SENATE FLOOR VERSION
March 1, 2012
As Amended

SENATE BILL NO. 1409 By: Ford of the Senate

and

Denney of the House

[virtual education - creating Virtual Education Authorizing Commission - effective date - emergency]

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

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

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

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

A. There is hereby created the Virtual Education Authorizing Commission. The Commission shall authorize providers of full-time statewide virtual education instruction and provide oversight of approved providers. The Commission shall be composed of seven (7) members as follows:

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

2. Two members appointed by the Governor as follows:

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

b. one member shall be appointed at large;

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

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

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

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

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

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

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

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

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

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

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

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

D. Vacancies shall be filled by the appointing authority.

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

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.730 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The Virtual Education Authorizing Commission shall meet monthly or at the call of the chair. The Commission shall hold the first meeting no later than September 1, 2012.

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

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

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

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

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

E. All appointed members of the Commission shall be subject to initial and continuing education requirements for elected school

board members as provided in Sections 5-110 and 5-110.1 of Title 70 of the Oklahoma Statutes.

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

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

1. Provide oversight of approved provider operations;

2. Authorize providers of full-time statewide virtual education instruction; and

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

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

No school district shall offer full-time virtual education to students who do not reside within the boundaries of the school district after July 1, 2013, unless the school district petitions

the Virtual Education Authorizing Commission and receives approval to provide full-time virtual education to students who reside outside the district. The State Board of Education shall develop policies and procedures for petitions to be submitted and considered.

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

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

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

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

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-29-12 - DO PASS, As Amended and Coauthored.