

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2837

By: Vancuren

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5
6 AS INTRODUCED

7 An Act relating to schools; establishing availability
8 of certain transfer students; reallocating certain
9 aid; prohibiting athletic and extracurricular
10 activities when in-person instruction is not offered;
11 defining term; amending 70 O.S. 2011, Section 1-109,
12 as last amended by Section 1, Chapter 490, O.S.L.
13 2019 (70 O.S. Supp. 2020, Section 1-109), which
14 relates to length of school year; establishing start
15 of school week; amending 70 O.S. 2011, Section 8-104,
16 as amended by Section 1, Chapter 85, O.S.L. 2013 (70
17 O.S. Supp. 2020, Section 8-104), which relates to
18 emergency transfers; adding permissible condition for
19 emergency transfer; providing for codification;
20 providing an effective date; and declaring an
21 emergency.

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

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 8-114 of Title 70, unless there
is created a duplication in numbering, reads as follows:

If a student is transferred to a school district other than the
district of residence of the student pursuant to paragraph 9 of
subsection A of Section 8-104 of Title 70 of the Oklahoma Statutes,
the receiving district shall establish availability of the

1 appropriate program, staff and services prior to approval of the
2 transfer. Upon approval of the transfer, the receiving district
3 shall claim the student in the average daily membership for state
4 and federal funding purposes and shall assume all responsibility for
5 education of the student. For state funding purposes, the State
6 Department of Education shall include the appropriate grade level
7 weight and all category weights to which the pupil is assigned
8 pursuant to the provisions of Section 18-201.1 of Title 70 of the
9 Oklahoma Statutes when calculating State Aid pursuant to the
10 provisions of Section 18-200.1 of Title 70 of the Oklahoma Statutes.

11 SECTION 2. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 821.60 of Title 70, unless there
13 is created a duplication in numbering, reads as follows:

14 A. When a local school district that is a member of a school
15 athletic association and fails to offer in-person instruction for at
16 least four (4) days in a single week and the closure is not
17 previously scheduled according to the school district's school
18 calendar established pursuant to Section 4516 of Title 70 of the
19 Oklahoma Statutes, the district shall not offer or conduct any
20 athletic or extracurricular activities while the district fails to
21 offer unscheduled in-person instruction.

22 B. As used in this section, "school athletic association" means
23 any private organization or association which charges the school or
24 school district a membership fee, retains a portion of revenue

1 generated by the interscholastic activities or contests of the
2 member schools, and provides the coordination, supervision and
3 regulation of the interscholastic activities and contests of the
4 member schools.

5 SECTION 3. AMENDATORY 70 O.S. 2011, Section 1-109, as
6 last amended by Section 1, Chapter 490, O.S.L. 2019 (70 O.S. Supp.
7 2020, Section 1-109), is amended to read as follows:

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

- 10 1. For not less than one hundred eighty (180) days; or
- 11 2. For not less than one thousand eighty (1,080) hours each
12 school year, if a district board of education adopts a school-hours
13 policy and notifies the State Board of Education prior to October 15
14 of the applicable school year; or
- 15 3. Beginning with the 2021-2022 school year, for not less than
16 one thousand eighty (1,080) hours with a minimum of one hundred
17 sixty-five (165) days of instruction each school year, if a district
18 board of education adopts a school-hours policy and notifies the
19 State Board of Education prior to October 15 of the applicable
20 school year; or
- 21 4. Beginning with the 2021-2022 school year, for not less than
22 one thousand eighty (1,080) hours each school year, if a district
23 board of education adopts a school-hours policy, notifies the State
24 Board of Education prior to October 15 of the applicable school year

1 and meets the requirements established by the State Board of
2 Education pursuant to subsection H of this section.

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

8 C. Teachers off contract with an employing district shall not
9 be required by the employing school district to attend professional
10 meetings unless the teacher is paid additional compensation for the
11 additional time. Teachers may be paid additional compensation for
12 attending professional meetings in excess of their contract term.
13 Subject to district board of education policy or collective
14 bargaining agreement, additional paid professional days may be
15 granted for individual teachers to attend or participate in
16 professional meetings, staff development training, or National Board
17 certification portfolio development as provided for in Section 6-
18 204.2 of this title.

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

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

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

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

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

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

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

21 1. The annual number of hours of instruction shall equal or
22 exceed one thousand eighty (1,080) hours, which is the equivalent of
23 one hundred eighty (180) days of instruction as specified in
24

1 subsection A of this section for six (6) hours each day as specified
2 in Section 1-111 of this title;

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

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

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

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

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

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

15 J. For all public schools in Oklahoma, school shall actually be
16 in session and offer in-person classroom instruction beginning no
17 later than the first full week of September of each year for the
18 fall semester and no later than the first full week of January of
19 each year for the spring semester.

20 ~~J.~~ K. Nothing in this section shall be construed as affecting
21 the right of an employing school district to require teachers as
22 defined in Section 6-101.3 of this title to work in excess of the
23 one thousand eighty (1,080) hours required for student instruction.

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1 In addition, nothing in this section shall be construed to affect
2 the Fair Labor Standards Act status of any school district employee.

3 K. L. The provisions of this section shall not prohibit the
4 Oklahoma School for the Blind or the Oklahoma School for the Deaf
5 from adopting an alternative school-hours policy if the Oklahoma
6 School for the Blind or the Oklahoma School for the Deaf notifies
7 and receives approval from the State Board of Education prior to
8 October 15 of the applicable school year.

9 SECTION 4. AMENDATORY 70 O.S. 2011, Section 8-104, as
10 amended by Section 1, Chapter 85, O.S.L. 2013 (70 O.S. Supp. 2020,
11 Section 8-104), is amended to read as follows:

12 Section 8-104. A. In addition to the transfer process provided
13 in Section 8-103 of this title, students may be transferred on an
14 emergency basis. A written application for an emergency transfer
15 designating the district to which the transfer is desired shall be
16 made by the parent and filed with the superintendent of the
17 receiving school district. On an adequate showing of emergency the
18 superintendent of the receiving school district may make and order a
19 transfer, subject to approval by the State Board of Education. An
20 emergency shall include only:

- 21 1. The destruction or partial destruction of a school building;
- 22 2. The inability to offer the subject a pupil desires to
- 23 pursue, if the pupil becomes a legal resident of a school district
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1 after February 1 of the school year immediately prior to the school
2 year for which the pupil is seeking the transfer;

3 3. A catastrophic medical problem of a student, which for
4 purposes of this section shall mean an acute or chronic serious
5 illness, disease, disorder or injury which has a permanently
6 detrimental effect on the body's system or renders the risk
7 unusually hazardous;

8 4. The total failure of transportation facilities;

9 5. The concurrence of both the sending and receiving school
10 districts;

11 6. The unavailability of remote or on-site Internet-based
12 instruction by course title in the district of residence for a
13 student identified as in need of ~~drop-out~~ dropout recovery or
14 alternative education services, provided such student was enrolled
15 at any time in a public school in this state during the previous
16 three (3) school years;

17 7. The unavailability of a specialized deaf education program
18 for a student who is deaf or hearing impaired; ~~or~~

19 8. When a student has been the victim of harassment,
20 intimidation and bullying as defined in Section 24-100.3 of this
21 title, upon verification by the receiving school district that the
22 student has been the victim of harassment, intimidation or bullying
23 and that the sending school district was notified of the incident or
24 incidents prior to the filing of the application for transfer; or

1 9. When a local school district fails to offer in-person
2 instruction for at least four (4) days in a single week and the
3 closure is not previously scheduled according to the school
4 district's school calendar established pursuant to Section 4516 of
5 this title; provided that at least one other immediately adjacent
6 local school district is offering in-person instruction.

7 B. An emergency transfer previously made may be canceled, with
8 the concurrence of the board of the receiving district and the
9 parent.

10 SECTION 5. This act shall become effective July 1, 2021.

11 SECTION 6. It being immediately necessary for the preservation
12 of the public peace, health or safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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