

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 1229

By: McBride

8 AS INTRODUCED

9 An Act relating to virtual charter schools; amending
10 70 O.S. 2011, Section 3-104, as last amended by
11 Section 1, Chapter 271, O.S.L. 2013 (70 O.S. Supp.
12 2018, Section 3-104), which relates to the State
13 Board of Education powers and duties; striking
14 reference to Statewide Virtual Charter School Board;
15 amending 70 O.S. 2011, Section 3-142, as last amended
16 by Section 6, Chapter 170, O.S.L. 2015 (70 O.S. Supp.
17 2018, Section 3-142), which relates to charter school
18 funding; transferring sponsorship authority to the
19 State Board of Education; amending Sections 3, as
20 amended by Section 4, Chapter 212, O.S.L. 2013, 5, as
21 last amended by Section 1, Chapter 293, O.S.L. 2015,
22 6 and 7, as amended by Sections 6 and 7, Chapter 212,
23 O.S.L. 2013, Chapter 367, O.S.L. 2012, Section 1,
24 Chapter 225, O.S.L. 2015 and Section 1, Chapter 247,
 O.S.L. 2017 (70 O.S. Supp. 2018, Sections 3-145.1, 3-
 145.3, 3-145.4, 3-145.5, 3-145.7 and 3-145.8), which
 relate to statewide virtual charter schools;
 eliminating the Statewide Virtual Charter School
 Board; granting State Board of Education sole
 sponsorship authority; transferring powers and duties
 to the State Department of Education; removing
 appeals process; directing Department to promulgate
 rules; providing for succession of certain
 contractual rights; changing revolving fund
 beneficiary; altering revolving fund name;
 authorizing expenditure of funds by State Board of
 Education; modifying purpose of fund; updating
 reference to State Board of Education; authorizing
 promulgation of rules; repealing Section 4, Chapter

367, O.S.L. 2012 (70 O.S. Supp. 2018, Section 3-145.2), which relates to Statewide Virtual Charter School Board meetings; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-104, as last amended by Section 1, Chapter 271, O.S.L. 2013 (70 O.S. Supp. 2018, Section 3-104), is amended to read as follows:

Section 3-104. The supervision of the public school system of Oklahoma shall be vested in the State Board of Education and, subject to limitations otherwise provided by law, the State Board of Education shall:

1. Adopt policies and make rules for the operation of the public school system of the state;

2. Appoint, prescribe the duties and fix the compensation of a secretary, an attorney and all other personnel necessary for the proper performance of the functions of the State Board of Education. The secretary shall not be a member of the Board;

3. Submit to the Governor a departmental budget based upon major functions of the Department as prepared by the State Superintendent of Public Instruction and supported by detailed data on needs and proposed operations as partially determined by the budgetary needs of local school districts filed with the State Board

1 of Education for the ensuing fiscal year. Appropriations therefor
2 shall be made in lump-sum form for each major item in the budget as
3 follows:

- 4 a. State Aid to schools,
- 5 b. the supervision of all other functions of general and
6 special education including general control, free
7 textbooks, school lunch, Indian education and all
8 other functions of the Board and an amount sufficient
9 to adequately staff and administer these services, and
- 10 c. the Board shall determine the details by which the
11 budget and the appropriations are administered.
12 Annually, the Board shall make preparations to
13 consolidate all of the functions of the Department in
14 such a way that the budget can be based on two items,
15 administration and aid to schools. A maximum amount
16 for administration shall be designated as a part of
17 the total appropriation;

18 4. On the first day of December preceding each regular session
19 of the Legislature, prepare and deliver to the Governor and the
20 Legislature a report for the year ending June 30 immediately
21 preceding the regular session of the Legislature. The report shall
22 contain:

- 23 a. detailed statistics and other information concerning
24 enrollment, attendance, expenditures including State

1 Aid, and other pertinent data for all public schools
2 in this state,

3 b. reports from each and every division within the State
4 Department of Education as submitted by the State
5 Superintendent of Public Instruction and any other
6 division, department, institution or other agency
7 under the supervision of the Board,

8 c. recommendations for the improvement of the public
9 school system of the state,

10 d. a statement of the receipts and expenditures of the
11 State Board of Education for the past year, and

12 e. a statement of plans and recommendations for the
13 management and improvement of public schools and such
14 other information relating to the educational
15 interests of the state as may be deemed necessary and
16 desirable;

17 5. Provide for the formulation and adoption of curricula,
18 courses of study and other instructional aids necessary for the
19 adequate instruction of pupils in the public schools;

20 6. Have authority in matters pertaining to the licensure and
21 certification of persons for instructional, supervisory and
22 administrative positions and services in the public schools of the
23 state subject to the provisions of Section 6-184 of this title, and
24 shall formulate rules governing the issuance and revocation of

1 certificates for superintendents of schools, principals,
2 supervisors, librarians, clerical employees, school nurses, school
3 bus drivers, visiting teachers, classroom teachers and for other
4 personnel performing instructional, administrative and supervisory
5 services, but not including members of boards of education and other
6 employees who do not work directly with pupils, and may charge and
7 collect reasonable fees for the issuance of such certificates:

8 a. the State Department of Education shall not issue a
9 certificate to and shall revoke the certificate of any
10 person who has been convicted, whether upon a verdict
11 or plea of guilty or upon a plea of nolo contendere,
12 or received a suspended sentence or any probationary
13 term for a crime or an attempt to commit a crime
14 provided for in Section 843.5 of Title 21 of the
15 Oklahoma Statutes if the offense involved sexual abuse
16 or sexual exploitation as those terms are defined in
17 Section 1-1-105 of Title 10A of the Oklahoma Statutes,
18 Sections 741, 843.1, if the offense included sexual
19 abuse or sexual exploitation, 865 et seq., 885, 888,
20 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,
21 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
22 Statutes or who enters this state and who has been
23 convicted, received a suspended sentence or received a
24 deferred judgment for a crime or attempted crime

1 which, if committed or attempted in this state, would
2 be a crime or an attempt to commit a crime provided
3 for in any of said laws,

4 b. all funds collected by the State Department of
5 Education for the issuance of certificates to
6 instructional, supervisory and administrative
7 personnel in the public schools of the state shall be
8 deposited in the "Teachers' Certificate Fund" in the
9 State Treasury and may be expended by the State Board
10 of Education to finance the activities of the State
11 Department of Education necessary to administer the
12 program, for consultative services, publication costs,
13 actual and necessary travel expenses as provided in
14 the State Travel Reimbursement Act incurred by persons
15 performing research work, and other expenses found
16 necessary by the State Board of Education for the
17 improvement of the preparation and certification of
18 teachers in Oklahoma. Provided, any unobligated
19 balance in the Teachers' Certificate Fund in excess of
20 Ten Thousand Dollars (\$10,000.00) on June 30 of any
21 fiscal year shall be transferred to the General
22 Revenue Fund of the State of Oklahoma. Until July 1,
23 1997, the State Board of Education shall have
24 authority for approval of teacher education programs.

1 The State Board of Education shall also have authority
2 for the administration of teacher residency and
3 professional development, subject to the provisions of
4 the Oklahoma Teacher Preparation Act;

5 7. Promulgate rules governing the classification, inspection,
6 supervision and accrediting of all public nursery, kindergarten,
7 elementary and secondary schools and on-site educational services
8 provided by public school districts or state-accredited private
9 schools in partial hospitalization programs, day treatment programs,
10 and day hospital programs as defined in this act for persons between
11 the ages of three (3) and twenty-one (21) years of age in the state.
12 However, no school shall be denied accreditation solely on the basis
13 of average daily attendance.

14 Any school district which maintains an elementary school and
15 faces the necessity of relocating its school facilities because of
16 construction of a lake, either by state or federal authority, which
17 will inundate the school facilities, shall be entitled to receive
18 probationary accreditation from the State Board of Education for a
19 period of five (5) years after the effective date of this act and
20 any school district, otherwise qualified, shall be entitled to
21 receive probationary accreditation from the State Board of Education
22 for a period of two (2) consecutive years to attain the minimum
23 average daily attendance. The Head Start and public nurseries or
24 kindergartens operated from Community Action Program funds shall not

1 be subjected to the accrediting rules of the State Board of
2 Education. Neither will the State Board of Education make rules
3 affecting the operation of the public nurseries and kindergartens
4 operated from federal funds secured through Community Action
5 Programs even though they may be operating in the public schools of
6 the state. However, any of the Head Start or public nurseries or
7 kindergartens operated under federal regulations may make
8 application for accrediting from the State Board of Education but
9 will be accredited only if application for the approval of the
10 programs is made. The status of no school district shall be changed
11 which will reduce it to a lower classification until due notice has
12 been given to the proper authorities thereof and an opportunity
13 given to correct the conditions which otherwise would be the cause
14 of such reduction.

15 Private and parochial schools may be accredited and classified
16 in like manner as public schools or, if an accrediting association
17 is approved by the State Board of Education, by procedures
18 established by the State Board of Education to accept accreditation
19 by such accrediting association, if application is made to the State
20 Board of Education for such accrediting;

21 8. Be the legal agent of the State of Oklahoma to accept, in
22 its discretion, the provisions of any Act of Congress appropriating
23 or apportioning funds which are now, or may hereafter be, provided
24 for use in connection with any phase of the system of public

1 education in Oklahoma. It shall prescribe such rules as it finds
2 necessary to provide for the proper distribution of such funds in
3 accordance with the state and federal laws;

4 9. Be and is specifically hereby designated as the agency of
5 this state to cooperate and deal with any officer, board or
6 authority of the United States Government under any law of the
7 United States which may require or recommend cooperation with any
8 state board having charge of the administration of public schools
9 unless otherwise provided by law;

10 10. Be and is hereby designated as the "State Educational
11 Agency" referred to in Public Law 396 of the 79th Congress of the
12 United States, which law states that said act may be cited as the
13 "National School Lunch Act", and said State Board of Education is
14 hereby authorized and directed to accept the terms and provisions of
15 said act and to enter into such agreements, not in conflict with the
16 Constitution of Oklahoma or the Constitution and Statutes of the
17 United States, as may be necessary or appropriate to secure for the
18 State of Oklahoma the benefits of the school lunch program
19 established and referred to in said act;

20 11. Have authority to secure and administer the benefits of the
21 National School Lunch Act, Public Law 396 of the 79th Congress of
22 the United States, in the State of Oklahoma and is hereby authorized
23 to employ or appoint and fix the compensation of such additional
24 officers or employees and to incur such expenses as may be necessary

1 for the accomplishment of the above purpose, administer the
2 distribution of any state funds appropriated by the Legislature
3 required as federal matching to reimburse on children's meals;

4 12. Accept and provide for the administration of any land,
5 money, buildings, gifts, donation or other things of value which may
6 be offered or bequeathed to the schools under the supervision or
7 control of said Board;

8 13. Have authority to require persons having administrative
9 control of all school districts in Oklahoma to make such regular and
10 special reports regarding the activities of the schools in said
11 districts as the Board may deem needful for the proper exercise of
12 its duties and functions. Such authority shall include the right of
13 the State Board of Education to withhold all state funds under its
14 control, to withhold official recognition, including accrediting,
15 until such required reports have been filed and accepted in the
16 office of said Board and to revoke the certificates of persons
17 failing or refusing to make such reports;

18 14. Have general supervision of the school lunch program. The
19 State Board of Education may sponsor workshops for personnel and
20 participants in the school lunch program and may develop, print and
21 distribute free of charge or sell any materials, books and bulletins
22 to be used in such school lunch programs. There is hereby created
23 in the State Treasury a revolving fund for the Board, to be
24 designated the School Lunch Workshop Revolving Fund. The fund shall

1 consist of all fees derived from or on behalf of any participant in
2 any such workshop sponsored by the State Board of Education, or from
3 the sale of any materials, books and bulletins, and such funds shall
4 be disbursed for expenses of such workshops and for developing,
5 printing and distributing of such materials, books and bulletins
6 relating to the school lunch program. The fund shall be
7 administered in accordance with Section 155 of Title 62 of the
8 Oklahoma Statutes;

9 15. Prescribe all forms for school district and county officers
10 to report to the State Board of Education where required. The State
11 Board of Education shall also prescribe a list of appropriation
12 accounts by which the funds of school districts shall be budgeted,
13 accounted for and expended; and it shall be the duty of the State
14 Auditor and Inspector in prescribing all budgeting, accounting and
15 reporting forms for school funds to conform to such lists;

16 16. Provide for the establishment of a uniform system of pupil
17 and personnel accounting, records and reports;

18 17. Have authority to provide for the health and safety of
19 school children and school personnel while under the jurisdiction of
20 school authorities;

21 18. Provide for the supervision of the transportation of
22 pupils;

23

24

1 19. Have authority, upon request of the local school board, to
2 act in behalf of the public schools of the state in the purchase of
3 transportation equipment;

4 20. Have authority and is hereby required to perform all duties
5 necessary to the administration of the public school system in
6 Oklahoma as specified in the Oklahoma School Code; and, in addition
7 thereto, those duties not specifically mentioned herein if not
8 delegated by law to any other agency or official;

9 21. Administer the State Public Common School Building
10 Equalization Fund established by Section 32 of Article X of the
11 Oklahoma Constitution. Any monies as may be appropriated or
12 designated by the Legislature, other than ad valorem taxes, any
13 other funds identified by the State Department of Education, which
14 may include, but not be limited to, grants-in-aid from the federal
15 government for building purposes, the proceeds of all property that
16 shall fall to the state by escheat, penalties for unlawful holding
17 of real estate by corporations, and capital gains on assets of the
18 permanent school funds, shall be deposited in the State Public
19 Common School Building Equalization Fund. The fund shall be used to
20 aid school districts and charter schools in acquiring buildings,
21 subject to the limitations fixed by Section 32 of Article X of the
22 Oklahoma Constitution. It is hereby declared that the term
23 "acquiring buildings" as used in Section 32 of Article X of the
24 Oklahoma Constitution shall mean acquiring or improving school

1 sites, constructing, repairing, remodeling or equipping buildings,
2 or acquiring school furniture, fixtures, or equipment. For charter
3 schools, the fund shall only be used to acquire buildings in which
4 students enrolled in the charter school will be attending. It is
5 hereby declared that the term "school districts" as used in Section
6 32 of Article X of the Oklahoma Constitution shall mean school
7 districts and charter schools created pursuant to the provisions of
8 the Oklahoma Charter Schools Act. If sufficient monies are
9 available in the fund, the Board shall solicit proposals for grants
10 from school districts and charter schools and shall determine the
11 process for consideration of proposals. Grants shall be awarded
12 only to school districts which have a total assessed property
13 valuation per average daily membership that is less than the state
14 average total assessed property valuation per average daily
15 membership and, at the time of application, the district has voted
16 the five-mill building fund levy authorized in Section 10 of Article
17 X of the Oklahoma Constitution, and has voted indebtedness through
18 the issuance of new bonds for at least fifty percent (50%) within
19 the last three (3) years of the maximum allowable pursuant to the
20 provisions of Section 26 of Article X of the Oklahoma Constitution
21 as shown on the school district budget filed with the State Board of
22 Equalization for the current school year and certifications by the
23 Attorney General prior to April 1 of the school year. Grants shall
24 be awarded only to charter schools which have secured matching funds

1 for the specific purpose of acquiring buildings in an amount of not
2 less than ten percent (10%) of the total grant amount. The amount
3 of each grant awarded by the Board each year shall not exceed Four
4 Million Dollars (\$4,000,000.00). From the total amount available to
5 provide grants to public schools and charter schools, charter
6 schools shall be allocated the greater of ten percent (10%) of the
7 total amount or the percent of students enrolled in charter schools
8 that are not ~~sponsored by the Statewide Virtual Charter School Board~~
9 virtual charter schools as compared to the student enrollment in
10 school districts which have a total assessed property valuation per
11 average daily membership that is equal to or less than twenty-five
12 percent (25%) of the state total assessed property valuation per
13 average daily membership. The Board shall give priority
14 consideration to school districts which have a total assessed
15 property valuation per average daily membership that is equal to or
16 less than twenty-five percent (25%) of the state average total
17 assessed property valuation per average daily membership. The Board
18 is authorized to prorate grants awarded if monies are not sufficient
19 in the fund to award grants to qualified districts and charter
20 schools. The State Board of Education shall make available to
21 eligible charter schools any unused grant funds that remain after
22 the initial allocation to all eligible public school districts and
23 charter schools of this state. The State Board of Education shall
24 prescribe rules for making grants of aid from, and for otherwise

1 administering, the fund pursuant to the provisions of this
2 paragraph, and may employ and fix the duties and compensation of
3 technicians, aides, clerks, stenographers, attorneys and other
4 personnel deemed necessary to carry out the provisions of this
5 paragraph. The cost of administering the fund shall be paid from
6 monies appropriated to the State Board of Education for the
7 operation of the State Department of Education;

8 22. Recognize that the Director of the Oklahoma Department of
9 Corrections shall be the administrative authority for the schools
10 which are maintained in the state reformatories and shall appoint
11 the principals and teachers in such schools. Provided, that rules
12 of the State Board of Education for the classification, inspection
13 and accreditation of public schools shall be applicable to such
14 schools; and such schools shall comply with standards set by the
15 State Board of Education; and

16 23. Have authority to administer a revolving fund which is
17 hereby created in the State Treasury, to be designated the
18 Statistical Services Revolving Fund. The fund shall consist of all
19 monies received from the various school districts of the state, the
20 United States Government, and other sources for the purpose of
21 furnishing or financing statistical services and for any other
22 purpose as designated by the Legislature. The State Board of
23 Education is hereby authorized to enter into agreements with school
24 districts, municipalities, the United States Government, foundations

1 and other agencies or individuals for services, programs or research
2 projects. The Statistical Services Revolving Fund shall be
3 administered in accordance with Section 155 of Title 62 of the
4 Oklahoma Statutes.

5 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3-142, as
6 last amended by Section 6, Chapter 170, O.S.L. 2015 (70 O.S. Supp.
7 2018, Section 3-142), is amended to read as follows:

8 Section 3-142. A. For purposes of funding, a charter school
9 sponsored by a board of education of a school district shall be
10 considered a site within the school district in which the charter
11 school is located. The student membership of the charter school
12 shall be considered separate from the student membership of the
13 district in which the charter school is located for the purpose of
14 calculating weighted average daily membership pursuant to Section
15 18-201.1 of this title and State Aid pursuant to Section 18-200.1 of
16 this title. For charter schools sponsored by a board of education
17 of a school district, the sum of the separate calculations for the
18 charter school and the school district shall be used to determine
19 the total State Aid allocation for the district in which the charter
20 school is located. A charter school shall receive from the
21 sponsoring school district, the State Aid allocation and any other
22 state-appropriated revenue generated by its students for the
23 applicable year, less up to five percent (5%) of the State Aid
24 allocation, which may be retained by the school district as a fee

1 for administrative services rendered. For charter schools sponsored
2 by the board of education of a technology center school district, a
3 higher education institution, the State Board of Education, or a
4 federally recognized Indian tribe and for statewide virtual charter
5 schools sponsored by the ~~Statewide Virtual Charter School~~ State
6 Board of Education, the State Aid allocation for the charter school
7 shall be distributed by the State Board of Education and not more
8 than five percent (5%) of the State Aid allocation may be charged by
9 the sponsor as a fee for administrative services rendered. The
10 State Board of Education shall determine the policy and procedure
11 for making payments to a charter school. The fee for administrative
12 services as authorized in this subsection shall only be assessed on
13 the State Aid allocation amount and shall not be assessed on any
14 other appropriated amounts.

15 B. 1. The weighted average daily membership for the first year
16 of operation of a charter school shall be determined initially by
17 multiplying the actual enrollment of students as of August 1 by
18 1.333. The charter school shall receive revenue equal to that which
19 would be generated by the estimated weighted average daily
20 membership calculated pursuant to this paragraph. At midyear, the
21 allocation for the charter school shall be adjusted using the first
22 quarter weighted average daily membership for the charter school
23 calculated pursuant to subsection A of this section.

24

1 2. For the purpose of calculating weighted average daily
2 membership pursuant to Section 18-201.1 of this title and State Aid
3 pursuant to Section 18-200.1 of this title, the weighted average
4 daily membership for the first year of operation and each year
5 thereafter of a full-time virtual charter school shall be determined
6 by multiplying the actual enrollment of students as of August 1 by
7 1.333. The full-time virtual charter school shall receive revenue
8 equal to that which would be generated by the estimated weighted
9 average daily membership calculated pursuant to this paragraph. At
10 midyear, the allocation for the full-time virtual charter school
11 shall be adjusted using the first quarter weighted average daily
12 membership for the virtual charter school calculated pursuant to
13 subsection A of this section.

14 C. A charter school shall be eligible to receive any other aid,
15 grants or revenues allowed to other schools. A charter school
16 sponsored by the board of education of a technology center school
17 district, a higher education institution, the State Board of
18 Education, or a federally recognized Indian tribe shall be
19 considered a local education agency for purposes of funding. A
20 charter school sponsored by a board of education of a school
21 district shall be considered a local education agency for purposes
22 of federal funding.

23 D. A charter school, in addition to the money received from the
24 state, may receive money from any other source. Any unexpended

1 funds may be reserved and used for future purposes. The governing
2 body of a charter school shall not levy taxes or issue bonds. If
3 otherwise allowed by law, the governing body of a charter school may
4 enter into private contracts for the purposes of borrowing money
5 from lenders. If the governing body of the charter school borrows
6 money, the charter school shall be solely responsible for repaying
7 the debt, and the state or the sponsor shall not in any way be
8 responsible or obligated to repay the debt.

9 E. Any charter school which chooses to lease property shall be
10 eligible to receive current government lease rates.

11 SECTION 3. AMENDATORY Section 3, Chapter 367, O.S.L.
12 2012, as amended by Section 4, Chapter 212, O.S.L. 2013 (70 O.S.
13 Supp. 2018, Section 3-145.1), is amended to read as follows:

14 Section 3-145.1 ~~A. There is hereby created the Statewide~~
15 ~~Virtual Charter School Board. The State Board of Education shall~~
16 have the sole authority to authorize and sponsor statewide virtual
17 charter schools in this state. ~~The Board shall be composed of five~~
18 ~~(5) voting members as follows:~~

19 ~~1. One member appointed by the Governor, who shall be a~~
20 ~~resident and elector of the Fifth Congressional District;~~

21 ~~2. Two members appointed by the President Pro Tempore of the~~
22 ~~Senate, one of whom shall be a resident and elector of the First~~
23 ~~Congressional District and one of whom shall be a resident and~~
24 ~~elector of the Third Congressional District;~~

1 ~~3. Two members appointed by the Speaker of the House of~~
2 ~~Representatives, one of whom shall be a resident and elector of the~~
3 ~~Second Congressional District and one of whom shall be a resident~~
4 ~~and elector of the Fourth Congressional District; and~~

5 ~~4. The State Superintendent of Public Instruction and the~~
6 ~~Secretary of Education or their designees shall serve as ex officio~~
7 ~~nonvoting members, and shall not be counted toward a quorum.~~

8 ~~B. Initial appointments shall be made by August 1, 2012. The~~
9 ~~President Pro Tempore of the Senate and the Speaker of the House of~~
10 ~~Representatives shall each appoint one member for one (1) year and~~
11 ~~one member for three (3) years. The Governor shall appoint one~~
12 ~~member for two (2) years. Members shall serve until their~~
13 ~~successors are duly appointed for a term of three (3) years.~~
14 ~~Appointments shall be made by and take effect on November 1 of the~~
15 ~~year in which the appointment is made. Annually by December 30 the~~
16 ~~Board shall elect from its membership a chair and vice-chair.~~

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

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

21 ~~2. Being found guilty of malfeasance, misfeasance or~~
22 ~~nonfeasance in relation to Board duties;~~

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

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

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

4 ~~E. No member of the Senate or House of Representatives may be~~
5 ~~appointed to the Board while serving as a member of the Legislature,~~
6 ~~or for two (2) full years following the expiration of the term of~~
7 ~~office.~~

8 ~~F. The State Department of Education shall provide staff~~
9 ~~support to the Board until December 31, 2014, and thereafter the~~
10 ~~Department shall provide office space for the operation of the~~
11 ~~Board.~~

12 SECTION 4. AMENDATORY Section 5, Chapter 367, O.S.L.
13 2012, as last amended by Section 1, Chapter 293, O.S.L. 2015 (70
14 O.S. Supp. 2018, Section 3-145.3), is amended to read as follows:

15 Section 3-145.3 A. Subject to the requirements of the Oklahoma
16 Charter Schools Act, the ~~Statewide Virtual Charter School Board~~
17 State Department of Education shall:

18 1. Provide oversight of the operations of statewide virtual
19 charter schools in this state;

20 2. Establish a procedure for accepting, approving and
21 disapproving statewide virtual charter school applications and a
22 process for renewal or revocation of approved charter school
23 contracts which minimally meet the procedures set forth in the
24 Oklahoma Charter Schools Act;

1 3. Make publicly available a list of supplemental online
2 courses which have been reviewed and certified by the ~~Statewide~~
3 ~~Virtual Charter School Board~~ Department to ensure that the courses
4 are high quality options and are aligned with the subject matter
5 standards adopted by the State Board of Education pursuant to
6 Section 11-103.6 of this title. The ~~Statewide Virtual Charter~~
7 ~~School Board~~ Department shall give special emphasis on listing
8 supplemental online courses in science, technology, engineering and
9 math (STEM), foreign language and advanced placement courses.
10 School districts shall not be limited to selecting supplemental
11 online courses that have been reviewed and certified by the
12 ~~Statewide Virtual Charter School Board~~ Department and listed as
13 provided for in this paragraph; and

14 4. In conjunction with the Office of Management and Enterprise
15 Services, negotiate and enter into contracts with supplemental
16 online course providers to offer a state rate price to school
17 districts for supplemental online courses that have been reviewed
18 and certified by the ~~Statewide Virtual Charter School Board~~
19 Department and listed as provided for in paragraph 3 of this
20 subsection.

21 B. Each statewide virtual charter school which has been
22 approved and sponsored by the Board or any virtual charter school
23 for which the Board has assumed sponsorship of as provided for in
24 Section 3-145.5 of this title shall be considered a statewide

1 virtual charter school and the geographic boundaries of each
2 statewide virtual charter school shall be the borders of the state.

3 C. Each statewide virtual charter school approved by the
4 ~~Statewide Virtual Charter School~~ Board shall be eligible to receive
5 federal funds generated by students enrolled in the charter school
6 for the applicable year. Each statewide virtual charter school
7 shall be considered a separate local education agency for purposes
8 of reporting and accountability.

9 D. As calculated as provided for in Section 3-142 of this
10 title, a statewide virtual charter school shall receive the State
11 Aid allocation and any other state-appropriated revenue generated by
12 students enrolled in the virtual charter school for the applicable
13 year, less up to five percent (5%) of the State Aid allocation,
14 which may be retained by the ~~Statewide Virtual Charter School~~ Board
15 for administrative expenses and to support the mission of the Board.
16 A statewide virtual charter school shall be eligible for any other
17 funding any other charter school is eligible for as provided for in
18 Section 3-142 of this title. Each statewide virtual charter school
19 shall be considered a separate local education agency for purposes
20 of reporting and accountability.

21 E. Students enrolled full-time in a statewide virtual charter
22 school sponsored by the ~~Statewide Virtual Charter School~~ Board shall
23 not be authorized to participate in any activities administered by
24 the Oklahoma Secondary Schools Activities Association. However, the

1 students may participate in intramural activities sponsored by a
2 statewide virtual charter school, an online provider for the charter
3 school or any other outside organization.

4 ~~F. The decision of the Statewide Virtual Charter School Board~~
5 ~~to deny, nonrenew or terminate the charter contract of a statewide~~
6 ~~virtual charter school may be appealed to the State Board of~~
7 ~~Education within thirty (30) days of the decision by the Statewide~~
8 ~~Virtual Charter School Board. The State Board of Education shall~~
9 ~~act on the appeal within sixty (60) days of receipt of the request~~
10 ~~from the statewide virtual charter school applicant. The State~~
11 ~~Board of Education may reverse the decision of the Statewide Virtual~~
12 ~~Charter School Board or may remand the matter back to the Statewide~~
13 ~~Virtual Charter School Board for further proceeding as directed.~~

14 SECTION 5. AMENDATORY Section 6, Chapter 367, O.S.L.
15 2012, as amended by Section 6, Chapter 212, O.S.L. 2013 (70 O.S.
16 Supp. 2018, Section 3-145.4), is amended to read as follows:

17 Section 3-145.4 Pursuant to and in compliance with Article I of
18 the Administrative Procedures Act, the ~~Statewide Virtual Charter~~
19 ~~School Board~~ State Department of Education shall promulgate rules as
20 may be necessary to implement the provisions of this act.

21 SECTION 6. AMENDATORY Section 7, Chapter 367, O.S.L.
22 2012, as amended by Section 7, Chapter 212, O.S.L. 2013 (70 O.S.
23 Supp. 2018, Section 3-145.5), is amended to read as follows:

1 Section 3-145.5 A. Notwithstanding any other provision of law,
2 beginning July 1, 2014, no school district shall offer full-time
3 virtual education to students who are not residents of the school
4 district or enter into a virtual charter school contract with a
5 provider to provide full-time virtual education to students who do
6 not reside within the school district boundaries.

7 B. Effective July 1, 2014, the ~~Statewide Virtual Charter School~~
8 ~~Board~~ State Board of Education shall succeed to any contractual
9 rights and responsibilities incurred by a school district in a
10 virtual charter school contract executed prior to January 1, 2014,
11 with a provider to provide full-time virtual education to students
12 who do not reside within the school district boundaries. All
13 property, equipment, supplies, records, assets, current and future
14 liability, encumbrances, obligations and indebtedness associated
15 with the contract shall be transferred to the ~~Statewide Virtual~~
16 ~~Charter School~~ Board. Appropriate conveyances and other documents
17 shall be executed to effectuate the transfer of any property
18 associated with the contract. Upon succession of the contract, the
19 Board shall assume sponsorship of the virtual charter school for the
20 remainder of the term of the contract. Prior to the end of the
21 current term of the contract, the Board shall allow the provider of
22 the virtual charter school to apply for renewal of the contract with
23 the Board in accordance with the renewal procedures established
24 pursuant to Section 3-145.3 of this title.

SECTION 7. AMENDATORY Section 1, Chapter 225, O.S.L.

2015 (70 O.S. Supp. 2018, Section 3-145.7), is amended to read as follows:

Section 3-145.7 There is hereby created in the State Treasury a revolving fund for the ~~Statewide Virtual Charter School~~ State Board of Education to be designated the "Statewide Virtual Charter School ~~Board~~ Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the ~~Statewide Virtual Charter School~~ Board from State Aid pursuant to Section 3-145.3 of ~~Title 70 of the Oklahoma Statutes~~ this title or any other state appropriation. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the ~~Statewide Virtual Charter School~~ Board for the purpose of supporting the ~~mission of the Statewide Virtual Charter School Board~~ oversight of virtual charter schools. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

SECTION 8. AMENDATORY Section 1, Chapter 247, O.S.L.

2017 (70 O.S. Supp. 2018, Section 3-145.8), is amended to read as follows:

Section 3-145.8 A. It shall be the duty of each virtual charter school approved and sponsored by the ~~Statewide Virtual~~

1 ~~School~~ State Board of Education pursuant to the provisions of
2 Section 3-145.3 of ~~Title 70 of the Oklahoma Statutes~~ this title to
3 keep a full and complete record of the attendance of all students
4 enrolled in the virtual charter school in one of the student
5 information systems approved by the State Department of Education
6 and locally selected by the virtual school from the approved list.

7 B. By July 1, 2018, the governing body of each virtual charter
8 school shall adopt an attendance policy. The policy may allow
9 attendance to be a proportional amount of the required attendance
10 policy provisions based upon the date of enrollment of the student.
11 The attendance policy shall include the following provisions:

12 1. A student who attends a virtual charter school shall be
13 considered in attendance for a quarter if the student:

14 a. completes instructional activities on no less than
15 ninety percent (90%) of the days within the quarter,

16 b. is on pace for on-time completion of the course as
17 defined by the governing board of the virtual charter
18 school, or

19 c. completes no less than forty instructional activities
20 within the quarter of the academic year.

21 2. For a student who does not meet any of the criteria set
22 forth in paragraph 1 of this subsection, the amount of attendance
23 recorded shall be the greater of:

- 1 a. the number of school days during which the student
2 completed the instructional activities during the
3 quarter,
4 b. the number of school days proportional to the
5 percentage of the course that has been completed, or
6 c. the number of school days proportional to the
7 percentage of the required minimum number of completed
8 instructional activities during the quarter.

9 C. For the purposes of this section, "instructional activities"
10 shall include but not be limited to online logins to curriculum or
11 programs offered by the virtual charter school, offline activities,
12 completed assignments, testing, face-to-face communications with
13 virtual charter school staff or service providers or meetings with
14 virtual charter school staff or service providers via
15 teleconference, videoconference, email, text or phone.

16 D. The virtual charter school shall submit a notification to
17 the parent or legal guardian of a student who has been withdrawn for
18 truancy or is approaching truancy.

19 E. ~~The Statewide Virtual Charter School~~ Board may promulgate
20 rules to implement the provisions of this section.

21 SECTION 9. REPEALER Section 4, Chapter 367, O.S.L. 2012
22 (70 O.S. Supp. 2018, Section 3-145.2), is hereby repealed.
23
24

SECTION 10. This act shall become effective November 1, 2019.

COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/13/2019
- DO PASS.