

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1595

By: Provenzano

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6 AS INTRODUCED

7 An Act relating to schools; amending Section 5,
8 Chapter 367, O.S.L. 2012, as last amended by Section
9 2, Chapter 27, O.S.L. 2020 (70 O.S. Supp. 2020,
10 Section 3-145.3), which relates to virtual charter
11 schools; prescribing penalty for untimely
12 transmission of student records; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY Section 5, Chapter 367, O.S.L.
16 2012, as last amended by Section 2, Chapter 27, O.S.L. 2020 (70 O.S.
17 Supp. 2020, Section 3-145.3), is amended to read as follows:

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

21 1. Provide oversight of the operations of statewide virtual
22 charter schools in this state;

23 2. Establish a procedure for accepting, approving and
24 disapproving statewide virtual charter school applications and a
process for renewal or revocation of approved charter school

1 contracts which minimally meet the procedures set forth in the
2 Oklahoma Charter Schools Act;

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

15 4. In conjunction with the Office of Management and Enterprise
16 Services, negotiate and enter into contracts with supplemental
17 online course providers to offer a state rate price to school
18 districts for supplemental online courses that have been reviewed
19 and certified by the Statewide Virtual Charter School Board and
20 listed as provided for in paragraph 3 of this 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, except as provided in subsection H of
2 this section, the geographic boundaries of each statewide virtual
3 charter school shall be the borders of the state.

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

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

22 E. A virtual charter school shall be subject to the same
23 reporting requirements, financial audits, audit procedures and audit
24 requirements as a school district. The State Department of

1 Education or State Auditor and Inspector may conduct financial,
2 program or compliance audits. A virtual charter school shall use
3 the Oklahoma Cost Accounting System (OCAS) to report financial
4 transactions to the State Department of Education.

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

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

1 H. 1. Beginning with the 2021-2022 school year, public school
2 students who wish to enroll in a virtual charter school shall be
3 considered a transfer student from their resident school district.
4 A virtual charter school shall pre-enroll any public school student
5 whose parent expresses intent to enroll in the district. Upon pre-
6 enrollment, the State Department of Education shall initiate a
7 transfer on a form to be completed by the receiving virtual charter
8 school. Upon approval of the receiving virtual charter school, the
9 student may begin instructional activities. Upon notice that a
10 public school student has transferred to a virtual charter school,
11 the resident school district shall transmit the student's records
12 within three (3) school days.

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

18 3. A public school student may transfer to one statewide
19 virtual charter school at any time during a school year. For
20 purposes of this subsection, "school year" shall mean July 1 through
21 the following June 30. After one statewide virtual charter school
22 transfer during a school year, no public school student shall be
23 permitted to transfer to any other statewide virtual charter school
24 without the concurrence of both the resident school district and the

1 receiving virtual charter school. A student shall have a grace
2 period of fifteen (15) school days from the first day of enrollment
3 in a statewide virtual charter school to withdraw without academic
4 penalty and shall continue to have the option of one virtual charter
5 school transfer without the concurrence of both districts during
6 that same school year. A statewide virtual charter school student
7 that has utilized the allowable one transfer pursuant to this
8 subsection shall not be permitted to transfer to another district or
9 other statewide virtual charter school without first notifying his
10 or her resident district and initiating a new transfer. Upon
11 cancellation of a transfer the virtual charter school shall transmit
12 the student's records to the student's new school district within
13 three (3) school days. Students enrolled in a statewide virtual
14 charter school shall not be required to submit a virtual charter
15 transfer for consecutive years of enrollment. Any student enrolled
16 in a statewide virtual charter school the year prior to the
17 implementation of this section shall not be required to submit a
18 transfer in order to remain enrolled.

19 4. For purposes of this subsection, "parent" shall mean the
20 parent of the student or person having custody of the student as
21 provided for in paragraph 1 of subsection A of Section 1-113 of this
22 title.

23 5. Failure to transmit student records within three (3) school
24 days as required in paragraphs 1 and 3 of this subsection shall

1 result in a penalty to be determined by the State Department of
2 Education.

3 I. A virtual charter school shall not accept or deny a transfer
4 based on ethnicity, national origin, gender, income level, disabling
5 condition, proficiency in the English language, measure of
6 achievement, aptitude or athletic ability.

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

17 SECTION 2. This act shall become effective November 1, 2021.

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