amended and Coauthored.