

An Act

ENROLLED SENATE
BILL NO. 758

By: Thompson, Paxton, and
Seifried of the Senate

and

Moore, Caldwell (Chad), and
Lepak of the House

An Act relating to schools; amending 70 O.S. 2021, Section 1-109, which relates to length of the school year; prohibiting a school district or charter school from counting certain days or portions of days when school is closed and virtual instruction is provided toward certain classroom instruction time requirement; defining term; providing circumstances under which school may be closed and certain amount of virtual instruction may count toward certain classroom instruction time requirement beginning in certain school year; providing certain exceptions; requiring publication and submission of certain annual report; providing for contents of report; updating statutory language; and updating statutory reference.

SUBJECT: Virtual instruction

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

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

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

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

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

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

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

B. A school district may not count more than thirty (30) hours each school year that are used for attendance of professional meetings toward the one hundred eighty (180) days or one thousand eighty (1,080) hours of classroom instruction time required in subsection A of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

H. Beginning with the 2021-2022 school year, a school district board of education may adopt a school-hours policy as provided for by paragraph 4 of subsection A of this section only if it meets or exceeds the minimum guidelines for student performance and school district cost savings established by the State Board of Education. The State Board of Education shall promulgate rules, subject to approval by the Legislature, establishing the minimum guidelines for student performance and school district cost savings.

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

J. 1. Except as provided for in paragraph 2 of this subsection, beginning with the 2026-2027 school year a school district or charter school shall not count days or portions of days when school is closed and virtual instruction is provided toward the one hundred eighty (180) days or one thousand eighty (1,080) hours of classroom instruction time required by subsection A of this section. For the purposes of this subsection, "virtual instruction" means the use of the Internet or other digital information transmission systems as a form of instruction.

2. Beginning with the 2026-2027 school year, a school district or charter school may count up to two (2) days or twelve (12) hours when school is closed and virtual instruction is provided toward the one hundred eighty (180) days or one thousand eighty (1,080) hours of classroom instruction time required by subsection A of this section only if:

a. the Superintendent of Public Instruction has approved the virtual instruction plan submitted by a school district board of education or charter school governing board. A school district board of education or charter school governing board shall approve its virtual instruction plan, publish the plan on the website for the school district or charter school, and submit it to the Superintendent of Public Instruction by November 1, 2025. The Superintendent shall approve or disapprove all submitted virtual instruction plans by January 31, 2026. A school district board of education or charter school governing board shall review its virtual instruction plan annually and approve any necessary revisions for submission to the Superintendent of Public Instruction by November 1 each subsequent year, and the Superintendent shall approve or disapprove submitted plans by January 31 each subsequent year. If a plan is disapproved, the school district board of education or charter school governing board may approve a revised plan, publish it on the website for the school district or charter school, and submit it to the Superintendent. The plan shall include a virtual needs assessment which shall address availability of technology infrastructure to deliver virtual instruction. The plan shall also address how the school district or charter school plans to provide:

(1) instruction to students on an Individualized Education Program (IEP),

(2) child nutrition services, and

(3) transportation for students enrolled in technology center school courses or programs,

b. a state of emergency or proclamation has been issued by the Governor for a specific reason relating to school district or charter school operations, and

c. the school district board of education or charter school governing board approves the use of virtual instruction.

3. The provisions of this subsection shall not apply to statewide virtual charter schools or full-time virtual education programs operated by a school district.

K. By June 30, 2027, and by June 30 each subsequent year, the State Department of Education shall publish on its website and electronically submit to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives a report with information regarding the use of virtual instruction as authorized by subsection J of this section. The report shall include, at a minimum:

1. The school districts and charter schools that closed school and provided virtual instruction as authorized by subsection J of this section and the length of time virtual instruction was provided; and

2. The reason for which school was closed and virtual instruction was provided.

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

~~K.~~ M. The provisions of this section shall not prohibit the Oklahoma School for the Blind or the Oklahoma School for the Deaf from adopting an alternative school-hours policy if the Oklahoma

School for the Blind or the Oklahoma School for the Deaf notifies and receives approval from the State Board of Education prior to October 15 of the applicable school year.

Passed the Senate the 27th day of March, 2025.

Presiding Officer of the Senate

Passed the House of Representatives the 29th day of April, 2025.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____