

1 ENGROSSED SENATE
2 BILL NO. 1816

By: Stanislawski of the Senate

3 and

4 Kern of the House

5
6 An Act relating to virtual education; creating the
7 Virtual School Sponsoring Commission; providing for
8 appointment of members; providing duration of
9 membership; providing for removal of members;
10 prohibiting certain persons from being appointed to
11 the Commission; empowering the chair to call
12 meetings; providing for a quorum; requiring
13 Commission to comply with certain laws; providing
14 reimbursement for travel; requiring Commission to
15 authorize providers of full-time virtual education;
16 directing Commission to provide oversight and submit
17 certain report; requiring report to identify entity
18 providing virtual education; requiring report to
19 include information on the number of students
20 enrolled; requiring report to disclose amount of
21 state aid received; requiring report to include
22 information on expenditures and test results;
23 clarifying that report shall not disclose identity of
24 individual students; allowing providers to be
eligible to receive certain federal funds; allowing
the commissioner to retain certain funds; granting
power to promulgate rules; providing for staff;
prohibiting school districts from offering full-time
virtual education to certain students after certain
date; providing process for districts to petition for
an exemption from certain prohibition; amending 70
O.S. 2011, Section 8-103, which relates to student
transfers; allowing students to transfer into or out
of a virtual school at anytime; providing for
codification; providing an effective date; and
declaring an emergency.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3-132.1 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 A. There is hereby created the Virtual School Sponsoring
5 Commission. The Commission shall have the authority to sponsor a
6 full-time statewide virtual school. The Commission shall be
7 composed of seven (7) members as follows:

8 1. The State Superintendent of Public Instruction who shall
9 serve as the chair;

10 2. Two members appointed by the Governor;

11 3. Two members appointed by the President Pro Tempore of the
12 Senate; and

13 4. Two members appointed by the Speaker of the House of
14 Representatives.

15 B. Appointments shall be made by August 1, 2012. The President
16 Pro Tempore of the Senate and the Speaker of the House of
17 Representatives shall each appoint one member for one (1) year and
18 one member for three (3) years. The Governor shall appoint two
19 members for two (2) years. Members shall serve until their
20 successors are duly appointed for a term of three (3) years.
21 Appointments shall be made by and take effect on November 1 of the
22 year in which the appointment is made.

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

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

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

8 3. Being found mentally incompetent by a court of competent
9 jurisdiction; or

10 4. Failing to attend three (3) successive meetings of the
11 Commission without just cause, as determined by the Commission.

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

13 E. No member of the Senate or House of Representatives may be
14 appointed to the Commission while serving as a member of the
15 Legislature.

16 SECTION 2. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 3-132.2 of Title 70, unless
18 there is created a duplication in numbering, reads as follows:

19 A. The Virtual School Sponsoring Commission shall meet at the
20 call of the chair. The Commission shall meet no later than
21 September 1, 2012.

22 B. A quorum of the Commission shall be required in order for
23 any final action of the Commission. For purposes of this section a
24 quorum shall be four members of the Commission.

1 C. The Commission shall act in accordance with the provisions
2 of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act and
3 the Administrative Procedures Act.

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

6 1. State employees who are members of the Commission shall be
7 reimbursed for travel expenses incurred in the performance of their
8 duties by their respective agencies in accordance with the State
9 Travel Reimbursement Act; and

10 2. All other Commission members shall be reimbursed by the
11 appointing authority for travel expenses incurred in the performance
12 of their duties in accordance with the State Travel Reimbursement
13 Act.

14 SECTION 3. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3-132.3 of Title 70, unless
16 there is created a duplication in numbering, reads as follows:

17 A. Subject to limitations provided by the State Board of
18 Education, the Virtual School Sponsoring Commission shall:

19 1. Authorize providers of full-time statewide virtual
20 education;

21 2. Provide oversight of approved provider operations; and

22 3. Submit annually, by November 1 of each year, to the
23 Governor, President Pro Tempore of the Senate, and Speaker of the
24 House of Representatives a report on each approved provider with

1 detailed data on the performance of students enrolled with approved
2 providers. The report shall be posted on the State Department of
3 Education website. The report shall:

- 4 a. identify the entity providing the virtual education,
- 5 b. identify the number of students enrolled with each
6 virtual education provider,
- 7 c. identify the amount of state aid received by each
8 virtual education provider,
- 9 d. provide a detailed accounting of the expenditure of
10 state funds on a per pupil basis, and
- 11 e. provide the test results of each student enrolled and
12 the graduation rate of each student enrolled in
13 virtual education.

14 The State Department of Education shall not disclose the identity of
15 individual students when reporting information related to virtual
16 schools.

17 B. All providers approved by the Commission shall be eligible
18 to receive federal funds generated by students enrolled for the
19 applicable year.

20 C. A provider of full-time statewide virtual education shall
21 receive the state aid allocation and any other state-appropriated
22 revenue generated by students enrolled with the provider for the
23 applicable year, less up to five percent (5%) of the state aid
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1 allocation, which may be retained by the Commission for
2 administrative expenses.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3-132.4 of Title 70, unless
5 there is created a duplication in numbering, reads as follows:

6 A. Pursuant to and in compliance with Article I of the
7 Administrative Procedures Act, the Virtual School Sponsoring
8 Commission shall have the power to formulate, adopt and promulgate
9 rules as may be necessary to implement the provisions of this act.

10 B. The State Department of Education shall provide staff to
11 support the Commission.

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

15 Beginning July 1, 2014, no school district shall offer full-time
16 virtual education to students who do not reside within the
17 boundaries of the school district, unless the school district
18 petitions the Virtual School Sponsoring Commission and receives
19 approval to provide full-time virtual education to students who
20 reside outside the district. The State Board of Education shall
21 develop policies and procedures for petitions to be submitted and
22 considered.

23 SECTION 6. AMENDATORY 70 O.S. 2011, Section 8-103, is
24 amended to read as follows:

1 Section 8-103. A. In order that any student may be
2 transferred, an application form specified by the State Board of
3 Education must be completed by the parents of the student. For
4 purposes of the Education Open Transfer Act, the term "parent" means
5 the parent of the student or person having custody of the student as
6 provided for in paragraph 1 of subsection A of Section 1-113 of this
7 title. The application shall be obtained from and filed with the
8 superintendent of the receiving school district for transfers to
9 school districts in the State of Oklahoma and with the State Board
10 of Education for transfers to school districts in another state.
11 Except as otherwise provided for in this section, applications shall
12 be filed no later than April 1 of the school year preceding the
13 school year for which the transfer is desired. By April 1 of the
14 same school year, the receiving school district shall notify the
15 resident school district that an application for transfer has been
16 filed by a student enrolled in the resident school district. The
17 board of education of the receiving school district shall approve or
18 deny the application for transfer not later than June 1 of the same
19 year and shall notify the parents of the student of the decision.
20 By July 1 of the same year, the parents of the student shall notify
21 the receiving school district that the student will be enrolling in
22 that school district. Failure of parents to notify the district as
23 required may result in loss of the student's right to enroll in the
24 district for that year.

1 B. On or before September 1, it shall be the duty of the
2 superintendent of the receiving school district to file with the
3 State Board of Education and each resident district a statement
4 showing the names of the students granted transfers to the school
5 district, the resident school district of the transferred students
6 and their respective grade level.

7 C. The receiving school district of a student transferred
8 pursuant to the provisions of this act shall notify the resident
9 school district and parents of the student of a cancellation of the
10 transfer. Such notice shall be made by June 1 prior to the school
11 year for which the cancellation is applicable.

12 D. For students who are deaf or hearing impaired who wish to
13 transfer to a school district with a specialized deaf education
14 program, applications may be filed at any time during the school
15 year. Upon approval of the receiving school district, the student
16 may transfer to the receiving school district at any time during the
17 school year.

18 E. Students seeking to transfer to a virtual school approved
19 pursuant to this act shall be eligible to file applications at any
20 time during the school year with the Virtual School Sponsoring
21 Commission. Upon approval of the Virtual School Sponsoring
22 Commission, the student may transfer to the virtual school provider
23 at any time during the school year. The student may also transfer
24 from the virtual school back to the sending school district at any

1 time during the school year upon approval from the sending school
2 district to allow the student to return.

3 SECTION 7. This act shall become effective July 1, 2012.

4 SECTION 8. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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

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Presiding Officer of the Senate

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12 Passed the House of Representatives the ____ day of _____,
13 2012.

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Presiding Officer of the House
of Representatives

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