

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 55

By: Sharp

AS INTRODUCED

An Act relating to virtual charter schools; amending Section 3, Chapter 367, O.S.L. 2012, as amended by Section 4, Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2018, Section 3-145.1), which relates to the creation of the Statewide Virtual Charter School Board; modifying membership appointing authority; requiring advice and consent of the Senate; modifying reference to initial appointments; removing deadline on provision of certain staff support; amending Section 4, Chapter 367, O.S.L. 2012 (70 O.S. Supp. 2018, Section 3-145.2), which relates to meetings of the Statewide Virtual Charter School Board; subjecting meetings to certain acts; updating statutory reference; amending Section 5, Chapter 367, O.S.L. 2012, as last amended by Section 1, Chapter 293, O.S.L. 2015 (70 O.S. Supp. 2018, Section 3-145.3), which relates to powers and duties of the Statewide Virtual Charter School Board; subjecting the Board to certain authority; requiring preference to be given to certain applications; requiring the Board to employ a virtual charter school director; establishing duties; requiring the State Superintendent of Public Instruction to make certain reports; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 3, Chapter 367, O.S.L. 2012, as amended by Section 4, Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2018, Section 3-145.1), is amended to read as follows:

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

6 1. One member appointed by the Governor with the advice and
7 consent of the Senate, who shall be a resident and elector of the
8 Fifth Congressional District;

9 2. Two members appointed by the ~~President Pro Tempore of the~~
10 ~~Senate~~ Governor with the advice and consent of the Senate, one of
11 whom shall be a resident and elector of the First Congressional
12 District and one of whom shall be a resident and elector of the
13 Third Congressional District;

14 3. Two members appointed by the ~~Speaker of the House of~~
15 ~~Representatives~~ Governor with the advice and consent of the Senate,
16 one of whom shall be a resident and elector of the Second
17 Congressional District and one of whom shall be a resident and
18 elector of the Fourth Congressional District; and

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

22 B. Initial appointments shall be made by August 1, 2012. ~~The~~
23 ~~President Pro Tempore of the Senate and the Speaker of the House of~~
24 ~~Representatives shall each appoint one member~~ One appointment

1 required by paragraph 2 of subsection A of this section and one
2 appointment required by paragraph 3 of subsection A of this section
3 shall serve for one (1) year and one ~~member~~ appointment required by
4 paragraph 2 of subsection A of this section and one appointment
5 required by paragraph 3 of subsection A of this section shall serve
6 for three (3) years. The Governor shall appoint one member
7 appointment required by paragraph 1 of subsection A of this section
8 shall serve for two (2) years. Members shall serve until their
9 successors are duly appointed for a term of three (3) years.
10 Appointments shall be made by and take effect on November 1 of the
11 year in which the appointment is made. Annually by December 30 the
12 Board shall elect from its membership a chair and vice-chair.

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

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

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

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

22 4. Failing to attend three successive meetings of the Board
23 without just cause, as determined by the Board.
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1 D. Vacancies shall be filled by the ~~appointing authority~~
2 Governor.

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

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

11 SECTION 2. AMENDATORY Section 4, Chapter 367, O.S.L.
12 2012 (70 O.S. Supp. 2018, Section 3-145.2), is amended to read as
13 follows:

14 Section 3-145.2. A. The Statewide Virtual Charter School Board
15 shall meet at the call of the chair. The first meeting of the Board
16 shall be held no later than sixty (60) days after ~~the effective date~~
17 ~~of this act~~ July 1, 2012.

18 B. Three members of the Board shall constitute a quorum and an
19 affirmative vote of at least three members shall be required in
20 order for the Board to take any final action.

21 C. Members of the Board shall receive necessary traveling
22 expenses while in the performance of their duties in accordance with
23 the State Travel Reimbursement Act. Members shall receive
24 reimbursement from the State Department of Education.

1 D. The Statewide Virtual Charter School Board shall be subject
2 to the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

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

6 Section 3-145.3. A. Subject to the requirements of the
7 Oklahoma Charter Schools Act and subject to the authority of the
8 State Superintendent of Public Instruction, the Statewide Virtual
9 Charter School Board shall:

10 1. Provide oversight of the operations of statewide virtual
11 charter schools in this state;

12 2. Establish a procedure for accepting, approving and
13 disapproving statewide virtual charter school applications and a
14 process for renewal or revocation of approved charter school
15 contracts which minimally meet the procedures set forth in the
16 Oklahoma Charter Schools Act. Preference for approval of statewide
17 virtual charter school applications shall be given to non-profit
18 virtual education providers;

19 3. Make publicly available a list of supplemental online
20 courses which have been reviewed and certified by the Statewide
21 Virtual Charter School Board to ensure that the courses are high
22 quality options and are aligned with the subject matter standards
23 adopted by the State Board of Education pursuant to Section 11-103.6
24 of this title. The Statewide Virtual Charter School Board shall

1 give special emphasis on listing supplemental online courses in
2 science, technology, engineering and math (STEM), foreign language
3 and advanced placement courses. School districts shall not be
4 limited to selecting supplemental online courses that have been
5 reviewed and certified by the Statewide Virtual Charter School Board
6 and listed as provided for in this paragraph; ~~and~~

7 4. In conjunction with the Office of Management and Enterprise
8 Services, negotiate and enter into contracts with supplemental
9 online course providers to offer a state rate price to school
10 districts for supplemental online courses that have been reviewed
11 and certified by the Statewide Virtual Charter School Board and
12 listed as provided for in paragraph 3 of this subsection; and

13 5. Employ a virtual charter school director, who shall provide
14 to the State Superintendent of Public Instruction information on
15 whether courses offered by each statewide virtual charter school
16 meet the subject matter standards set forth in Section 11-103.6 of
17 this title and whether each statewide virtual charter school
18 complies with the requirements of the Oklahoma Charter Schools Act.

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

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

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

19 E. Students enrolled full-time in a statewide virtual charter
20 school sponsored by the Statewide Virtual Charter School Board shall
21 not be authorized to participate in any activities administered by
22 the Oklahoma Secondary Schools Activities Association. However, the
23 students may participate in intramural activities sponsored by a
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1 statewide virtual charter school, an online provider for the charter
2 school or any other outside organization.

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

13 G. The State Superintendent of Public Instruction shall:

14 1. Report to the State Board of Education at its regular
15 meetings the performance and funding status of statewide virtual
16 charter schools; and

17 2. Report to the chairs of the appropriations subcommittees for
18 education of the Senate and the House of Representatives on December
19 31 and June 30 each year the performance and funding status of
20 statewide virtual charter schools.

21 SECTION 4. This act shall become effective July 1, 2019.

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