

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 958

By: Rader

COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2011, Section 1-111, as last amended by Section 1, Chapter 135, O.S.L. 2016 (70 O.S. Supp. 2017, Section 1-111), which relates to the school day; providing an exemption for certain students who enroll in certain course; providing definitions; allowing students enrolled in certain charter schools or virtual charter schools to participate in extracurricular activities offered by certain district; providing eligibility criteria for participation; requiring certain students to adhere to certain standards; providing for sharing of student records; directing certain school districts to publish certain policy; providing for certain notification; requiring transfer of certain amount; providing for calculation of certain amount; amending 70 O.S. 2011, Section 1210.545, as last amended by Section 2, Chapter 131, O.S.L. 2017 (70 O.S. Supp. 2017, Section 1210.545), which relates to Oklahoma School Testing Program annual reports; directing the State Board of Education to promulgate rules to make allowances for certain students in the accountability system; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-111, as last amended by Section 1, Chapter 135, O.S.L. 2016 (70 O.S. Supp. 2017, Section 1-111), is amended to read as follows:

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

B. A school day for nursery, early childhood education, kindergarten, and alternative education programs shall be as otherwise defined by law or as defined by the State Board of Education. Except as otherwise provided for in this subsection, not more than one (1) school day shall be counted for attendance purposes in any twenty-four-hour period. Two (2) school days, each consisting of not less than six (6) hours, may be counted for attendance purposes in any twenty-four-hour period only if one of the school days is for the purpose of parent-teacher conferences held as provided for in Section 1-109 of this title.

C. A student who is enrolled in a charter school sponsored as provided for in Section 3-132 of this title or a virtual charter school sponsored by the Statewide Virtual Charter School Board

1 pursuant to Section 3-145.3 of this title who enrolls in a course as  
2 required by Section 2 of this act shall be exempt from the  
3 provisions of this section.

4 D. Students absent from school in which they are regularly  
5 enrolled may be considered as being in attendance if the reason for  
6 such absence is to participate in scheduled school activities under  
7 the direction and supervision of a regular member of the faculty or  
8 to participate in an online course approved by the district board of  
9 education. The State Board of Education shall adopt rules to  
10 provide for the implementation of supplemental online courses which  
11 shall include, but not be limited to, provisions addressing the  
12 following:

- 13 1. Criteria for student admissions eligibility;
- 14 2. A student admission process administered through the  
15 district of residence, which provides the ability for the student to  
16 enroll in individual courses;
- 17 3. A process by which students are not denied the opportunity  
18 to enroll in educationally appropriate courses by school districts.  
19 For the purposes of this section, "educationally appropriate" means  
20 any instruction that is not substantially a repeat of a course or  
21 portion of a course that the student has successfully completed,  
22 regardless of the grade of the student, and regardless of whether a  
23 course is similar to or identical to the instruction that is  
24 currently offered in the school district;

- 1        4. Creation of a system which provides ongoing enrollment  
2 access for students throughout the school year;
- 3        5. A grace period of fifteen (15) calendar days from the first  
4 day of an online course for student withdrawal from an online course  
5 without academic penalty;
- 6        6. Mastery of competencies for course completion rather than  
7 Carnegie units;
- 8        7. Student participation in extracurricular activities in  
9 accordance with school district eligibility rules and policies and  
10 any rules and policies of a private organization or association  
11 which provides the coordination, supervision, and regulation of the  
12 interscholastic activities and contests of schools;
- 13        8. Parent authorization for release of state test results to  
14 online course providers, on a form developed by the State Department  
15 of Education; and
- 16        9. A review process to identify and certify online course  
17 providers and a uniform payment processing system.
- 18        ~~D.~~ E. Each district board of education shall adopt policies and  
19 procedures that conform to rules for online courses as adopted by  
20 the State Board. Such policies shall include criteria for approval  
21 of the course, the appropriateness of the course for a particular  
22 student, authorization for full-time students to enroll in online  
23 courses, and establishing fees or charges. No district shall be  
24 liable for payment of any fees or charges for any online course for

1 a student who has not complied with the district's policies and  
2 procedures. School districts shall not deny students the  
3 opportunity to enroll in educationally appropriate courses and shall  
4 provide an admissions process which includes input from the student,  
5 the parent or guardian of the student, and school faculty.

6 ~~E.~~ F. Districts shall require students enrolled in online  
7 courses to participate in the Oklahoma School Testing Program Act.  
8 Students participating in online courses from a remote site will be  
9 responsible for providing their own equipment and Internet access,  
10 unless the district chooses to provide the equipment. Credit may  
11 not be granted for such courses except upon approval of the State  
12 Board of Education and the district board of education.

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

15 SECTION 2. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 1-125 of Title 70, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. For the purposes of this section:

19 1. "Eligible to participate" means participating in tryouts,  
20 off-season conditioning, summer workouts, preseason conditioning,  
21 in-season practice or contests at the same level as required by a  
22 resident district participant. It does not mean that a student  
23 shall be placed on any specific team for interscholastic or  
24 intrascholastic extracurricular activities; and

1        2. "Resident district" means the public school district in  
2 which the student resides as defined in Section 1-113 of Title 70 of  
3 the Oklahoma Statutes.

4        B. Beginning with the 2019-2020 school year, a student who is  
5 enrolled in a charter school sponsored as provided for in Section 3-  
6 132 of Title 70 of the Oklahoma Statutes or a virtual charter school  
7 sponsored by the Statewide Virtual Charter School Board pursuant to  
8 Section 3-145.3 of Title 70 of the Oklahoma Statutes may be eligible  
9 to participate in extracurricular activities offered by the  
10 student's resident district if the resident district has adopted a  
11 policy allowing such participation.

12        C. In order to participate in extracurricular activities  
13 pursuant to the provisions of this section, a student shall:

14        1. Register an intention to participate with the board of  
15 education of the resident district by July 1 immediately preceding  
16 the school year in which participation is intended;

17        2. Pay any participation or activity fee in an amount equal to  
18 any fee charged to a resident district participant;

19        3. Adhere to the same standards of behavior, responsibility,  
20 performance and code of conduct as other participants of the  
21 resident district;

22        4. Adhere to any rules and policies of a private organization  
23 or association which provides the coordination, supervision and  
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1 regulation of the interscholastic activities and contests of  
2 schools;

3 5. Adhere to any physical exams or drug testing provisions  
4 required by the board of education of the resident district or the  
5 private organization or association which provides the coordination,  
6 supervision and regulation of the interscholastic activities and  
7 contests of schools;

8 6. Enroll in a course offered by the resident district that is  
9 required to participate in an extracurricular activity and take any  
10 assessment required as a part of the course; and

11 7. Comply with the immunization requirements of Section  
12 1210.191 of Title 70 of the Oklahoma Statutes.

13 D. A student who participates in extracurricular activities as  
14 provided for in this section shall adhere to the same academic  
15 standards as other participants of the resident district. To  
16 demonstrate adherence to academic standards during the time period a  
17 student participates in extracurricular activities, the parent or  
18 legal guardian of the student shall give the charter school or  
19 virtual charter school in which the student is enrolled permission  
20 to share student records with the resident district.

21 E. 1. A school district board of education that chooses to  
22 offer extracurricular activities to students who are enrolled in a  
23 charter school or virtual charter school pursuant to the provisions  
24 of this section shall publish its policy in its student handbook.

1        2. A school district that requires students who are enrolled in  
2 a charter school or virtual charter school to enroll in a course  
3 that is required to participate in an extracurricular activity shall  
4 not be required to provide transportation for the students to attend  
5 the course.

6        SECTION 3.        NEW LAW        A new section of law to be codified  
7 in the Oklahoma Statutes as Section 1-126 of Title 70, unless there  
8 is created a duplication in numbering, reads as follows:

9        A. For the purposes of funding a school district that adopts a  
10 policy to offer extracurricular activities to students who are  
11 enrolled in a charter school or virtual charter school who are  
12 required to enroll in a course pursuant to the provisions of  
13 paragraph 6 of subsection C of Section 2 of this act, the school  
14 district shall notify the charter school or virtual charter school  
15 in which the student is enrolled that he or she is required to  
16 enroll in a course.

17        B. The charter school or virtual charter school in which a  
18 student subject to the requirement of paragraph 6 of subsection C of  
19 Section 2 of this act is enrolled shall transfer to the school  
20 district providing the extracurricular activity participation an  
21 amount equal to one-sixth (1/6) of a grade weight of 1.0, as  
22 calculated pursuant to Section 18-201.1 of Title 70 of the Oklahoma  
23 Statutes.

1 C. The provisions of this section shall apply only to the time  
2 period during which a student is subject to the requirement of  
3 paragraph 6 of subsection C of Section 2 of this act.

4 SECTION 4. AMENDATORY 70 O.S. 2011, Section 1210.545, as  
5 last amended by Section 2, Chapter 131, O.S.L. 2017 (70 O.S. Supp.  
6 2017, Section 1210.545), is amended to read as follows:

7 Section 1210.545. A. Except as otherwise provided, as part of  
8 the accountability system developed as provided for in Section  
9 1210.541 of this title, the State Board of Education shall prepare  
10 annual reports of the results of the Oklahoma School Testing Program  
11 which describe student achievement in the state, and each school  
12 site, pursuant to the Elementary and Secondary Education Act of 1965  
13 (ESEA) as reauthorized by P.L. No. 114-95, also known as the Every  
14 Student Succeeds Act (ESSA), and any related federal regulations.

15 B. The annual report as required pursuant to subsection A of  
16 this section shall identify school sites as having one of the  
17 following grades for each indicator, separately, and by a single  
18 overview grade of all indicators, defined according to rules of the  
19 State Board of Education:

- 20 1. "A" means schools making excellent progress;
- 21 2. "B" means schools making above average progress;
- 22 3. "C" means schools making satisfactory progress;
- 23 4. "D" means schools making less than satisfactory progress;

24 and

1        5. "F" means schools failing to make adequate progress.

2        C. Each school that has students who are tested and included in  
3 the school grading system as provided for in this section shall  
4 receive a school grade, except as follows:

5        1. A school shall not receive a school grade if the number of  
6 students tested and included in the school grading system is less  
7 than the minimum sample size necessary for statistical reliability  
8 and prevention of the unlawful release of personally identifiable  
9 student data. The State Board of Education is directed to establish  
10 the lowest minimum sample size necessary to meet the requirements of  
11 this paragraph; and

12        2. The academic performance of students who are enrolled full-  
13 time in an online program that is offered by a school district or  
14 charter school that is not the district of residence or is not  
15 located in the district of residence of the student shall be  
16 reported separately by the school district or charter school and  
17 shall not be included when determining the grade of the school site  
18 or charter school.

19        D. The State Board of Education may adopt alternate systems of  
20 accountability for statewide virtual charter schools, alternative  
21 education programs as defined in Section 1210.568 of this title, and  
22 schools serving only grades prekindergarten or kindergarten through  
23 two.

1 E. The grade of a school shall be based on a multimeasures  
2 approach to accountability in accordance with the Elementary and  
3 Secondary Education Act of 1965 (ESEA) as reauthorized by P.L. No.  
4 114-95, also known as the Every Student Succeeds Act (ESSA) and any  
5 federal regulations that include, but are not limited to, the  
6 following indicators:

7 1. Statewide assessments, including the establishment of  
8 student performance bands;

9 2. Graduation rates for high schools;

10 3. Statewide academic measures for elementary and middle  
11 schools;

12 4. English language proficiency for English learners; and

13 5. At least one additional statewide measure of school quality  
14 or student success, including, but not limited to, school climate,  
15 school safety, student engagement, educator engagement, and/or  
16 advanced coursework and postsecondary readiness.

17 F. Of the indicators included in subsection E of this section,  
18 not less than seventy percent (70%) of the overview grade must be  
19 given to indicators 1, 2, 3 and 4 and, in the aggregate, with not  
20 more than thirty percent (30%) of the grade given to indicator 5.

21 G. Further, the grade of an elementary or middle school site  
22 shall include, but not be limited to, a measure of status for  
23 English language arts (ELA), math and science, growth in ELA and  
24

1 math, English Language Proficiency Assessment (ELPA) progress, and  
2 chronic absenteeism.

3 H. The grade of a high school site shall include, but not be  
4 limited to, a measure of status for English language arts (ELA),  
5 math and science status, English Language Proficiency Assessment  
6 (ELPA) progress, graduation rate, chronic absenteeism, and  
7 postsecondary opportunities. For purposes of this section  
8 postsecondary opportunities shall include Advanced Placement,  
9 International Baccalaureate, dual and concurrent enrollment,  
10 internships, mentorships and apprenticeships, and industry  
11 certifications. The Board shall adopt a time line for moving from  
12 completion of such opportunities to crediting achievement of such  
13 opportunities.

14 I. The annual report shall identify the performance of each  
15 school as having improved, remained the same, or declined. This  
16 school improvement rating shall be based on a comparison of the  
17 student and school performance data of the current year to the  
18 previous year data.

19 J. The State Department of Education shall annually develop a  
20 school site report card to be delivered to parents throughout each  
21 school district. The report card shall be in accordance with the  
22 requirements of the Elementary and Secondary Education Act of 1965  
23 (ESEA), as reauthorized and amended by P.L. No. 114-95, also known  
24 as the Every Student Succeeds Act (ESSA) and includes the grade for

1 the school, information regarding school improvement, an explanation  
2 of school performance, and indicators of return on investment. The  
3 report card for each school site shall be published annually by the  
4 Department on its website, and every school district shall provide  
5 the school site report card to the parent or guardian of each  
6 student enrolled in the school site. In order to provide  
7 information regarding school performance for school report cards  
8 issued during the 2016-2017 and 2017-2018 school year, the  
9 Department shall include an explanation of the changes to the  
10 statewide system of student assessments as required in Section  
11 1210.508 of this title and how the transition in assessments may  
12 impact school performance. The Department shall issue school report  
13 cards using the 2016-2017 school year assessment data that is  
14 available.

15 K. The Legislature may factor in the performance of schools in  
16 calculating any performance-based funding policy that is provided to  
17 public school districts.

18 L. The State Board of Education shall promulgate rules to  
19 implement the provisions of this section. The Board shall  
20 promulgate rules regarding the school site report card that grant a  
21 medical exemption from the eighteen-day chronic absenteeism  
22 provision.

23 M. The State Board of Education shall promulgate rules as  
24 necessary to make allowances within the accountability system for

1 students who are enrolled in a charter school or virtual charter  
2 school who are required to enroll in a public school district course  
3 pursuant to the provisions of paragraph 6 of subsection C of Section  
4 2 of this act.

5 SECTION 5. This act shall become effective July 1, 2019.

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