

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 69

By: Simpson

AS INTRODUCED

An Act relating to statewide virtual charter schools; amending Section 5, Chapter 367, O.S.L. 2012, as last amended by Section 2, Chapter 27, O.S.L. 2020 (70 O.S. Supp. 2020, Section 3-145.3), which relates to powers and duties of the Statewide Virtual Charter School Board; directing a student to be eligible to enroll in a statewide virtual charter school if his or her parent or legal guardian is on certain active duty and subject to certain transfer; directing a statewide virtual charter school to accept certain application by electronic means; requiring a parent or legal guardian to provide certain proof within certain time period; providing for addresses to be used as certain proof; making certain provisions 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. 2020 (70 O.S. Supp. 2020, Section 3-145.3), is amended to read as follows:

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

4 1. Provide oversight of the operations of statewide virtual
5 charter schools in this state;

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

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

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

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

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

18 D. As calculated as provided for in Section 3-142 of this
19 title, a statewide virtual charter school shall receive the State
20 Aid allocation and any other state-appropriated revenue generated by
21 students enrolled in the virtual charter school for the applicable
22 year, less up to five percent (5%) of the State Aid allocation,
23 which may be retained by the Statewide Virtual Charter School Board
24 for administrative expenses and to support the mission of the Board.

1 A statewide virtual charter school shall be eligible for any other
2 funding any other charter school is eligible for as provided for in
3 Section 3-142 of this title. Each statewide virtual charter school
4 shall be considered a separate local education agency for purposes
5 of reporting and accountability.

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

13 F. A virtual charter school governing body shall be responsible
14 for the policies that govern the operational decisions of the
15 virtual charter school. The governing body of a virtual charter
16 school shall be subject to the same conflict of interest
17 requirements as a member of a local school board including, but not
18 limited to, Sections 5-113 and 5-124 of this title. Members
19 appointed to the governing body of a virtual charter school after
20 July 1, 2019, shall be subject to the same instruction and
21 continuing education requirements as a member of a local school
22 board and pursuant to Section 5-110 of this title, complete twelve
23 (12) hours of instruction within fifteen (15) months of appointment
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1 to the governing body, and pursuant to Section 5-110.1 of this
2 title, attend continuing education.

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

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

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

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

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

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

9 1. 1. A student shall be eligible to enroll in a statewide
10 virtual charter school if he or she is a student whose parent or
11 legal guardian is transferred or is pending transfer to a military
12 installation within this state while on active military duty
13 pursuant to an official military order.

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

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

22 a. a temporary on-base billeting facility,

23 b. a purchased or leased home or apartment, or
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1 c. federal government or public-private venture off-base
2 military housing.

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

5 5. For purposes of this subsection:

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

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

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

19 ~~J.~~ K. The decision of the Statewide Virtual Charter School
20 Board to deny, nonrenew or terminate the charter contract of a
21 statewide virtual charter school may be appealed to the State Board
22 of Education within thirty (30) days of the decision by the
23 Statewide Virtual Charter School Board. The State Board of
24 Education shall act on the appeal within sixty (60) days of receipt

1 of the request from the statewide virtual charter school applicant.
2 The State Board of Education may reverse the decision of the
3 Statewide Virtual Charter School Board or may remand the matter back
4 to the Statewide Virtual Charter School Board for further proceeding
5 as directed.

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

7 SECTION 3. It being immediately necessary for the preservation
8 of the public peace, health or safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.
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