

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2753

By: Baker and McBride

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5
6 AS INTRODUCED

7 An Act relating to schools; amending Section 3-104,
8 as last amended by Section 1, Chapter 271, O.S.L.
9 2013 (70 O.S. Supp. 2020, Section 3-104), which
10 relates to the State Board of Education; modifying
11 sponsoring entity for charter schools; amending
12 Section 1, Chapter 223, O.S.L. 2012, Section 2,
13 Chapter 223, O.S.L. 2012 and Section 3, Chapter 223,
14 O.S.L. 2012 (70 O.S. Supp. 2020, Sections 3-116.2, 3-
15 116.3 and 3-116.4), which relate to the Educational
16 Accountability Reform Act; replacing membership of
17 Commission for Educational Quality and
18 Accountability; providing allocation and revenue to
19 virtual charter schools less certain amount for
20 administrative expenses retained by the Commission;
21 authorizing the renegotiation of contracts; replacing
22 references; abolishing the Statewide Virtual Charter
23 School Board; transferring all duties, powers,
24 liabilities and property of the Statewide Virtual
Charter School Board to the Commission for
Educational Quality and Accountability; transferring
employees; requiring conveyances and documents be
executed by certain date; transferring monies;
transferring contractual rights and responsibilities;
making certain administrative rules enforceable by
the Commission; eliminating certain Office of
Educational Quality and Accountability duties;
amending 70 O.S. 2011, Section 3-117, as amended by
Section 5, Chapter 223, O.S.L. 2012 (70 O.S. Supp.
2020, Section 3-117), which relates to Office of
Educational Quality and Accountability; providing
Administrator of the Office of Educational Quality
and Accountability qualifications, appointment
procedure and compensation; providing powers and
duties of Administrator; amending 70 O.S. 2011,
Section 3-118, as last amended by Section 591,

1 Chapter 304, O.S.L. 2012 (70 O.S. Supp. 2020, Section
2 3-118), which relates to Secretary of Education
3 duties; eliminating certain duties of the Secretary
4 of Education; amending Section 3-142, as last amended
5 by Section 1, Chapter 122, O.S.L. 2020 (70 O.S. Supp.
6 2020, Section 3-142), which relates to charter school
7 funding; updating sponsoring entity for statewide
8 virtual charter schools; amending Section 5, Chapter
9 367, O.S.L. 2012, as last amended by Section 2,
10 Chapter 27, O.S.L. 2020, Section 7, Chapter 367,
11 O.S.L. 2012, as amended by Section 7, Chapter 212,
12 O.S.L. 2013, Section 1, Chapter 225, O.S.L. 2015 and
13 Section 1, Chapter 247, O.S.L. 2017, as amended by
14 Section 3, Chapter 27, O.S.L. 2020 (70 O.S. Supp.
15 2020, Sections 3-145.3, 3-145.5, Section 3-145.7 and
16 3-145.8), which relate to the Oklahoma Charter
17 Schools Act; transferring powers and duties of
18 Statewide Virtual Charter School Board to Commission
19 for Educational Quality and Accountability;
20 eliminating certain appeal procedure; transferring
21 certain contractual rights and responsibilities;
22 renaming certain revolving fund; modifying certain
23 authorized expenditures; updating references;
24 amending 70 O.S. 2011, Section 1210.531, as amended
by Section 14, Chapter 223, O.S.L. 2012 (70 O.S.
Supp. 2020, Section 1210.531), which relates to the
Oklahoma Educational Indicators Program; requiring
State Department of Education to make certain data
available to the Office of Educational Quality and
Accountability; amending Section 1, Chapter 86,
O.S.L. 2020 (70 O.S. Supp. 2020, Section 1210.704).
which relates to advanced placement courses;
modifying entities that may provide access to
advanced placement courses; directing Commission to
maintain an online learning platform; repealing
Section 3, Chapter 367, O.S.L. 2012, as amended by
Section 4, Chapter 212, O.S.L. 2013, Section 4,
Chapter 367, O.S.L. 2012 and Section 6, Chapter 367,
O.S.L. 2012, as amended by Section 6, Chapter 212,
O.S.L. 2013 (70 O.S. Supp. 2020, Sections 3-145.1, 3-
145.2 and 3-145.4), which relate to the Statewide
Virtual Charter School Board; and declaring an
emergency.

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

2 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-104, as
3 last amended by Section 1, Chapter 271, O.S.L. 2013 (70 O.S. Supp.
4 2020, Section 3-104), is amended to read as follows:

5 Section 3-104. The supervision of the public school system of
6 Oklahoma shall be vested in the State Board of Education and,
7 subject to limitations otherwise provided by law, the State Board of
8 Education shall:

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

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

15 3. Submit to the Governor a departmental budget based upon
16 major functions of the Department as prepared by the State
17 Superintendent of Public Instruction and supported by detailed data
18 on needs and proposed operations as partially determined by the
19 budgetary needs of local school districts filed with the State Board
20 of Education for the ensuing fiscal year. Appropriations therefor
21 shall be made in lump-sum form for each major item in the budget as
22 follows:

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

14 4. On the first day of December preceding each regular session
15 of the Legislature, prepare and deliver to the Governor and the
16 Legislature a report for the year ending June 30 immediately
17 preceding the regular session of the Legislature. The report shall
18 contain:

- 19 a. detailed statistics and other information concerning
20 enrollment, attendance, expenditures including State
21 Aid, and other pertinent data for all public schools
22 in this state,
23 b. reports from each and every division within the State
24 Department of Education as submitted by the State

1 Superintendent of Public Instruction and any other
2 division, department, institution or other agency
3 under the supervision of the Board,

4 c. recommendations for the improvement of the public
5 school system of the state,

6 d. a statement of the receipts and expenditures of the
7 State Board of Education for the past year, and

8 e. a statement of plans and recommendations for the
9 management and improvement of public schools and such
10 other information relating to the educational
11 interests of the state as may be deemed necessary and
12 desirable;

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

16 6. Have authority in matters pertaining to the licensure and
17 certification of persons for instructional, supervisory and
18 administrative positions and services in the public schools of the
19 state subject to the provisions of Section 6-184 of this title, and
20 shall formulate rules governing the issuance and revocation of
21 certificates for superintendents of schools, principals,
22 supervisors, librarians, clerical employees, school nurses, school
23 bus drivers, visiting teachers, classroom teachers and for other
24 personnel performing instructional, administrative and supervisory

1 services, but not including members of boards of education and other
2 employees who do not work directly with pupils, and may charge and
3 collect reasonable fees for the issuance of such certificates:

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

1 b. all funds collected by the State Department of
2 Education for the issuance of certificates to
3 instructional, supervisory and administrative
4 personnel in the public schools of the state shall be
5 deposited in the "Teachers' Certificate Fund" in the
6 State Treasury and may be expended by the State Board
7 of Education to finance the activities of the State
8 Department of Education necessary to administer the
9 program, for consultative services, publication costs,
10 actual and necessary travel expenses as provided in
11 the State Travel Reimbursement Act incurred by persons
12 performing research work, and other expenses found
13 necessary by the State Board of Education for the
14 improvement of the preparation and certification of
15 teachers in Oklahoma. Provided, any unobligated
16 balance in the Teachers' Certificate Fund in excess of
17 Ten Thousand Dollars (\$10,000.00) on June 30 of any
18 fiscal year shall be transferred to the General
19 Revenue Fund of the State of Oklahoma. Until July 1,
20 1997, the State Board of Education shall have
21 authority for approval of teacher education programs.
22 The State Board of Education shall also have authority
23 for the administration of teacher residency and
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1 professional development, subject to the provisions of
2 the Oklahoma Teacher Preparation Act;

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

12 Any school district which maintains an elementary school and
13 faces the necessity of relocating its school facilities because of
14 construction of a lake, either by state or federal authority, which
15 will inundate the school facilities, shall be entitled to receive
16 probationary accreditation from the State Board of Education for a
17 period of five (5) years after the effective date of this act and
18 any school district, otherwise qualified, shall be entitled to
19 receive probationary accreditation from the State Board of Education
20 for a period of two (2) consecutive years to attain the minimum
21 average daily attendance. The Head Start and public nurseries or
22 kindergartens operated from Community Action Program funds shall not
23 be subjected to the accrediting rules of the State Board of
24 Education. Neither will the State Board of Education make rules

1 affecting the operation of the public nurseries and kindergartens
2 operated from federal funds secured through Community Action
3 Programs even though they may be operating in the public schools of
4 the state. However, any of the Head Start or public nurseries or
5 kindergartens operated under federal regulations may make
6 application for accrediting from the State Board of Education but
7 will be accredited only if application for the approval of the
8 programs is made. The status of no school district shall be changed
9 which will reduce it to a lower classification until due notice has
10 been given to the proper authorities thereof and an opportunity
11 given to correct the conditions which otherwise would be the cause
12 of such reduction.

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

19 8. Be the legal agent of the State of Oklahoma to accept, in
20 its discretion, the provisions of any Act of Congress appropriating
21 or apportioning funds which are now, or may hereafter be, provided
22 for use in connection with any phase of the system of public
23 education in Oklahoma. It shall prescribe such rules as it finds
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1 necessary to provide for the proper distribution of such funds in
2 accordance with the state and federal laws;

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

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

19 11. Have authority to secure and administer the benefits of the
20 National School Lunch Act, Public Law 396 of the 79th Congress of
21 the United States, in the State of Oklahoma and is hereby authorized
22 to employ or appoint and fix the compensation of such additional
23 officers or employees and to incur such expenses as may be necessary
24 for the accomplishment of the above purpose, administer the

1 distribution of any state funds appropriated by the Legislature
2 required as federal matching to reimburse on children's meals;

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

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

17 14. Have general supervision of the school lunch program. The
18 State Board of Education may sponsor workshops for personnel and
19 participants in the school lunch program and may develop, print and
20 distribute free of charge or sell any materials, books and bulletins
21 to be used in such school lunch programs. There is hereby created
22 in the State Treasury a revolving fund for the Board, to be
23 designated the School Lunch Workshop Revolving Fund. The fund shall
24 consist of all fees derived from or on behalf of any participant in

1 any such workshop sponsored by the State Board of Education, or from
2 the sale of any materials, books and bulletins, and such funds shall
3 be disbursed for expenses of such workshops and for developing,
4 printing and distributing of such materials, books and bulletins
5 relating to the school lunch program. The fund shall be
6 administered in accordance with Section 155 of Title 62 of the
7 Oklahoma Statutes;

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

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

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

20 18. Provide for the supervision of the transportation of
21 pupils;

22 19. Have authority, upon request of the local school board, to
23 act in behalf of the public schools of the state in the purchase of
24 transportation equipment;

1 20. Have authority and is hereby required to perform all duties
2 necessary to the administration of the public school system in
3 Oklahoma as specified in the Oklahoma School Code; and, in addition
4 thereto, those duties not specifically mentioned herein if not
5 delegated by law to any other agency or official;

6 21. Administer the State Public Common School Building
7 Equalization Fund established by Section 32 of Article X of the
8 Oklahoma Constitution. Any monies as may be appropriated or
9 designated by the Legislature, other than ad valorem taxes, any
10 other funds identified by the State Department of Education, which
11 may include, but not be limited to, grants-in-aid from the federal
12 government for building purposes, the proceeds of all property that
13 shall fall to the state by escheat, penalties for unlawful holding
14 of real estate by corporations, and capital gains on assets of the
15 permanent school funds, shall be deposited in the State Public
16 Common School Building Equalization Fund. The fund shall be used to
17 aid school districts and charter schools in acquiring buildings,
18 subject to the limitations fixed by Section 32 of Article X of the
19 Oklahoma Constitution. It is hereby declared that the term
20 "acquiring buildings" as used in Section 32 of Article X of the
21 Oklahoma Constitution shall mean acquiring or improving school
22 sites, constructing, repairing, remodeling or equipping buildings,
23 or acquiring school furniture, fixtures, or equipment. For charter
24 schools, the fund shall only be used to acquire buildings in which

1 students enrolled in the charter school will be attending. It is
2 hereby declared that the term "school districts" as used in Section
3 32 of Article X of the Oklahoma Constitution shall mean school
4 districts and charter schools created pursuant to the provisions of
5 the Oklahoma Charter Schools Act. If sufficient monies are
6 available in the fund, the Board shall solicit proposals for grants
7 from school districts and charter schools and shall determine the
8 process for consideration of proposals. Grants shall be awarded
9 only to school districts which have a total assessed property
10 valuation per average daily membership that is less than the state
11 average total assessed property valuation per average daily
12 membership and, at the time of application, the district has voted
13 the five-mill building fund levy authorized in Section 10 of Article
14 X of the Oklahoma Constitution, and has voted indebtedness through
15 the issuance of new bonds for at least fifty percent (50%) within
16 the last three (3) years of the maximum allowable pursuant to the
17 provisions of Section 26 of Article X of the Oklahoma Constitution
18 as shown on the school district budget filed with the State Board of
19 Equalization for the current school year and certifications by the
20 Attorney General prior to April 1 of the school year. Grants shall
21 be awarded only to charter schools which have secured matching funds
22 for the specific purpose of acquiring buildings in an amount of not
23 less than ten percent (10%) of the total grant amount. The amount
24 of each grant awarded by the Board each year shall not exceed Four

1 Million Dollars (\$4,000,000.00). From the total amount available to
2 provide grants to public schools and charter schools, charter
3 schools shall be allocated the greater of ten percent (10%) of the
4 total amount or the percent of students enrolled in charter schools
5 that are not sponsored by the ~~Statewide Virtual Charter School Board~~
6 Commission for Educational Quality and Accountability as compared to
7 the student enrollment in school districts which have a total
8 assessed property valuation per average daily membership that is
9 equal to or less than twenty-five percent (25%) of the state total
10 assessed property valuation per average daily membership. The Board
11 shall give priority consideration to school districts which have a
12 total assessed property valuation per average daily membership that
13 is equal to or less than twenty-five percent (25%) of the state
14 average total assessed property valuation per average daily
15 membership. The Board is authorized to prorate grants awarded if
16 monies are not sufficient in the fund to award grants to qualified
17 districts and charter schools. The State Board of Education shall
18 make available to eligible charter schools any unused grant funds
19 that remain after the initial allocation to all eligible public
20 school districts and charter schools of this state. The State Board
21 of Education shall prescribe rules for making grants of aid from,
22 and for otherwise administering, the fund pursuant to the provisions
23 of this paragraph, and may employ and fix the duties and
24 compensation of technicians, aides, clerks, stenographers, attorneys

1 and other personnel deemed necessary to carry out the provisions of
2 this paragraph. The cost of administering the fund shall be paid
3 from monies appropriated to the State Board of Education for the
4 operation of the State Department of Education;

5 22. Recognize that the Director of the Oklahoma Department of
6 Corrections shall be the administrative authority for the schools
7 which are maintained in the state reformatories and shall appoint
8 the principals and teachers in such schools. Provided, that rules
9 of the State Board of Education for the classification, inspection
10 and accreditation of public schools shall be applicable to such
11 schools; and such schools shall comply with standards set by the
12 State Board of Education; and

13 23. Have authority to administer a revolving fund which is
14 hereby created in the State Treasury, to be designated the
15 Statistical Services Revolving Fund. The fund shall consist of all
16 monies received from the various school districts of the state, the
17 United States Government, and other sources for the purpose of
18 furnishing or financing statistical services and for any other
19 purpose as designated by the Legislature. The State Board of
20 Education is hereby authorized to enter into agreements with school
21 districts, municipalities, the United States Government, foundations
22 and other agencies or individuals for services, programs or research
23 projects. The Statistical Services Revolving Fund shall be

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1 administered in accordance with Section 155 of Title 62 of the
2 Oklahoma Statutes.

3 SECTION 2. AMENDATORY Section 1, Chapter 223, O.S.L.
4 2012 (70 O.S. Supp. 2020, Section 3-116.2), is amended to read as
5 follows:

6 Section 3-116.2 A. Effective January 1, 2013, there is hereby
7 created the Commission for Educational Quality and Accountability.
8 ~~The~~ Until July 1, 2021, the membership of the Commission shall
9 consist of:

10 1. The Secretary of Education, who shall serve as the chair of
11 the Commission;

12 2. One member appointed by the Governor, with the advice and
13 consent of the Senate, representing business and industry from an
14 Oklahoma employer with five hundred ~~(500)~~ or fewer employees;

15 3. One member, appointed by the Governor, with the advice and
16 consent of the Senate, who is a parent of a child enrolled in a
17 public school in this state;

18 4. One member, appointed by the Governor, with the advice and
19 consent of the Senate, who is an administrator of a public school
20 district;

21 5. One member, appointed by the Governor, with the advice and
22 consent of the Senate, who shall represent higher education teacher
23 education programs;

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1 6. One member appointed by the Governor, with the advice and
2 consent of the Senate, who shall be an active classroom teacher in
3 kindergarten through grade six; and

4 7. One member appointed by the Governor, with the advice and
5 consent of the Senate, who shall be an active classroom teacher in
6 grades seven through twelve.

7 The terms of the initial appointed members shall commence on
8 January 1, 2013, and shall end on June 30, 2014. The terms of
9 subsequently appointed members shall commence on July 1 of each year
10 following the election of the Governor thereafter and shall be for
11 four (4) years. If a vacancy occurs, the vacancy shall be filled
12 for the unexpired term in the same manner as the office was
13 previously filled.

14 B. Effective July 1, 2021, the membership of the Commission
15 shall consist of the following nine (9) members:

16 1. Five members appointed by the Governor;

17 2. Two members appointed by the Speaker of the House of
18 Representatives; and

19 3. Two members appointed by the President Pro Tempore of the
20 Senate.

21 C. Each member shall serve at the pleasure of his or her
22 appointing authority and may be removed or replaced without cause.

23 Any member of the Commission shall be prohibited from voting on any
24 issue in which the member has a direct financial interest.

1 D. A quorum of the Commission, which shall consist of four
2 members, shall be present in order for the Commission to transact
3 any business. Members shall be reimbursed for travel in the
4 performance of their official duties in accordance with the State
5 Travel Reimbursement Act.

6 ~~C. Prior to July 1, 2013, the Commission shall meet to organize~~
7 ~~and plan for the assumption of the powers and duties of the~~
8 ~~Education Oversight Board and the Oklahoma Commission for Teacher~~
9 ~~Preparation.~~

10 ~~D.~~ E. Beginning July 1, 2013, the Commission shall assume the
11 following duties:

12 1. Oversee implementation of the provisions of Enrolled House
13 Bill No. 1017 of the 1st Extraordinary Session of the 42nd Oklahoma
14 Legislature;

15 2. Implementation of the provisions of the Oklahoma Teacher
16 Preparation Act as provided for in law;

17 3. Make recommendations to the Governor and Legislature on
18 methods to achieve an aligned, seamless system from preschool
19 through postsecondary education; and

20 4. Set performance levels and corresponding cut scores pursuant
21 to the Oklahoma School Testing Program Act and as provided for in
22 Section 1210.541 of ~~Title 70 of the Oklahoma Statutes~~ this title.

23 ~~E.~~ F. Beginning July 1, 2013, the Commission shall govern the
24 operation of the Office of Educational Quality and Accountability

1 created in Section 3-117 of ~~Title 70 of the Oklahoma Statutes~~ this
2 title.

3 ~~F.~~ G. 1. Beginning July 1, 2014, the Commission shall assume
4 the following duties of the Oklahoma Commission for Teacher
5 Preparation according to the provisions of the Oklahoma Teacher
6 Preparation Act:

- 7 a. approval and accreditation of teacher education
8 programs, and
- 9 b. assessment of candidates for licensure and
10 certification.

11 2. To implement the provisions of this subsection the
12 Commission shall:

- 13 a. include the State Board of Education in the process,
- 14 b. review and assess approved, accredited and new
15 programs of teacher education, and
- 16 c. encourage studies and research designed to improve
17 teacher education.

18 H. Beginning July 1, 2021, the Commission may renegotiate
19 contracts with each statewide virtual charter school which has been
20 approved and sponsored by the Statewide Virtual Charter School Board
21 or any virtual charter school for which the Statewide Virtual
22 Charter School Board has assumed sponsorship.

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1 SECTION 3. AMENDATORY Section 2, Chapter 223, O.S.L.
2 2012 (70 O.S. Supp. 2020, Section 3-116.3), is amended to read as
3 follows:

4 Section 3-116.3 A. As of July 1, 2013, all references to the
5 Education Oversight Board shall mean the Commission for Educational
6 Quality and Accountability.

7 B. As of July 1, 2013, all references to the Office of
8 Accountability shall mean the Office of Educational Quality and
9 Accountability.

10 C. As of July 1, 2014, all references to the Oklahoma
11 Commission for Teacher Preparation shall mean the Commission for
12 Educational Quality and Accountability.

13 D. As of July 1, 2021, all references to the Statewide Virtual
14 Charter School Board shall mean the Commission for Educational
15 Quality and Accountability.

16 SECTION 4. AMENDATORY Section 3, Chapter 223, O.S.L.
17 2012 (70 O.S. Supp. 2020, Section 3-116.4), is amended to read as
18 follows:

19 Section 3-116.4 A. On July 1, 2014, the Oklahoma Commission
20 for Teacher Preparation shall be placed under the authority of the
21 Commission for Educational Quality and Accountability. Except as
22 otherwise provided for in this section, the transfer shall include
23 all real property, buildings, furniture, equipment, supplies,
24 records, personnel, assets, current and future liabilities, fund

1 balances, encumbrances, obligations, and indebtedness associated
2 with the Oklahoma Commission for Teacher Preparation.

3 B. All employees of the Oklahoma Commission for Teacher
4 Preparation on July 1, 2014, including related liabilities for sick
5 leave, annual leave, holidays, unemployment benefits, and workers'
6 compensation benefits accruing prior to July 1, 2014, to such
7 personnel shall be transferred to the Commission for Educational
8 Quality and Accountability as of July 1, 2014. It is the intent of
9 the Legislature that, to the extent possible, the Commission ensure
10 that the employees retain pay and benefits, as much as possible,
11 including longevity, dependent insurance benefits, seniority,
12 rights, and other privileges or benefits.

13 C. Appropriate conveyances and other documents shall be
14 executed by January 1, 2015, to effectuate the transfer of property
15 owned by the Oklahoma Commission for Teacher Preparation to the
16 Commission for Educational Quality and Accountability.

17 D. Any monies donated or accruing to or in the name of the
18 Oklahoma Commission for Teacher Preparation after July 1, 2014,
19 shall be transferred to the Commission for Educational Quality and
20 Accountability. Any other monies from appropriations, fees,
21 licenses, fines, penalties, or other similar types of monies that
22 accrue in any funds or accounts after July 1, 2014, in the name of
23 the Oklahoma Commission for Teacher Preparation or maintained for
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1 the benefit of the Oklahoma Commission for Teacher Preparation are
2 transferred to the Commission.

3 E. The Commission for Educational Quality and Accountability
4 shall succeed to any contractual rights and responsibilities
5 incurred by the Oklahoma Commission for Teacher Preparation.

6 F. The rules of the Oklahoma Commission for Teacher Preparation
7 that are in effect on July 1, 2014, shall be enforceable by the
8 Commission for Educational Quality and Accountability until the
9 Commission establishes rules.

10 G. The Statewide Virtual Charter School Board is hereby
11 abolished. On July 1, 2021, all duties, powers, liabilities and
12 property of the Statewide Virtual Charter School Board shall be
13 transferred to the Commission for Educational Quality and
14 Accountability. Except as otherwise provided for in this section,
15 the transfer shall include all real property, buildings, furniture,
16 equipment, supplies, records, personnel, assets, current and future
17 liabilities, fund balances, encumbrances, obligations and
18 indebtedness associated with the Statewide Virtual Charter School
19 Board.

20 H. All employees of the Statewide Virtual Charter School Board
21 on July 1, 2021, including related liabilities for sick leave,
22 annual leave, holidays, unemployment benefits and workers'
23 compensation benefits accruing prior to July 1, 2021, to such
24 personnel shall be transferred to the Commission for Educational

1 Quality and Accountability as of July 1, 2021. It is the intent of
2 the Legislature that the Commission ensure that the employees retain
3 pay and benefits including longevity, dependent insurance benefits,
4 seniority, rights and other privileges or benefits.

5 I. Appropriate conveyances and other documents shall be
6 executed by January 1, 2022, to effectuate the transfer of property
7 owned by the Statewide Virtual Charter School Board to the
8 Commission for Educational Quality and Accountability.

9 J. Any monies donated or accruing to or in the name of the
10 Statewide Virtual Charter School Board after July 1, 2021, shall be
11 transferred to the Commission for Educational Quality and
12 Accountability. Any other monies from appropriations, fees,
13 licenses, fines, penalties or other similar types of monies that
14 accrue in any funds or accounts after July 1, 2021, in the name of
15 the Statewide Virtual Charter School Board or maintained for the
16 benefit of the Statewide Virtual Charter School Board are
17 transferred to the Commission.

18 K. The Commission for Educational Quality and Accountability
19 shall succeed to any contractual rights and responsibilities
20 incurred by the Statewide Virtual Charter School Board.

21 L. The rules of the Statewide Virtual Charter School Board that
22 are in effect on July 1, 2021, shall be enforceable by the
23 Commission for Educational Quality and Accountability until the
24 Commission establishes rules.

1 SECTION 5. AMENDATORY 70 O.S. 2011, Section 3-117, as
2 amended by Section 5, Chapter 223, O.S.L. 2012 (70 O.S. Supp. 2020,
3 Section 3-117), is amended to read as follows:

4 Section 3-117. A. There is hereby created the Office of
5 Educational Quality and Accountability. ~~The Office of Educational~~
6 ~~Quality and Accountability, its personnel, budget, and expenditure~~
7 ~~of funds shall be solely under the direction of the Commission for~~
8 ~~Educational Quality and Accountability. The Commission shall~~
9 ~~demonstrate a savings of fifteen percent (15%) by merging the former~~
10 ~~Office of Accountability into the Office of Educational Quality and~~
11 ~~Accountability.~~ The Administrator of the Office of Educational
12 Quality and Accountability shall have the training and experience
13 necessary for the administration of the agency. The Administrator
14 shall be appointed by the Governor with the advice and consent of
15 the Senate and shall serve at the pleasure of the Governor and may
16 be removed or replaced without cause. Compensation for the
17 Administrator shall be determined by the Governor. The
18 Administrator may be removed from office by a two-thirds (2/3) vote
19 of the members elected to and constituting each chamber of the
20 Legislature.

21 B. The Administrator of the Office of Educational Quality and
22 Accountability shall be the chief executive officer of the agency
23 and shall act for the agency in all matters except as may be
24

1 otherwise provided by law. The powers and duties of the
2 Administrator shall include but not be limited to:

3 1. Supervision of the activities of the agency;

4 2. Formulation and recommendation of rules for approval or
5 rejection by the Commission for Educational Quality and
6 Accountability;

7 3. Preparation of the plans, reports and proposals required by
8 the Commission for Educational Quality and Accountability, other
9 reports as necessary and appropriate, and an annual budget for the
10 review and approval of the Commission; and

11 4. Employment of such staff as may be necessary to perform the
12 duties of the agency.

13 SECTION 6. AMENDATORY 70 O.S. 2011, Section 3-118, as
14 last amended by Section 591, Chapter 304, O.S.L. 2012 (70 O.S. Supp.
15 2020, Section 3-118), is amended to read as follows:

16 Section 3-118. The Secretary of Education shall:

17 ~~1. Oversee the Office of Educational Quality and~~
18 ~~Accountability;~~

19 ~~2. Employ necessary personnel according to procedures~~
20 ~~established for the employment of personnel by the Office of~~
21 ~~Management and Enterprise Services;~~

22 ~~3. Monitor the efforts of the public school districts to comply~~
23 ~~with the provisions of this act and of Enrolled Senate Bill No. 183~~
24

1 of the 1st Session of the 42nd Oklahoma Legislature which relate to
2 common education;

3 ~~4.~~ 2. Identify districts not making satisfactory progress
4 toward compliance with the provisions and recommend appropriate
5 corrective actions to the State Board of Education concerning each
6 district so identified;

7 ~~5. Have executive responsibility for the Oklahoma Educational~~
8 ~~Indicators Program and the annual report required pursuant to~~
9 ~~Section 1210.531 of this title;~~

10 ~~6.~~ 3. Review and make periodic public comment on the progress
11 and effectiveness of the State Board and State Department of
12 Education, the Office of the State Superintendent of Public
13 Instruction, other bodies created by this act, and the public
14 schools of this state concerning the implementation of the
15 provisions of this act and of Enrolled Senate Bill No. 183 of the
16 1st Session of the 42nd Oklahoma Legislature which relate to common
17 education;

18 ~~7.~~ 4. Analyze the revenues for all systems of education and the
19 expenditure of common education revenue, giving close attention to
20 expenditures for administrative expenses relating to the common
21 schools;

22 ~~8.~~ 5. Make reports to the public concerning these matters
23 whenever appropriate; and
24

1 ~~9.~~ 6. Submit recommendations regarding funding for education or
2 statutory changes to the Speaker of the House of Representatives,
3 the President Pro Tempore of the Senate and the Governor whenever
4 appropriate.

5 SECTION 7. 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 Board~~
6 Commission for Educational Quality and Accountability, the State Aid
7 allocation for the charter school shall be distributed by the State
8 Board of Education and not more than three percent (3%) of the State
9 Aid allocation may be charged by the sponsor as a fee for
10 administrative services rendered. The State Board of Education
11 shall determine the policy and procedure for making payments to a
12 charter school. The fee for administrative services as authorized
13 in this subsection shall only be assessed on the State Aid
14 allocation amount and shall not be assessed on any other
15 appropriated amounts. A sponsor of a charter school shall not
16 retain any additional State Aid allocation or charge the charter
17 school any additional fee above the amounts allowed by this
18 subsection unless the additional fees are for additional services
19 rendered. The charter school sponsor shall provide to the State
20 Department of Education financial records documenting any state
21 funds retained by the sponsor for administrative services rendered
22 for the previous year.

23 B. 1. The weighted average daily membership for the first year
24 of operation of a charter school shall be determined initially by

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

8 2. For the purpose of calculating weighted average daily
9 membership pursuant to Section 18-201.1 of this title and State Aid
10 pursuant to Section 18-200.1 of this title, the weighted average
11 daily membership for the first year of operation and each year
12 thereafter of a full-time virtual charter school shall be determined
13 by multiplying the actual enrollment of students as of August 1 by
14 1.333. The full-time virtual charter school shall receive revenue
15 equal to that which would be generated by the estimated weighted
16 average daily membership calculated pursuant to this paragraph. At
17 midyear, the allocation for the full-time virtual charter school
18 shall be adjusted using the first quarter weighted average daily
19 membership for the virtual charter school calculated pursuant to
20 subsection A of this section.

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

1 Education, or a federally recognized Indian tribe shall be
2 considered a local education agency for purposes of funding. A
3 charter school sponsored by a board of education of a school
4 district shall be considered a local education agency for purposes
5 of federal funding.

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

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

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

1 thirty (30) days after the first nine (9) weeks of the school year.
2 If the Charter School Closure Reimbursement Revolving Fund has a
3 balance of One Million Dollars (\$1,000,000.00) or more on July 1, no
4 payment shall be required the following school year.

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

21 SECTION 8. AMENDATORY Section 5, Chapter 367, O.S.L.
22 2012, as last amended by Section 2, Chapter 27, O.S.L. 2020 (70 O.S.
23 Supp. 2020, Section 3-145.3), is amended to read as follows:
24

1 Section 3-145.3 A. Subject to the requirements of the Oklahoma
2 Charter Schools Act, the ~~Statewide Virtual Charter School Board~~
3 Commission for Educational Quality and Accountability 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~~ Commission for Educational Quality and
14 Accountability to ensure that the courses are high quality options
15 and are aligned with the subject matter standards adopted by the
16 State Board of Education pursuant to Section 11-103.6 of this title.
17 The ~~Statewide Virtual Charter School Board~~ Commission for
18 Educational Quality and Accountability shall give special emphasis
19 on listing supplemental online courses in science, technology,
20 engineering and math (STEM), foreign language and advanced placement
21 courses. School districts shall not be limited to selecting
22 supplemental online courses that have been reviewed and certified by
23 the ~~Statewide Virtual Charter School Board~~ Commission for

24

1 Educational Quality and Accountability and listed as provided for in
2 this paragraph; and

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

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

18 C. Each statewide virtual charter school approved by the
19 ~~Statewide Virtual Charter School Board~~ Commission for Educational
20 Quality and Accountability shall be eligible to receive federal
21 funds generated by students enrolled in the charter school for the
22 applicable year. Each statewide virtual charter school shall be
23 considered a separate local education agency for purposes of
24 reporting and accountability.

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

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

21 F. A virtual charter school governing body shall be responsible
22 for the policies that govern the operational decisions of the
23 virtual charter school. The governing body of a virtual charter
24 school shall be subject to the same conflict of interest

1 requirements as a member of a local school board including, but not
2 limited to, Sections 5-113 and 5-124 of this title. Members
3 appointed to the governing body of a virtual charter school after
4 July 1, 2019, shall be subject to the same instruction and
5 continuing education requirements as a member of a local school
6 board and pursuant to Section 5-110 of this title, complete twelve
7 (12) hours of instruction within fifteen (15) months of appointment
8 to the governing body, and pursuant to Section 5-110.1 of this
9 title, attend continuing education.

10 G. Students enrolled full-time in a statewide virtual charter
11 school sponsored by the ~~Statewide Virtual Charter School Board~~
12 Commission for Educational Quality and Accountability shall not be
13 authorized to participate in any activities administered by the
14 Oklahoma Secondary Schools Activities Association. However, the
15 students may participate in intramural activities sponsored by a
16 statewide virtual charter school, an online provider for the charter
17 school or any other outside organization.

18 H. 1. Beginning with the 2021-2022 school year, public school
19 students who wish to enroll in a virtual charter school shall be
20 considered a transfer student from their resident school district.
21 A virtual charter school shall pre-enroll any public school student
22 whose parent expresses intent to enroll in the district. Upon pre-
23 enrollment, the State Department of Education shall initiate a
24 transfer on a form to be completed by the receiving virtual charter

1 school. Upon approval of the receiving virtual charter school, the
2 student may begin instructional activities. Upon notice that a
3 public school student has transferred to a virtual charter school,
4 the resident school district shall transmit the student's records
5 within three (3) school days.

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

11 3. A public school student may transfer to one statewide
12 virtual charter school at any time during a school year. For
13 purposes of this subsection, "school year" shall mean July 1 through
14 the following June 30. After one statewide virtual charter school
15 transfer during a school year, no public school student shall be
16 permitted to transfer to any other statewide virtual charter school
17 without the concurrence of both the resident school district and the
18 receiving virtual charter school. A student shall have a grace
19 period of fifteen (15) school days from the first day of enrollment
20 in a statewide virtual charter school to withdraw without academic
21 penalty and shall continue to have the option of one virtual charter
22 school transfer without the concurrence of both districts during
23 that same school year. A statewide virtual charter school student
24 that has utilized the allowable one transfer pursuant to this

1 subsection shall not be permitted to transfer to another district or
2 other statewide virtual charter school without first notifying his
3 or her resident district and initiating a new transfer. Upon
4 cancellation of a transfer the virtual charter school shall transmit
5 the student's records to the student's new school district within
6 three (3) school days. Students enrolled in a statewide virtual
7 charter school shall not be required to submit a virtual charter
8 transfer for consecutive years of enrollment. Any student enrolled
9 in a statewide virtual charter school the year prior to the
10 implementation of this section shall not be required to submit a
11 transfer in order to remain enrolled.

12 4. For purposes of this subsection, "parent" shall mean the
13 parent of the student or person having custody of the student as
14 provided for in paragraph 1 of subsection A of Section 1-113 of this
15 title.

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

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

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

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

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

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

11 SECTION 10. AMENDATORY Section 1, Chapter 225, O.S.L.
12 2015 (70 O.S. Supp. 2020, Section 3-145.7), is amended to read as
13 follows:

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

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

8 SECTION 11. AMENDATORY Section 1, Chapter 247, O.S.L.
9 2017, as amended by Section 3, Chapter 27, O.S.L. 2020 (70 O.S.
10 Supp. 2020, Section 3-145.8), is amended to read as follows:

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

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

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

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

5 a. completes instructional activities on no less than
6 ninety percent (90%) of the days within the quarter,

7 b. is on pace for on-time completion of the course as
8 defined by the governing board of the virtual charter
9 school, or

10 c. completes no less than seventy-two instructional
11 activities within the quarter of the academic year.

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

15 a. the number of school days during which the student
16 completed the instructional activities during the
17 quarter,

18 b. the number of school days proportional to the
19 percentage of the course that has been completed, or

20 c. the number of school days proportional to the
21 percentage of the required minimum number of completed
22 instructional activities during the quarter.

23 C. For the purposes of this section, "instructional activities"
24 shall include instructional meetings with a teacher, completed

1 assignments that are used to record a grade for a student that is
2 factored into the student's grade for the semester during which the
3 assignment is completed, testing and school-sanctioned field trips,
4 and orientation.

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

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

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

24

1 G. The governing body of each statewide virtual charter school
2 shall develop, adopt and post on the school's website a policy
3 regarding consequences for a student's failure to attend school and
4 complete instructional activities. The policy shall state, at a
5 minimum, that if a student fails to consistently attend school and
6 complete instructional activities after receiving a notification
7 pursuant to subsection E of this section and reasonable intervention
8 strategies have been implemented, a student shall be subject to
9 certain consequences including withdrawal from the school for
10 truancy.

11 H. If a statewide virtual charter school withdraws a student
12 pursuant to subsections F and G of this section, the virtual charter
13 school shall immediately notify the student's resident district in
14 writing of the student's disenrollment.

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

18 J. The ~~Statewide Virtual Charter School Board~~ Commission for
19 Educational Quality and Accountability may promulgate rules to
20 implement the provisions of this section.

21 SECTION 12. AMENDATORY 70 O.S. 2011, Section 1210.531,
22 as amended by Section 14, Chapter 223, O.S.L. 2012 (70 O.S. Supp.
23 2020, Section 1210.531), is amended to read as follows:
24

1 Section 1210.531 A. The Commission for Educational Quality and
2 Accountability shall establish an Oklahoma Educational Indicators
3 Program. The purpose of the Program shall be to develop and
4 implement a system of measures whereby the performance of public
5 schools and school districts is assessed and reported without undue
6 reliance upon any single type of indicator, and whereby the public,
7 including students and parents, may be made aware of the proper
8 meaning and use of any tests administered under the Oklahoma School
9 Testing Program Act, relative accomplishments of the public schools,
10 and of progress being achieved. The Commission shall involve
11 representatives of school teachers and of school administrators in
12 the development of the Program. The Program shall be so designed
13 that use of standardized definitions and measures and opportunities
14 for coordination with national reports, including those of the
15 National Assessment of Educational Progress, are maximized.

16 B. The Oklahoma Educational Indicators Program shall present
17 information for comparisons of graduation rates, dropout rates,
18 pupil-teacher ratios, student enrollment gain and loss rates, and
19 test results in the contexts of socioeconomic status and the
20 finances of school districts. Information shall be provided
21 individually for all public school sites and school districts in a
22 format that facilitates comparisons. As necessary data become
23 available, comparisons shall also be provided individually for all
24 schools and school districts on a historical basis. Reports of all

1 tests administered pursuant to the Oklahoma School Testing Program
2 Act shall be a part of the Oklahoma Educational Indicators Program
3 and shall be provided for each grade and each test subject or set of
4 competencies. Test results for students enrolled in Internet-based
5 courses, including regularly enrolled and alternative education
6 students, shall be disaggregated and reported. The Commission for
7 Educational Quality and Accountability shall seek to develop and
8 incorporate additional indicators of comparative standing and
9 accomplishment.

10 C. Additionally, the Commission for Educational Quality and
11 Accountability, with the cooperation of the State Department of
12 Education, the Oklahoma State Regents for Higher Education, and the
13 State Board of Career and Technology Education, shall develop
14 procedures for obtaining and reporting data to the high schools and
15 to the general public regarding the performance of each high
16 school's graduates in Oklahoma's institutions of higher education
17 and in postsecondary vocational-technical education. The Commission
18 for Educational Quality and Accountability shall include such data
19 in the report of the Oklahoma Educational Indicators Program. The
20 State Department of Education shall make all its data available to
21 the Office of Educational Quality and Accountability annually.

22 D. By February 1 of each year the Commission for Educational
23 Quality and Accountability shall publish:

24

1 1. A summary report to the people and Legislature of Oklahoma
2 of the information provided by the Oklahoma Educational Indicators
3 Program; and

4 2. State, district, and site level reports which shall include
5 the percentage of students who perform at the various levels on the
6 tests required by the Oklahoma State Testing Program.

7 Immediately following the publication of the reports required in
8 this subsection each year, all data gathered pursuant to the
9 Oklahoma Educational Indicators Program shall be made available for
10 public inspection at the Office of Educational Quality and
11 Accountability. The confidentiality of individual student and
12 personnel records shall be preserved as required by law.

13 SECTION 13. AMENDATORY Section 1, Chapter 86, O.S.L.
14 2020 (70 O.S. Supp. 2020, Section 1210.704), is amended to read as
15 follows:

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

19 B. Local boards of education in each district shall be
20 responsible for ensuring annually that all high school students have
21 access to advanced placement courses beginning in the 2024-2025
22 school year. Such access may be provided through enrollment in
23 courses offered through:

24 1. A school site or sites within the district;

1 2. A career and technology institution within the district;

2 3. A program offered by the ~~Statewide Virtual Charter School~~
3 ~~Board~~ Commission for Educational Quality and Accountability or one
4 of its vendors; or

5 4. A school site or sites in another school district.

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

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

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

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

8 SECTION 14. REPEALER Section 3, Chapter 367, O.S.L.
9 2012, as amended by Section 4, Chapter 212, O.S.L. 2013, Section 4,
10 Chapter 367, O.S.L. 2012 and Section 6, Chapter 367, O.S.L. 2012, as
11 amended by Section 6, Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2020,
12 Sections 3-145.1, 3-145.2 and 3-145.4), are hereby repealed.

13 SECTION 15. It being immediately necessary for the preservation
14 of the public peace, health or safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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