

1 ENGROSSED SENATE
BILL NO. 1238

By: Dugger of the Senate

2
3 and

4 Ranson of the House
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6 An Act relating to schools; amending 70 O.S. 2021,
7 Section 1-111, which relates to the school day;
8 clarifying that nothing shall prohibit certain
9 student who transfers from enrolling in certain full-
10 time virtual education program; subjecting certain
11 transfer student to certain provisions; requiring
12 certain board of education to adopt certain policy;
13 amending 70 O.S. 2021, Section 3-145.5, which relates
14 to full-time virtual education; removing language
15 prohibiting a school district from offering certain
16 program to students who are not residents of the
17 district; providing an effective date; and declaring
18 an emergency.

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

20 SECTION 1. AMENDATORY 70 O.S. 2021, Section 1-111, is
21 amended to read as follows:

22 Section 1-111. A. Except as otherwise provided for by law, a
23 school day shall consist of not less than six (6) hours devoted to
24 school activities. A district board of education may elect to
extend the length of one (1) or more school days to more than six
(6) hours and reduce the number of school days as long as the total
amount of classroom instruction time is not less than one thousand
eighty (1,080) hours per year as required pursuant to Section 1-109
of this title.

1 B. A school day for nursery, early childhood education,
2 kindergarten, and alternative education programs shall be as
3 otherwise defined by law or as defined by the State Board of
4 Education. Except as otherwise provided for in this subsection, not
5 more than one (1) school day shall be counted for attendance
6 purposes in any twenty-four-hour period. Two (2) school days, each
7 consisting of not less than six (6) hours, may be counted for
8 attendance purposes in any twenty-four-hour period only if one of
9 the school days is for the purpose of parent-teacher conferences
10 held as provided for in Section 1-109 of this title.

11 C. Students absent from school in which they are regularly
12 enrolled may be considered as being in attendance if the reason for
13 such absence is to participate in scheduled school activities under
14 the direction and supervision of a regular member of the faculty or
15 to participate in an online course approved by the district board of
16 education. The State Board of Education shall adopt rules to
17 provide for the implementation of supplemental online courses which
18 shall include, but not be limited to, provisions addressing the
19 following:

- 20 1. Criteria for student admissions eligibility;
- 21 2. A student admission process administered through the
22 district of residence, which provides the ability for the student to
23 enroll in individual courses;

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1 3. A process by which students are not denied the opportunity
2 to enroll in educationally appropriate courses by school districts.
3 For the purposes of this section, "educationally appropriate" means
4 any instruction that is not substantially a repeat of a course or
5 portion of a course that the student has successfully completed,
6 regardless of the grade of the student, and regardless of whether a
7 course is similar to or identical to the instruction that is
8 currently offered in the school district;

9 4. Creation of a system which provides ongoing enrollment
10 access for students throughout the school year;

11 5. A grace period of fifteen (15) calendar days from the first
12 day of an online course for student withdrawal from an online course
13 without academic penalty;

14 6. Mastery of competencies for course completion rather than
15 Carnegie units;

16 7. Student participation in extracurricular activities in
17 accordance with school district eligibility rules and policies and
18 any rules and policies of a private organization or association
19 which provides the coordination, supervision, and regulation of the
20 interscholastic activities and contests of schools;

21 8. Parent authorization for release of state test results to
22 online course providers, on a form developed by the State Department
23 of Education; and

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1 9. A review process to identify and certify online course
2 providers and a uniform payment processing system.

3 D. Each district board of education shall adopt policies and
4 procedures that conform to rules for online courses as adopted by
5 the State Board. Such policies shall include criteria for approval
6 of the course, the appropriateness of the course for a particular
7 student, authorization for full-time students to enroll in online
8 courses, and establishing fees or charges. No district shall be
9 liable for payment of any fees or charges for any online course for
10 a student who has not complied with the district's policies and
11 procedures. School districts shall not deny students the
12 opportunity to enroll in educationally appropriate courses and shall
13 provide an admissions process which includes input from the student,
14 the parent or legal guardian of the student, and school faculty.

15 E. Districts shall require students enrolled in online courses
16 to participate in the Oklahoma School Testing Program Act. Students
17 participating in online courses from a remote site will be
18 responsible for providing their own equipment and Internet access,
19 unless the district chooses to provide the equipment. Credit may
20 not be granted for such courses except upon approval of the State
21 Board of Education and the district board of education.

22 F. Nothing in this section shall prohibit a student who
23 transfers from the district in which the student resides to another
24 school district pursuant to the Education Open Transfer Act from

1 enrolling in a full-time virtual education program offered by the
2 receiving school district. A student who enrolls pursuant to this
3 subsection shall be subject to the provisions of Section 8-103.2 of
4 this title. The board of education of a school district with a
5 full-time virtual education program shall adopt a policy to
6 determine the number of transfer students the program has the
7 capacity to accept in each grade level, as provided for in Section
8 8-101.2 of this title.

9 G. Districts may provide students with opportunities for
10 blended instruction. "Blended instruction" shall mean a combination
11 of brick-and-mortar learning and virtual learning environments that
12 includes elements of a student's control over place, pace, and path
13 of learning. A student in blended instruction may work on virtual
14 courses at home or at school in a blended flex lab but shall
15 participate in at least one unit or set of competencies as defined
16 by Section 11-103.6 of this title at a physical school building in a
17 traditional classroom setting which is the academic equivalent of
18 one (1) hour per day for each instructional day in the school year
19 as defined by Section 1-109 of this title.

20 ~~G.~~ H. The school day for kindergarten may consist of six (6)
21 hours devoted to school activities.

22 SECTION 2. AMENDATORY 70 O.S. 2021, Section 3-145.5, is
23 amended to read as follows:

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

7 B. Effective July 1, 2014, the Statewide Virtual Charter School
8 Board shall succeed to any contractual rights and responsibilities
9 incurred by a school district in a virtual charter school contract
10 executed prior to January 1, 2014, with a provider to provide full-
11 time virtual education to students who do not reside within the
12 school district boundaries. All property, equipment, supplies,
13 records, assets, current and future liability, encumbrances,
14 obligations, and indebtedness associated with the contract shall be
15 transferred to the Statewide Virtual Charter School Board.
16 Appropriate conveyances and other documents shall be executed to
17 effectuate the transfer of any property associated with the
18 contract. Upon succession of the contract, the Board shall assume
19 sponsorship of the virtual charter school for the remainder of the
20 term of the contract. Prior to the end of the current term of the
21 contract, the Board shall allow the provider of the virtual charter
22 school to apply for renewal of the contract with the Board in
23 accordance with the renewal procedures established pursuant to
24 Section 3-145.3 of this title.

1 SECTION 3. This act shall become effective July 1, 2022.

2 SECTION 4. It being immediately necessary for the preservation
3 of the public peace, health or safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval.

6 Passed the Senate the 22nd day of March, 2022.

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8 _____
9 Presiding Officer of the Senate

10 Passed the House of Representatives the ____ day of _____,
11 2022.

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14 Presiding Officer of the House
15 of Representatives
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