

1 **SENATE FLOOR VERSION**

2 April 12, 2022

3 ENGROSSED HOUSE  
4 BILL NO. 3645

By: Dills, Waldron, and Davis  
of the House

5 and

6 Pemberton of the Senate

7  
8 An Act relating to virtual charter schools; amending  
9 70 O.S. 2021, Section 3-145.8, which relates to  
10 virtual charter school attendance; modifying  
11 attendance requirements for virtual charter school  
12 alternative education programs; defining term;  
13 clarifying timing requirement for completion of  
14 instructional activities; authorizing virtual charter  
15 school alternative education program to request a  
16 certain student waiver; directing office of  
17 accreditation to review the request and make a  
18 determination; requiring continued attendance while  
19 waiver is being reviewed; updating internal  
20 references; and providing an effective date.

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

22 SECTION 1. AMENDATORY 70 O.S. 2021, Section 3-145.8, is  
23 amended to read as follows:

24 Section 3-145.8 A. It shall be the duty of each virtual  
charter school approved and sponsored by the Statewide Virtual  
School Board pursuant to the provisions of Section 3-145.3 of ~~Title~~  
~~70 of the Oklahoma Statutes~~ this title to keep a full and complete  
record of the attendance of all students enrolled in the virtual  
charter school in one of the student information systems approved by

1 the State Department of Education and locally selected by the  
2 virtual school from the approved list.

3 B. By July 1, 2020, the governing body of each virtual charter  
4 school shall adopt an attendance policy. The policy may allow  
5 attendance to be a proportional amount of the required attendance  
6 policy provisions based upon the date of enrollment of the student.  
7 The attendance policy shall include the following provisions:

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

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

12 a. completes instructional activities on no less than  
13 ninety percent (90%) of the days within the quarter,  
14 b. is on pace for on-time completion of the course as  
15 defined by the governing board of the virtual charter  
16 school, or

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

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

22 a. the number of school days during which the student  
23 completed the instructional activities during the  
24 quarter,

- 1           b.    the number of school days proportional to the  
2                   percentage of the course that has been completed, or  
3           c.    the number of school days proportional to the  
4                   percentage of the required minimum number of completed  
5                   instructional activities during the quarter.

6           C.    For the purposes of this section, "instructional activities"  
7 shall include instructional meetings with a teacher, completed  
8 assignments that are used to record a grade for a student that is  
9 factored into the student's grade for the semester during which the  
10 assignment is completed, testing and school-sanctioned field trips,  
11 and orientation.

12           D.    A student enrolled in a virtual charter school alternative  
13 education program designated by the State Department of Education  
14 who attends a full abbreviated school day shall be counted in full  
15 attendance for purposes of computing the average daily attendance  
16 and average daily membership of the virtual charter school. For the  
17 purposes of this subsection, "full abbreviated school day" shall  
18 mean one hundred eighty-nine (189) hours per quarter or seven  
19 hundred fifty-six (756) hours per school year.

20           E.    Each statewide virtual charter school approved and sponsored  
21 by the Statewide Virtual Charter School Board pursuant to the  
22 provisions of Section 3-145.3 of this title shall offer a student  
23 orientation, notify the parent or legal guardian and each student  
24 who enrolls in that school of the requirement to participate in the

1 student orientation, and require all students enrolled to complete  
2 the student orientation prior to completing any other instructional  
3 activity. The Statewide Virtual Charter School Board shall  
4 promulgate rules to develop materials for orientation.

5 ~~E.~~ F. Any student ~~that~~ who is behind pace and does not complete  
6 an instructional activity for ~~a fifteen-school-day period~~ (15)  
7 consecutive days, including weekends, shall be withdrawn for  
8 truancy. The virtual charter school shall submit a notification to  
9 the parent or legal guardian of a student who has been withdrawn for  
10 truancy or is approaching truancy.

11 ~~F.~~ A G. 1. Except as provided in paragraph 2 of this  
12 subsection, a student who is reported for truancy two times in the  
13 same school year shall be withdrawn and prohibited from enrolling in  
14 the same virtual charter school for the remainder of the school  
15 year.

16 ~~G.~~ 2. If a student is enrolled in a virtual charter school  
17 alternative education program designated by the State Department of  
18 Education, the virtual charter school may request a waiver of the  
19 enrollment prohibition from the Department on behalf of a student  
20 enrolled at the virtual charter school who is reported for truancy  
21 two times in the same school year. The office of accreditation  
22 shall review the waiver request and determine whether the student  
23 should be allowed to continue attending the virtual charter school.  
24 The student shall continue attending the virtual charter school

1 while the waiver is being reviewed and until a final determination  
2 is made.

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

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

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

20 ~~J.~~ K. The Statewide Virtual Charter School Board may promulgate  
21 rules to implement the provisions of this section.

22 SECTION 2. This act shall become effective November 1, 2022.

23 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION  
24 April 12, 2022 - DO PASS