

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1855

By: Fugate

AS INTRODUCED

An Act relating to virtual charter schools; amending 70 O.S. 2011, Section 3-104, as last amended by Section 1, Chapter 271, O.S.L. 2013 (70 O.S. Supp. 2020, Section 3-104), which relates to State Board of Education powers and duties; striking reference to Statewide Virtual Charter School Board; amending 70 O.S. 2011, Section 3-142, as last amended by Section 1, Chapter 122, O.S.L. 2020 (70 O.S. Supp. 2020, Section 3-142), which relates to charter school funding; transferring sponsorship authority to the State Board of Education; amending Section 3, as amended by Section 4, Chapter 212, O.S.L. 2013, Section 5, as last amended by Section 2, Chapter 27, O.S.L. 2020, and Sections 6 and 7, Chapter 367, O.S.L. 2012, as amended by Sections 6 and 7, Chapter 212, O.S.L. 2013, Section 1, Chapter 225, O.S.L. 2015 and Section 1, Chapter 247, O.S.L. 2017, as amended by Section 3, Chapter 27, O.S.L. 2020 (70 O.S. Supp. 2020, 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 Board of Education; removing appeals process; directing State Board of Education to promulgate rules; providing for succession of certain contractual rights; changing revolving fund beneficiary; altering name of revolving fund; authorizing expenditure of funds by State Board of Education; modifying purpose and mission of fund; updating reference to State Board of Education; authorizing promulgation of rules; amending Section 1, Chapter 86, O.S.L. 2020 (70 O.S.

1 Supp. 2020, Section 1210.704), which relates to
2 advanced placement courses; modifying entity that may
3 provide access to advance placement courses;
4 directing Board to maintain an online learning
5 platform; repealing Section 4, Chapter 367, O.S.L.
6 2012 (70 O.S. Supp. 2020, Section 3-145.2), which
7 relates to Statewide Virtual Charter School Board
8 meetings; and providing an effective date.

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

10 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-104, as
11 last amended by Section 1, Chapter 271, O.S.L. 2013 (70 O.S. Supp.
12 2020, Section 3-104), is amended to read as follows:

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

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

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

23 3. Submit to the Governor a departmental budget based upon
24 major functions of the Department as prepared by the State
25 Superintendent of Public Instruction and supported by detailed data
26 on needs and proposed operations as partially determined by the

1 budgetary needs of local school districts filed with the State Board
2 of Education for the ensuing fiscal year. Appropriations therefor
3 shall be made in lump-sum form for each major item in the budget as
4 follows:

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

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

- a. detailed statistics and other information concerning enrollment, attendance, expenditures including State Aid, and other pertinent data for all public schools in this state,
- b. reports from each and every division within the State Department of Education as submitted by the State Superintendent of Public Instruction and any other division, department, institution or other agency under the supervision of the Board,
- c. recommendations for the improvement of the public school system of the state,
- d. a statement of the receipts and expenditures of the State Board of Education for the past year, and
- e. a statement of plans and recommendations for the management and improvement of public schools and such other information relating to the educational interests of the state as may be deemed necessary and desirable;

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

6. Have authority in matters pertaining to the licensure and certification of persons for instructional, supervisory and administrative positions and services in the public schools of the

1 state subject to the provisions of Section 6-184 of this title, and
2 shall formulate rules governing the issuance and revocation of
3 certificates for superintendents of schools, principals,
4 supervisors, librarians, clerical employees, school nurses, school
5 bus drivers, visiting teachers, classroom teachers and for other
6 personnel performing instructional, administrative and supervisory
7 services, but not including members of boards of education and other
8 employees who do not work directly with pupils, and may charge and
9 collect reasonable fees for the issuance of such certificates:

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

1 convicted, received a suspended sentence or received a
2 deferred judgment for a crime or attempted crime
3 which, if committed or attempted in this state, would
4 be a crime or an attempt to commit a crime provided
5 for in any of said laws,

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

1 1997, the State Board of Education shall have
2 authority for approval of teacher education programs.
3 The State Board of Education shall also have authority
4 for the administration of teacher residency and
5 professional development, subject to the provisions of
6 the Oklahoma Teacher Preparation Act;

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

16 Any school district which maintains an elementary school and
17 faces the necessity of relocating its school facilities because of
18 construction of a lake, either by state or federal authority, which
19 will inundate the school facilities, shall be entitled to receive
20 probationary accreditation from the State Board of Education for a
21 period of five (5) years after the effective date of this act and
22 any school district, otherwise qualified, shall be entitled to
23 receive probationary accreditation from the State Board of Education
24 for a period of two (2) consecutive years to attain the minimum

1 average daily attendance. The Head Start and public nurseries or
2 kindergartens operated from Community Action Program funds shall not
3 be subjected to the accrediting rules of the State Board of
4 Education. Neither will the State Board of Education make rules
5 affecting the operation of the public nurseries and kindergartens
6 operated from federal funds secured through Community Action
7 Programs even though they may be operating in the public schools of
8 the state. However, any of the Head Start or public nurseries or
9 kindergartens operated under federal regulations may make
10 application for accrediting from the State Board of Education but
11 will be accredited only if application for the approval of the
12 programs is made. The status of no school district shall be changed
13 which will reduce it to a lower classification until due notice has
14 been given to the proper authorities thereof and an opportunity
15 given to correct the conditions which otherwise would be the cause
16 of such reduction.

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

23 8. Be the legal agent of the State of Oklahoma to accept, in
24 its discretion, the provisions of any Act of Congress appropriating

1 or apportioning funds which are now, or may hereafter be, provided
2 for use in connection with any phase of the system of public
3 education in Oklahoma. It shall prescribe such rules as it finds
4 necessary to provide for the proper distribution of such funds in
5 accordance with the state and federal laws;

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

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

22 11. Have authority to secure and administer the benefits of the
23 National School Lunch Act, Public Law 396 of the 79th Congress of
24 the United States, in the State of Oklahoma and is hereby authorized

1 to employ or appoint and fix the compensation of such additional
2 officers or employees and to incur such expenses as may be necessary
3 for the accomplishment of the above purpose, administer the
4 distribution of any state funds appropriated by the Legislature
5 required as federal matching to reimburse on children's meals;

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

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

20 14. Have general supervision of the school lunch program. The
21 State Board of Education may sponsor workshops for personnel and
22 participants in the school lunch program and may develop, print and
23 distribute free of charge or sell any materials, books and bulletins
24 to be used in such school lunch programs. There is hereby created

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

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

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

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

23 18. Provide for the supervision of the transportation of
24 pupils;

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 1, Chapter 122, O.S.L. 2020 (70 O.S. Supp.
7 2020, 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 three percent (3%) 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 three percent (3%) of the State Aid allocation may be charged
9 by 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. A sponsor of a charter school shall not
15 retain any additional State Aid allocation or charge the charter
16 school any additional fee above the amounts allowed by this
17 subsection unless the additional fees are for additional services
18 rendered. The charter school sponsor shall provide to the State
19 Department of Education financial records documenting any state
20 funds retained by the sponsor for administrative services rendered
21 for the previous year.

22 B. 1. The weighted average daily membership for the first year
23 of operation of a charter school shall be determined initially by
24 multiplying the actual enrollment of students as of August 1 by

1 1.333. The charter school shall receive revenue equal to that which
2 would be generated by the estimated weighted average daily
3 membership calculated pursuant to this paragraph. At midyear, the
4 allocation for the charter school shall be adjusted using the first
5 quarter weighted average daily membership for the charter school
6 calculated pursuant to subsection A of this section.

7 2. For the purpose of calculating weighted average daily
8 membership pursuant to Section 18-201.1 of this title and State Aid
9 pursuant to Section 18-200.1 of this title, the weighted average
10 daily membership for the first year of operation and each year
11 thereafter of a full-time virtual charter school shall be determined
12 by multiplying the actual enrollment of students as of August 1 by

13 1.333. The full-time virtual charter school shall receive revenue
14 equal to that which would be generated by the estimated weighted
15 average daily membership calculated pursuant to this paragraph. At
16 midyear, the allocation for the full-time virtual charter school
17 shall be adjusted using the first quarter weighted average daily
18 membership for the virtual charter school calculated pursuant to
19 subsection A of this section.

20 C. A charter school shall be eligible to receive any other aid,
21 grants or revenues allowed to other schools. A charter school
22 sponsored by the board of education of a technology center school
23 district, a higher education institution, the State Board of
24 Education, or a federally recognized Indian tribe shall be

1 considered a local education agency for purposes of funding. A
2 charter school sponsored by a board of education of a school
3 district shall be considered a local education agency for purposes
4 of federal funding.

5 D. A charter school, in addition to the money received from the
6 state, may receive money from any other source. Any unexpended
7 funds may be reserved and used for future purposes. The governing
8 body of a charter school shall not levy taxes or issue bonds. If
9 otherwise allowed by law, the governing body of a charter school may
10 enter into private contracts for the purposes of borrowing money
11 from lenders. If the governing body of the charter school borrows
12 money, the charter school shall be solely responsible for repaying
13 the debt, and the state or the sponsor shall not in any way be
14 responsible or obligated to repay the debt.

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

17 F. Except as otherwise provided in this subsection, each
18 charter school shall pay to the Charter School Closure Reimbursement
19 Revolving Fund created in subsection G of this section an amount
20 equal to Five Dollars (\$5.00) per student based on average daily
21 membership, as defined by paragraph 2 of Section 18-107 of this
22 title, during the first nine (9) weeks of the school year. Each
23 charter school shall complete the payment every school year within
24 thirty (30) days after the first nine (9) weeks of the school year.

1 If the Charter School Closure Reimbursement Revolving Fund has a
2 balance of One Million Dollars (\$1,000,000.00) or more on July 1, no
3 payment shall be required the following school year.

4 G. There is hereby created in the State Treasury a revolving
5 fund for the State Department of Education to be designated the
6 "Charter School Closure Reimbursement Revolving Fund". The fund
7 shall be a continuing fund, not subject to fiscal year limitations,
8 and shall consist of all monies received by the State Department of
9 Education from charter schools as provided in subsection F of this
10 section. All monies accruing to the credit of said fund are hereby
11 appropriated and may be budgeted and expended by the State
12 Department of Education for the purpose of reimbursing charter
13 school sponsors for costs incurred due to the closure of a charter
14 school. Expenditures from said fund shall be made upon warrants
15 issued by the State Treasurer against claims filed as prescribed by
16 law with the Director of the Office of Management and Enterprise
17 Services for approval and payment. The State Department of
18 Education may promulgate rules regarding sponsor eligibility for
19 reimbursement.

20 SECTION 3. AMENDATORY Section 3, Chapter 367, O.S.L.
21 2012, as amended by Section 4, Chapter 212, O.S.L. 2013 (70 O.S.
22 Supp. 2020, Section 3-145.1), is amended to read as follows:

23 Section 3-145.1 ~~A. There is hereby created the Statewide~~
24 ~~Virtual Charter School Board.~~ The State Board of Education shall

1 have the sole authority to authorize and sponsor statewide virtual
2 charter schools in this state. ~~The Board shall be composed of five~~
3 ~~(5) voting members as follows:~~

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

6 ~~2. Two members appointed by the President Pro Tempore of the~~
7 ~~Senate, one of whom shall be a resident and elector of the First~~
8 ~~Congressional District and one of whom shall be a resident and~~
9 ~~elector of the Third Congressional District;~~

10 ~~3. Two members appointed by the Speaker of the House of~~
11 ~~Representatives, one of whom shall be a resident and elector of the~~
12 ~~Second Congressional District and one of whom shall be a resident~~
13 ~~and elector of the Fourth Congressional District; and~~

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

17 ~~B. Initial appointments shall be made by August 1, 2012. The~~
18 ~~President Pro Tempore of the Senate and the Speaker of the House of~~
19 ~~Representatives shall each appoint one member for one (1) year and~~
20 ~~one member for three (3) years. The Governor shall appoint one~~
21 ~~member for two (2) years. Members shall serve until their~~
22 ~~successors are duly appointed for a term of three (3) years.~~
23 ~~Appointments shall be made by and take effect on November 1 of the~~

~~year in which the appointment is made. Annually by December 30 the Board shall elect from its membership a chair and vice-chair.~~

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

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

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

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

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

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

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

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

SECTION 4. 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 Oklahoma
2 Charter Schools Act, the ~~Statewide Virtual Charter School~~ State
3 Board of Education 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~~ State Board of Education to ensure that the
14 courses are high-quality options and are aligned with the subject
15 matter standards adopted by the ~~State Board of Education~~ pursuant to
16 Section 11-103.6 of this title. The ~~Statewide Virtual Charter~~
17 ~~School~~ State Board of Education shall give special emphasis on
18 listing supplemental online courses in science, technology,
19 engineering and math (STEM), foreign language and advanced placement
20 courses. School districts shall not be limited to selecting
21 supplemental online courses that have been reviewed and certified by
22 the ~~Statewide Virtual Charter School~~ State Board of Education and
23 listed as provided for in this paragraph; and
24

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~~ State Board of
6 Education and listed as provided for in paragraph 3 of this
7 subsection.

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

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

21 D. As calculated as provided for in Section 3-142 of this
22 title, a statewide virtual charter school shall receive the State
23 Aid allocation and any other state-appropriated revenue generated by
24 students enrolled in the virtual charter school for the applicable

1 year, less up to five percent (5%) of the State Aid allocation,
2 which may be retained by the ~~Statewide Virtual Charter School~~ State
3 Board of Education for administrative expenses and to support the
4 mission of the Board. A statewide virtual charter school shall be
5 eligible for any other funding any other charter school is eligible
6 for as provided for in Section 3-142 of this title. Each statewide
7 virtual charter school shall be considered a separate local
8 education agency for purposes of reporting and accountability.

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

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

1 board and pursuant to Section 5-110 of this title, complete twelve
2 (12) hours of instruction within fifteen (15) months of appointment
3 to the governing body, and pursuant to Section 5-110.1 of this
4 title, attend continuing education.

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

13 H. 1. Beginning with the 2021-2022 school year, public school
14 students who wish to enroll in a virtual charter school shall be
15 considered a transfer student from their resident school district.
16 A virtual charter school shall pre-enroll any public school student
17 whose parent expresses intent to enroll in the district. Upon pre-
18 enrollment, the State Department of Education shall initiate a
19 transfer on a form to be completed by the receiving virtual charter
20 school. Upon approval of the receiving virtual charter school, the
21 student may begin instructional activities. Upon notice that a
22 public school student has transferred to a virtual charter school,
23 the resident school district shall transmit the student's records
24 within three (3) 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. A virtual charter school shall not accept or deny a transfer
12 based on ethnicity, national origin, gender, income level, disabling
13 condition, proficiency in the English language, measure of
14 achievement, aptitude or athletic ability.

15 ~~J. The decision of the Statewide Virtual Charter School Board~~
16 ~~to deny, nonrenew or terminate the charter contract of a statewide~~
17 ~~virtual charter school may be appealed to the State Board of~~
18 ~~Education within thirty (30) days of the decision by the Statewide~~
19 ~~Virtual Charter School Board. The State Board of Education shall~~
20 ~~act on the appeal within sixty (60) days of receipt of the request~~
21 ~~from the statewide virtual charter school applicant. The State~~
22 ~~Board of Education may reverse the decision of the Statewide Virtual~~
23 ~~Charter School Board or may remand the matter back to the Statewide~~
24 ~~Virtual Charter School Board for further proceeding as directed.~~

1 SECTION 5. AMENDATORY Section 6, Chapter 367, O.S.L.
2 2012, as amended by Section 6, Chapter 212, O.S.L. 2013 (70 O.S.
3 Supp. 2020, Section 3-145.4), is amended to read as follows:

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

8 SECTION 6. AMENDATORY Section 7, Chapter 367, O.S.L.
9 2012, as amended by Section 7, Chapter 212, O.S.L. 2013 (70 O.S.
10 Supp. 2020, Section 3-145.5), is amended to read as follows:

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

17 B. Effective ~~July~~ November 1, ~~2014~~ 2021, the ~~Statewide Virtual~~
18 ~~Charter School~~ State Board of Education shall succeed to any
19 contractual rights and responsibilities incurred by a school
20 district in a virtual charter school contract executed prior to
21 ~~January~~ November 1, ~~2014~~ 2021, with a provider to provide full-time
22 virtual education to students who do not reside within the school
23 district boundaries. All property, equipment, supplies, records,
24 assets, current and future liability, encumbrances, obligations and

1 indebtedness associated with the contract shall be transferred to
2 the ~~Statewide Virtual Charter School~~ State Board of Education.
3 Appropriate conveyances and other documents shall be executed to
4 effectuate the transfer of any property associated with the
5 contract. Upon succession of the contract, the Board shall assume
6 sponsorship of the virtual charter school for the remainder of the
7 term of the contract. Prior to the end of the current term of the
8 contract, the Board shall allow the provider of the virtual charter
9 school to apply for renewal of the contract with the Board in
10 accordance with the renewal procedures established pursuant to
11 Section 3-145.3 of this title.

12 SECTION 7. AMENDATORY Section 1, Chapter 225, O.S.L.
13 2015 (70 O.S. Supp. 2020, Section 3-145.7), is amended to read as
14 follows:

15 Section 3-145.7 There is hereby created in the State Treasury a
16 revolving fund for the ~~Statewide Virtual Charter School~~ State Board
17 of Education to be designated the "Statewide Virtual Charter School
18 ~~Board~~ Revolving Fund". The fund shall be a continuing fund, not
19 subject to fiscal year limitations, and shall consist of all monies
20 received by the ~~Statewide Virtual Charter School~~ State Board of
21 Education from State Aid pursuant to Section 3-145.3 of ~~Title 70 of~~
22 ~~the Oklahoma Statutes~~ this title or any other state appropriation.
23 All monies accruing to the credit of the fund are hereby
24 appropriated and may be budgeted and expended by the ~~Statewide~~

1 ~~Virtual Charter School~~ State Board of Education for the purpose of
2 supporting the mission of ~~the Statewide Virtual Charter School Board~~
3 statewide virtual charter schools. Expenditures from the fund shall
4 be made upon warrants issued by the State Treasurer against claims
5 filed as prescribed by law with the Director of the Office of
6 Management and Enterprise Services for approval and payment.

7 SECTION 8. AMENDATORY Section 1, Chapter 247, O.S.L.
8 2017, as amended by Section 3, Chapter 27, O.S.L. 2020 (70 O.S.
9 Supp. 2020, Section 3-145.8), is amended to read as follows:

10 Section 3-145.8 A. It shall be the duty of each virtual
11 charter school approved and sponsored by the ~~Statewide Virtual~~
12 ~~School~~ State Board of Education pursuant to the provisions of
13 Section 3-145.3 of ~~Title 70 of the Oklahoma Statutes~~ this title to
14 keep a full and complete record of the attendance of all students
15 enrolled in the virtual charter school in one of the student
16 information systems approved by the State Department of Education
17 and locally selected by the virtual school from the approved list.

18 B. By July 1, 2020, the governing body of each virtual charter
19 school shall adopt an attendance policy. The policy may allow
20 attendance to be a proportional amount of the required attendance
21 policy provisions based upon the date of enrollment of the student.
22 The attendance policy shall include the following provisions:

23 1. The first date of attendance and membership shall be the
24 first date the student completes an instructional activity.

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

- 3 a. completes instructional activities on no less than
4 ninety percent (90%) of the days within the quarter,
- 5 b. is on pace for on-time completion of the course as
6 defined by the governing board of the virtual charter
7 school, or
- 8 c. completes no less than seventy-two instructional
9 activities within the quarter of the academic year.

10 3. For a student who does not meet any of the criteria set
11 forth in paragraph 1 or 2 of this subsection, the amount of
12 attendance recorded shall be the greater of:

- 13 a. the number of school days during which the student
14 completed the instructional activities during the
15 quarter,
- 16 b. the number of school days proportional to the
17 percentage of the course that has been completed, or
- 18 c. the number of school days proportional to the
19 percentage of the required minimum number of completed
20 instructional activities during the quarter.

21 C. For the purposes of this section, "instructional activities"
22 shall include instructional meetings with a teacher, completed
23 assignments that are used to record a grade for a student that is
24 factored into the student's grade for the semester during which the

1 assignment is completed, testing and school-sanctioned field trips,
2 and orientation.

3 D. Each statewide virtual charter school approved and sponsored
4 by the ~~Statewide Virtual Charter School~~ State Board of Education
5 pursuant to the provisions of Section 3-145.3 of this title shall
6 offer a student orientation, notify the parent or legal guardian and
7 each student who enrolls in that school of the requirement to
8 participate in the student orientation, and require all students
9 enrolled to complete the student orientation prior to completing any
10 other instructional activity. The ~~Statewide Virtual Charter School~~
11 State Board of Education shall promulgate rules to develop materials
12 for orientation.

13 E. Any student that is behind pace and does not complete an
14 instructional activity for a fifteen-school-day period shall be
15 withdrawn for truancy. The virtual charter school shall submit a
16 notification to the parent or legal guardian of a student who has
17 been withdrawn for truancy or is approaching truancy.

18 F. A student who is reported for truancy two times in the same
19 school year shall be withdrawn and prohibited from enrolling in the
20 same virtual charter school for the remainder of the school year.

21 G. The governing body of each statewide virtual charter school
22 shall develop, adopt and post on the school's website a policy
23 regarding consequences for a student's failure to attend school and
24 complete instructional activities. The policy shall state, at a

1 minimum, that if a student fails to consistently attend school and
2 complete instructional activities after receiving a notification
3 pursuant to subsection E of this section and reasonable intervention
4 strategies have been implemented, a student shall be subject to
5 certain consequences including withdrawal from the school for
6 truancy.

7 H. If a statewide virtual charter school withdraws a student
8 pursuant to subsections F and G of this section, the virtual charter
9 school shall immediately notify the student's resident district in
10 writing of the student's disenrollment.

11 I. The provisions of subsections F, G and H of this section
12 shall not be in effect until the implementation of subsection H of
13 Section 3-145.3 of this title.

14 J. The ~~Statewide Virtual Charter School~~ State Board of
15 Education may promulgate rules to implement the provisions of this
16 section.

17 SECTION 9. AMENDATORY Section 1, Chapter 86, O.S.L. 2020
18 (70 O.S. Supp. 2020, Section 1210.704), is amended to read as
19 follows:

20 Section 1210.704 A. Beginning with the 2024-2025 school year,
21 all public high schools in this state shall make a minimum of four
22 advanced placement courses available to students.

23 B. Local boards of education in each district shall be
24 responsible for ensuring annually that all high school students have

1 access to advanced placement courses beginning in the 2024-2025
2 school year. Such access may be provided through enrollment in
3 courses offered through:

- 4 1. A school site or sites within the district;
- 5 2. A career and technology institution within the district;
- 6 3. A program offered by the ~~Statewide Virtual Charter School~~
7 State Board of Education or one of its vendors; or
- 8 4. A school site or sites in another school district.

9 C. The ~~Statewide Virtual Charter School~~ State Board of
10 Education shall maintain an online learning platform to provide
11 high-quality online learning opportunities for Oklahoma students
12 that are aligned with the subject matter standards adopted by the
13 State Board of Education pursuant to Section 11-103.6 of ~~Title 70 of~~
14 ~~the Oklahoma Statutes~~ this title. The Board shall implement online
15 courses, with an emphasis on science, technology, engineering, and
16 math (STEM) courses, foreign language courses and advanced placement
17 courses. The online platform shall be available to all Oklahoma
18 school districts.

19 D. The State Department of Education shall provide information
20 to all local boards of education, to be distributed to their
21 students and parents, on available opportunities and the enrollment
22 process for students to take advanced placement courses. The
23 information shall explain the value of advanced placement courses in
24 preparing students for postsecondary-level coursework, enabling

1 students to gain access to postsecondary opportunities, and
2 qualifying for scholarships and other financial aid opportunities.

3 E. The State Department of Education shall retain records of
4 which options outlined in subsection B of this section local boards
5 of education selected for their students and make the information
6 available on the Department's website.

7 F. As used in this section, "advanced placement course" shall
8 have the same meaning as provided in paragraph 1 of Section 1210.702
9 of ~~Title 70 of the Oklahoma Statutes~~ this title.

10 SECTION 10. REPEALER Section 4, Chapter 367, O.S.L. 2012
11 (70 O.S. Supp. 2020, Section 3-145.2), is hereby repealed.

12 SECTION 11. This act shall become effective November 1, 2021.

13
14 58-1-6897 EK 01/07/21
15
16
17
18
19
20
21
22
23
24