

1 **SENATE FLOOR VERSION**

2 February 6, 2024

3 SENATE BILL NO. 1768

By: Thompson (Kristen) and
Paxton of the Senate

4 and

5 Baker of the House
6

7
8 An Act relating to schools; amending 70 O.S. 2021,
9 Section 1-109, which relates to length of the school
10 year; allowing a school district or certain charter
11 school to include emergency virtual days in certain
12 policy; providing reasons for which emergency virtual
13 days may be used; allowing the State Board of
14 Education to approve use of virtual instruction;
15 defining term; requiring notification within certain
16 time period; providing for contents of notification;
17 requiring the State Department of Education to make
18 certain determination within certain time period;
19 requiring a school district or charter school to
20 provide certain in-person instruction if certain
21 determination is made; providing process for appeal;
22 directing virtual instruction to consist of certain
23 number of hours; allowing the Department to audit
24 certain records and make certain determination;
25 requiring certain in-person instruction if certain
26 determination is made; providing process for appeal;
27 defining term; updating statutory language; updating
28 statutory reference; providing an effective date; and
29 declaring an emergency.

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

31 SECTION 1. AMENDATORY 70 O.S. 2021, Section 1-109, is
32 amended to read as follows:
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34

1 Section 1-109. A. For all public schools in ~~Oklahoma~~ this
2 state, school shall actually be in session and classroom instruction
3 offered:

4 1. For not less than one hundred eighty (180) days; ~~or~~

5 2. For not less than one thousand eighty (1,080) hours each
6 school year, if a district board of education adopts a school-hours
7 policy and notifies the State Board of Education prior to October 15
8 of the applicable school year; ~~or~~

9 3. Beginning with the 2021-2022 school year, for not less than
10 one thousand eighty (1,080) hours with a minimum of one hundred
11 sixty-five (165) days of instruction each school year, if a district
12 board of education adopts a school-hours policy and notifies the
13 State Board of Education prior to October 15 of the applicable
14 school year; or

15 4. Beginning with the 2021-2022 school year, for not less than
16 one thousand eighty (1,080) hours each school year, if a district
17 board of education adopts a school-hours policy, notifies the State
18 Board of Education prior to October 15 of the applicable school
19 year, and meets the requirements established by the State Board of
20 Education pursuant to subsection H of this section.

21 B. A school district may not count more than thirty (30) hours
22 each school year that are used for attendance of professional
23 meetings toward the one hundred eighty (180) days or one thousand
24

1 eighty (1,080) hours of classroom instruction time required in
2 subsection A of this section.

3 C. Teachers off contract with an employing district shall not
4 be required by the employing school district to attend professional
5 meetings unless the teacher is paid additional compensation for the
6 additional time. Teachers may be paid additional compensation for
7 attending professional meetings in excess of their contract term.
8 Subject to district board of education policy or collective
9 bargaining agreement, additional paid professional days may be
10 granted for individual teachers to attend or participate in
11 professional meetings, staff development training, or National Board
12 certification portfolio development as provided for in Section 6-
13 204.2 of this title.

14 D. A school district may authorize parent-teacher conferences
15 to be held during a regular school day. If authorized by the school
16 district, parent-teacher conferences shall be counted as classroom
17 instruction time for no more than six (6) hours per semester, for a
18 total of twelve (12) hours per school year.

19 E. A school district may maintain school for less than a full
20 school year only when conditions beyond the control of school
21 authorities make the maintenance of the term impossible and the
22 State Board of Education has been apprised and has expressed
23 concurrence in writing.

24

1 F. The State Board of Education shall establish criteria for an
2 extended-day schedule for schools subject to paragraph 1 of
3 subsection A of this section. The criteria shall:

4 1. Prescribe a lengthened school day within limits determined
5 not to be detrimental to quality instruction;

6 2. Ensure that the schedule is equivalent in annual hours of
7 instruction to the one-hundred-eighty-day school year specified in
8 paragraph 1 of subsection A of this section; and

9 3. Be consistent with the provisions of this section and
10 Sections 1-111 and 1-112 of this title, but may result in fewer
11 annual days of instruction.

12 G. Notwithstanding the provisions of subsection F of this
13 section, a school district board of education subject to paragraph 1
14 of subsection A of this section may adopt and implement an extended-
15 day schedule subject to the following requirements:

16 1. The annual number of hours of instruction shall equal or
17 exceed one thousand eighty (1,080) hours, which is the equivalent of
18 one hundred eighty (180) days of instruction as specified in
19 subsection A of this section for six (6) hours each day as specified
20 in Section 1-111 of this title;

21 2. The annual number of days of instruction shall equal or
22 exceed one hundred eighty (180) days as specified in subsection A of
23 this section;

1 3. The schedule adopted shall be consistent with the provisions
2 of Sections 1-111 and 1-112 of this title, except that for not more
3 than one (1) day per week, a school day shall consist of not less
4 than five (5) hours devoted to academic instruction in a regular
5 classroom setting;

6 4. The district shall hold a public hearing prior to the
7 adoption of an extended-day schedule authorized pursuant to this
8 subsection; and

9 5. The district shall document the impact on student
10 achievement as determined by the academic performance data score and
11 any other relevant factors that are a result of implementation of an
12 extended-day schedule authorized pursuant to this subsection and
13 provide an annual report to the State Board of Education of the
14 results. If improvement in student achievement cannot be documented
15 in the report, the district board of education shall revoke
16 authorization as provided by this subsection. If the district does
17 not revoke authorization after student achievement is not documented
18 in the report, the State Board of Education may deny accreditation
19 of any school in violation of this subsection.

20 H. Beginning with the 2021-2022 school year, a school district
21 board of education may adopt a school-hours policy as provided for
22 by paragraph 4 of subsection A of this section only if it meets or
23 exceeds the minimum guidelines for student performance and school
24 district cost savings established by the State Board of Education.

1 The State Board of Education shall promulgate rules, subject to
2 approval by the Legislature, establishing the minimum guidelines for
3 student performance and school district cost savings.

4 I. If subject to paragraph 2 of subsection A of this section, a
5 district board of education or designee may elect to close a school
6 during the school day for inclement weather purposes. In such an
7 event, the number of hours incurred in classroom instruction time
8 prior to school closure shall be counted toward the one thousand
9 eighty (1,080) hours per year requirement.

10 J. 1. A school district or charter school created pursuant to
11 Section 3-132 of this title may include in its policy adopted
12 pursuant to subsection A of this section one or more emergency
13 virtual days during which instruction shall be delivered to students
14 virtually. For the purposes of this subsection, reasons for an
15 emergency virtual day shall only include inclement weather,
16 unavailability of teachers and support staff due to illness, and
17 building maintenance issues. No school district or charter school
18 may close school to provide virtual instruction except as provided
19 for in this subsection or as approved by the State Board of
20 Education. For the purposes of this subsection, "virtual
21 instruction" means the use of the internet or other digital
22 information transmission systems as a form of instruction.

23 2. a. If a school district administrator determines it
24 necessary to use an emergency virtual day, he or she

1 shall notify the State Department of Education within
2 seventy-two (72) hours of the determination being
3 made. The notification shall include the date or
4 dates during which virtual instruction was to be
5 provided and the reason for providing virtual
6 instruction.

7 b. Within one calendar week of receiving the notification
8 required by subparagraph a of this paragraph, the
9 State Department of Education shall determine whether
10 the use of virtual instruction complied with the
11 provisions of this subsection. If the Department
12 determines use of virtual instruction did not comply
13 with the provisions of this subsection, the school
14 district or charter school shall be required to
15 provide an additional day of in-person instruction.

16 c. If the State Department of Education determines use of
17 virtual instruction did not comply with the provisions
18 of this subsection, the school district or charter
19 school may appeal the decision to the State Board of
20 Education.

21 3. a. Instruction delivered virtually pursuant to the
22 provisions of this subsection shall consist of:
23 (1) a minimum of five and one-half (5 1/2) hours for
24 grades kindergarten through eight including at

1 least three (3) hours of synchronous instruction,
2 and

3 (2) a minimum of six hours for grades nine through
4 twelve including at least four (4) hours of
5 synchronous instruction.

6 b. Upon receiving the notification required by
7 subparagraph a of paragraph 2 of this subsection, the
8 State Department of Education may audit school
9 district or charter school records to determine
10 whether a majority of students enrolled in the school
11 district or charter school complied with the minimum
12 hours of synchronous instruction required by this
13 paragraph. If the Department determines less than a
14 majority of students enrolled in the school district
15 or charter school complied with the minimum hours
16 required by this paragraph, the school district or
17 charter school shall be required to provide an
18 additional day of in-person instruction.

19 c. If the State Department of Education determines less
20 than a majority of students enrolled in the school
21 district or charter school complied with the minimum
22 hours required by this paragraph, the school district
23 or charter school may appeal the decision to the State
24 Board of Education.

1 For the purposes of this subsection, "synchronous instruction" means
2 real-time interaction between a teacher and students as the primary
3 format of instruction.

4 K. Nothing in this section shall be construed as affecting the
5 right of an employing school district to require teachers as defined
6 in Section 6-101.3 of this title to work in excess of the one
7 thousand eighty (1,080) hours required for student instruction. In
8 addition, nothing in this section shall be construed to affect the
9 Fair Labor Standards Act of 1938 status of any school district
10 employee.

11 ~~K.~~ L. The provisions of this section shall not prohibit the
12 Oklahoma School for the Blind or the Oklahoma School for the Deaf
13 from adopting an alternative school-hours policy if the Oklahoma
14 School for the Blind or the Oklahoma School for the Deaf notifies
15 and receives approval from the State Board of Education prior to
16 October 15 of the applicable school year.

17 SECTION 2. This act shall become effective July 1, 2024.

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

22 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
23 February 6, 2024 - DO PASS
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