

1 ENGROSSED SENATE  
2 BILL NO. 1409

By: Ford of the Senate

3 and

4 Denney of the House

5  
6  
7 [ virtual education - creating Virtual Education  
8 Authorizing Commission - effective date -  
9 emergency ]

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

12 SECTION 1. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1210.728 of Title 70, unless  
14 there is created a duplication in numbering, reads as follows:

15 The State Board of Education shall develop criteria for the  
16 approval of full-time statewide virtual education instruction  
17 providers. Approved providers shall offer full-time statewide  
18 virtual education through the Virtual Education Authorizing  
19 Commission.

20 SECTION 2. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 1210.729 of Title 70, unless  
22 there is created a duplication in numbering, reads as follows:

23 A. There is hereby created the Virtual Education Authorizing  
24 Commission. The Commission shall authorize providers of full-time

1 statewide virtual education instruction and provide oversight of  
2 approved providers. The Commission shall be composed of seven (7)  
3 members as follows:

4 1. The State Superintendent of Public Instruction, who shall  
5 serve as chair;

6 2. Two members appointed by the Governor as follows:

7 a. one member shall be a resident of the first  
8 congressional district, and

9 b. one member shall be appointed at large;

10 3. Two members appointed by the President Pro Tempore of the  
11 Senate as follows:

12 a. one member shall be a resident of the second  
13 congressional district, and

14 b. one member shall be a resident of the fifth  
15 congressional district; and

16 4. Two members appointed by the Speaker of the House of  
17 Representatives as follows:

18 a. one member shall be a resident of the third  
19 congressional district, and

20 b. one member shall be a resident of the fourth  
21 congressional district.

22 B. Appointments shall be made by August 1, 2012. The President  
23 Pro Tempore of the Senate and the Speaker of the House of  
24 Representatives shall each appoint one member for one (1) year and

1 one member for three (3) years. The Governor shall appoint two  
2 members for two (2) years. Members shall serve until their  
3 successors are duly appointed for a term of three (3) years.  
4 Appointments shall be made by and take effect on November 1 of the  
5 year in which the appointment is made.

6 C. A member may be removed from the Commission by the  
7 appointing authority for cause which shall include, but not be  
8 limited to:

9 1. Being found guilty by a court of competent jurisdiction of a  
10 felony or any offense involving moral turpitude;

11 2. Being found guilty of malfeasance, misfeasance or  
12 nonfeasance in relation to Commission duties;

13 3. Being found mentally incompetent by a court of competent  
14 jurisdiction; or

15 4. Failing to attend three successive meetings of the  
16 Commission without just cause, as determined by the Commission.

17 D. Vacancies shall be filled by the appointing authority.

18 E. No member of the Legislature may be appointed to the  
19 Commission while serving as a member of the Legislature.

20 SECTION 3. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 1210.730 of Title 70, unless  
22 there is created a duplication in numbering, reads as follows:  
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1       A. The Virtual Education Authorizing Commission shall meet  
2 monthly or at the call of the chair. The Commission shall hold the  
3 first meeting no later than September 1, 2012.

4       B. A quorum of the Commission shall be required in order for  
5 any final action of the Commission. For purposes of this section, a  
6 quorum shall be four members of the Commission.

7       C. The Commission shall act in accordance with the provisions  
8 of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act and  
9 the Administrative Procedures Act.

10       D. Members of the Commission shall receive no compensation for  
11 their service, but shall receive travel reimbursement as follows:

12       1. State employees who are members of the Commission shall be  
13 reimbursed for travel expenses incurred in the performance of their  
14 duties by their respective agencies in accordance with the State  
15 Travel Reimbursement Act; and

16       2. All other Commission members shall be reimbursed by the  
17 State Department of Education for travel expenses incurred in the  
18 performance of their duties in accordance with the State Travel  
19 Reimbursement Act.

20       E. All appointed members of the Commission shall be subject to  
21 initial and continuing education requirements for elected school  
22 board members as provided in Sections 5-110 and 5-110.1 of Title 70  
23 of the Oklahoma Statutes.

1 SECTION 4. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1210.731 of Title 70, unless  
3 there is created a duplication in numbering, reads as follows:

4 The supervision of full-time statewide virtual education  
5 instruction shall be vested in the Virtual Education Authorizing  
6 Commission and, subject to limitations provided by the State Board  
7 of Education, the Commission shall:

- 8 1. Provide oversight of approved provider operations;
- 9 2. Authorize providers of full-time statewide virtual education  
10 instruction; and

11 3. Submit annually, by November 1 of each year, to the  
12 Governor, President Pro Tempore of the Senate, and Speaker of the  
13 House of Representatives a report on each approved provider with  
14 detailed data on the performance of students enrolled with approved  
15 providers. The report shall be posted on the State Department of  
16 Education Website. The report shall:

- 17 a. identify the entity providing the virtual education,
- 18 b. identify the number of students enrolled with each  
19 virtual education provider,
- 20 c. identify the amount of state aid received by each  
21 virtual education provider,
- 22 d. provide a detailed accounting of the expenditure of  
23 state funds on a per pupil basis, and

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1 e. provide the test results of each student enrolled and  
2 the graduation rate of each student enrolled in  
3 virtual education.

4 The State Department of Education shall not disclose the identity of  
5 individual students when reporting information related to virtual  
6 schools.

7 SECTION 5. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 1210.732 of Title 70, unless  
9 there is created a duplication in numbering, reads as follows:

10 No school district shall offer full-time virtual education to  
11 students who do not reside within the boundaries of the school  
12 district after July 1, 2013, unless the school district petitions  
13 the Virtual Education Authorizing Commission and receives approval  
14 to provide full-time virtual education to students who reside  
15 outside the district. The State Board of Education shall develop  
16 policies and procedures for petitions to be submitted and  
17 considered.

18 SECTION 6. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 1210.733 of Title 70, unless  
20 there is created a duplication in numbering, reads as follows:

21 The State Board of Education shall promulgate rules as necessary  
22 to implement the provisions of this act.

1           SECTION 7.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1210.734 of Title 70, unless  
3 there is created a duplication in numbering, reads as follows:

4           A. All providers approved by the Virtual Education Authorizing  
5 Commission shall be considered a single Local Educational Agency and  
6 each provider shall be considered an individual school site.

7           B. The Commission shall not levy ad valorem taxes on any  
8 property in the State of Oklahoma.

9           C. A provider of full-time statewide virtual education  
10 instruction shall receive the state aid allocation and any other  
11 state-appropriated revenue generated by students enrolled with the  
12 provider for the applicable year, less up to five percent (5%) of  
13 the state aid allocation, which may be retained by the Commission  
14 for administrative expenses.

15           SECTION 8. This act shall become effective July 1, 2012.

16           SECTION 9. It being immediately necessary for the preservation  
17 of the public peace, health and safety, an emergency is hereby  
18 declared to exist, by reason whereof this act shall take effect and  
19 be in full force from and after its passage and approval.

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1 Passed the Senate the 13th day of March, 2012.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2012.

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9 Presiding Officer of the House  
10 of Representatives