

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1409

By: Ford

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6 AS INTRODUCED

7 An Act relating to virtual education; directing the
8 State Board of Education to develop criteria for
9 approval of certain providers; creating the Virtual
10 Education Authorizing Commission; providing for
11 membership; providing for removal of members;
12 providing for meetings; providing for a quorum;
13 requiring compliance with certain acts; allowing for
14 travel reimbursement; requiring certain continuing
15 education; granting oversight duties to Commission;
16 prohibiting certain school districts from offering
17 full-time online education to students who reside
18 outside the district; directing State Board of
19 Education to develop policies and procedures for
20 certain petitions; directing State Board of Education
21 to promulgate necessary rules; providing designation;
22 prohibiting the levy of certain tax; allowing for
23 retention of funds for administration; providing for
24 codification; providing an effective date; and
declaring an 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

1 providers. Approved providers shall offer full-time statewide
2 virtual education through the Virtual Education Authorizing
3 Commission.

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

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

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

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

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

17 b. one member shall be appointed at large;

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

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

22 b. one member shall be a resident of the fifth
23 congressional district; and
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1 4. Two members appointed by the Speaker of the House of
2 Representatives as follows:

- 3 a. one member shall be a resident of the third
4 congressional district, and
- 5 b. one member shall be a resident of the fourth
6 congressional district.

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

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

- 18 1. Being found guilty by a court of competent jurisdiction of a
19 felony or any offense involving moral turpitude;
- 20 2. Being found guilty of malfeasance, misfeasance or
21 nonfeasance in relation to Commission duties;
- 22 3. Being found mentally incompetent by a court of competent
23 jurisdiction; or

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

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

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

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

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

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

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

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

20 1. State employees who are members of the Commission shall be
21 reimbursed for travel expenses incurred in the performance of their
22 duties by their respective agencies in accordance with the State
23 Travel Reimbursement Act; and
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1 2. All other Commission members shall be reimbursed by the
2 State Department of Education for travel expenses incurred in the
3 performance of their duties in accordance with the State Travel
4 Reimbursement Act.

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

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

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

- 16 1. Provide oversight of approved provider operations;
- 17 2. Authorize providers of full-time statewide virtual education
18 instruction; and
- 19 3. Submit annually, by November 1 of each year, to the
20 Governor, President Pro Tempore of the Senate, and Speaker of the
21 House of Representatives a report on each approved provider with
22 detailed data on the performance of students enrolled with approved
23 providers. The report shall be posted on the State Department of
24 Education Website.

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

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

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

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

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

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

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

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

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

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

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