

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 ENGROSSED SENATE
5 BILL NO. 69

By: Simpson of the Senate

and

Wolfley of the House

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10 An Act relating to statewide virtual charter schools;
11 amending Section 5, Chapter 367, O.S.L. 2012, as last
12 amended by Section 2, Chapter 27, O.S.L. 2020 (70
13 O.S. Supp. 2020, Section 3-145.3), which relates to
14 powers and duties of the Statewide Virtual Charter
15 School Board; directing a student to be eligible to
16 enroll in a statewide virtual charter school if his
17 or her parent or legal guardian is on certain active
18 duty and subject to certain transfer; directing a
19 statewide virtual charter school to accept certain
20 application by electronic means; requiring a parent
21 or legal guardian to provide certain proof within
22 certain time period; providing for addresses to be
23 used as certain proof; making certain provisions
24 applicable to certain students; providing
 definitions; providing an effective date; and
 declaring an emergency.

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

SECTION 1. SECTION 1. AMENDATORY Section 5, Chapter
367, O.S.L. 2012, as last amended by Section 2, Chapter 27, O.S.L.

1 2020 (70 O.S. Supp. 2020, Section 3-145.3), is amended to read as
2 follows:

3 Section 3-145.3. A. Subject to the requirements of the
4 Oklahoma Charter Schools Act, the Statewide Virtual Charter School
5 Board shall:

6 1. Provide oversight of the operations of statewide virtual
7 charter schools in this state;

8 2. Establish a procedure for accepting, approving and
9 disapproving statewide virtual charter school applications and a
10 process for renewal or revocation of approved charter school
11 contracts which minimally meet the procedures set forth in the
12 Oklahoma Charter Schools Act;

13 3. Make publicly available a list of supplemental online
14 courses which have been reviewed and certified by the Statewide
15 Virtual Charter School Board to ensure that the courses are high
16 quality options and are aligned with the subject matter standards
17 adopted by the State Board of Education pursuant to Section 11-103.6
18 of this title. The Statewide Virtual Charter School Board shall
19 give special emphasis on listing supplemental online courses in
20 science, technology, engineering and math (STEM), foreign language
21 and advanced placement courses. School districts shall not be
22 limited to selecting supplemental online courses that have been
23 reviewed and certified by the Statewide Virtual Charter School Board
24 and listed as provided for in this paragraph; and

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

7 B. Each statewide virtual charter school which has been
8 approved and sponsored by the Board or any virtual charter school
9 for which the Board has assumed sponsorship of as provided for in
10 Section 3-145.5 of this title shall be considered a statewide
11 virtual charter school and, except as provided in subsection H of
12 this section, the geographic boundaries of each statewide virtual
13 charter school shall be the borders of the state.

14 C. Each statewide virtual charter school approved by the
15 Statewide Virtual Charter School Board shall be eligible to receive
16 federal funds generated by students enrolled in the charter school
17 for the applicable year. Each statewide virtual charter school
18 shall be considered a separate local education agency for purposes
19 of reporting and accountability.

20 D. As calculated as provided for in Section 3-142 of this
21 title, a statewide virtual charter school shall receive the State
22 Aid allocation and any other state-appropriated revenue generated by
23 students enrolled in the virtual charter school for the applicable
24 year, less up to five percent (5%) of the State Aid allocation,

1 which may be retained by the Statewide Virtual Charter School Board
2 for administrative expenses and to support the mission of the Board.
3 A statewide virtual charter school shall be eligible for any other
4 funding any other charter school is eligible for as provided for in
5 Section 3-142 of this title. Each statewide virtual charter school
6 shall be considered a separate local education agency for purposes
7 of reporting and accountability.

8 E. A virtual charter school shall be subject to the same
9 reporting requirements, financial audits, audit procedures and audit
10 requirements as a school district. The State Department of
11 Education or State Auditor and Inspector may conduct financial,
12 program or compliance audits. A virtual charter school shall use
13 the Oklahoma Cost Accounting System (OCAS) to report financial
14 transactions to the State Department of Education.

15 F. A virtual charter school governing body shall be responsible
16 for the policies that govern the operational decisions of the
17 virtual charter school. The governing body of a virtual charter
18 school shall be subject to the same conflict of interest
19 requirements as a member of a local school board including, but not
20 limited to, Sections 5-113 and 5-124 of this title. Members
21 appointed to the governing body of a virtual charter school after
22 July 1, 2019, shall be subject to the same instruction and
23 continuing education requirements as a member of a local school
24 board and pursuant to Section 5-110 of this title, complete twelve

1 (12) hours of instruction within fifteen (15) months of appointment
2 to the governing body, and pursuant to Section 5-110.1 of this
3 title, attend continuing education.

4 G. Students enrolled full-time in a statewide virtual charter
5 school sponsored by the Statewide Virtual Charter School Board shall
6 not be authorized to participate in any activities administered by
7 the Oklahoma Secondary Schools Activities Association. However, the
8 students may participate in intramural activities sponsored by a
9 statewide virtual charter school, an online provider for the charter
10 school or any other outside organization.

11 H. 1. Beginning with the 2021-2022 school year, a public
12 ~~school students~~ student who ~~wish~~ wishes to enroll in a virtual
13 charter school shall be considered a transfer student from their
14 resident school district. A virtual charter school shall pre-enroll
15 any public school student whose parent expresses intent to enroll in
16 the district. Upon pre-enrollment, the State Department of
17 Education shall initiate a transfer on a form to be completed by the
18 receiving virtual charter school. Upon approval of the receiving
19 virtual charter school, the student may begin instructional
20 activities. Upon notice that a public school student has
21 transferred to a virtual charter school, the resident school
22 district shall transmit the student's records within three (3)
23 school days.

1 2. The State Department of Education shall notify the
2 Legislature and Governor if it determines that the information
3 technology infrastructure necessary to process the transfer of
4 students to a virtual charter school is inadequate and one (1)
5 additional school year is needed for implementation.

6 3. A public school student may transfer to one statewide
7 virtual charter school at any time during a school year. For
8 purposes of this subsection, "school year" shall mean July 1 through
9 the following June 30. After one statewide virtual charter school
10 transfer during a school year, no public school student shall be
11 permitted to transfer to any other statewide virtual charter school
12 without the concurrence of both the resident school district and the
13 receiving virtual charter school. A student shall have a grace
14 period of fifteen (15) school days from the first day of enrollment
15 in a statewide virtual charter school to withdraw without academic
16 penalty and shall continue to have the option of one virtual charter
17 school transfer without the concurrence of both districts during
18 that same school year. A statewide virtual charter school student
19 that has utilized the allowable one transfer pursuant to this
20 subsection shall not be permitted to transfer to another district or
21 other statewide virtual charter school without first notifying his
22 or her resident district and initiating a new transfer. Upon
23 cancellation of a transfer the virtual charter school shall transmit
24 the student's records to the student's new school district within

1 three (3) school days. Students enrolled in a statewide virtual
2 charter school shall not be required to submit a virtual charter
3 transfer for consecutive years of enrollment. Any student enrolled
4 in a statewide virtual charter school the year prior to the
5 implementation of this section shall not be required to submit a
6 transfer in order to remain enrolled.

7 4. For purposes of this subsection, "parent" shall mean the
8 parent of the student or person having custody of the student as
9 provided for in paragraph 1 of subsection A of Section 1-113 of this
10 title.

11 I. 1. A student shall be eligible to enroll in a statewide
12 virtual charter school if he or she is a student whose parent or
13 legal guardian is transferred or is pending transfer to a military
14 installation within this state while on active military duty
15 pursuant to an official military order.

16 2. A statewide virtual charter school shall accept applications
17 by electronic means for enrollment and course registration for
18 students described in paragraph 1 of this subsection.

19 3. The parent or legal guardian of a student described in
20 paragraph 1 of this subsection shall provide proof of residence in
21 this state within ten (10) days after the published arrival date
22 provided on official documentation. A parent or legal guardian may
23 use the following addresses as proof of residence:

24 a. a temporary on-base billeting facility,

1 **b.** a purchased or leased home or apartment, or

2 **c.** federal government or public-private venture off-base
3 military housing.

4 **4.** The provisions of paragraph 3 of subsection H shall apply to
5 students described in paragraph 1 of this subsection.

6 **5.** For purposes of this subsection:

7 **a.** "active military duty" means full-time military duty
8 status in the active uniformed service of the United
9 States including members of the National Guard and
10 Military Reserve on active duty orders, and

11 **b.** "military installation" means a base, camp, post,
12 station, yard, center, homeport facility for any ship
13 or other installation under the jurisdiction of the
14 Department of Defense or the United States Coast
15 Guard.

16 **J.** A virtual charter school shall not accept or deny a transfer
17 based on ethnicity, national origin, gender, income level, disabling
18 condition, proficiency in the English language, measure of
19 achievement, aptitude or athletic ability.

20 ~~J.~~ **K.** The decision of the Statewide Virtual Charter School
21 Board to deny, nonrenew or terminate the charter contract of a
22 statewide virtual charter school may be appealed to the State Board
23 of Education within thirty (30) days of the decision by the
24 Statewide Virtual Charter School Board. The State Board of

1 Education shall act on the appeal within sixty (60) days of receipt
2 of the request from the statewide virtual charter school applicant.
3 The State Board of Education may reverse the decision of the
4 Statewide Virtual Charter School Board or may remand the matter back
5 to the Statewide Virtual Charter School Board for further proceeding
6 as directed.

7 SECTION 2. This act shall become effective July 1, 2021.

8 SECTION 3. It being immediately necessary for the preservation
9 of the public peace, health or 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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13 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 03/31/2021
14 - DO PASS.

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