

1 STATE OF OKLAHOMA

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

3 SENATE BILL 166

By: Dossett (J.A.)

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5
6 AS INTRODUCED

7 An Act relating to virtual charter schools; amending
8 70 O.S. 2011, Section 3-104, as last amended by
9 Section 1, Chapter 271, O.S.L. 2013 (70 O.S. Supp.
10 2020, Section 3-104), which relates to the State
11 Board of Education powers and duties; removing
12 reference to the Statewide Virtual Charter School
13 Board; amending 70 O.S. 2011, Section 3-142, as last
14 amended by Section 1, Chapter 122, O.S.L. 2020 (70
15 O.S. Supp. 2020, Section 3-142), which relates to
16 charter school funding; replacing reference to the
17 Statewide Virtual Charter School Board with the State
18 Board of Education; amending Section 5, Chapter 367,
19 O.S.L. 2012, as last amended by Section 2, Chapter
20 27, O.S.L. 2020 (70 O.S. Supp. 2020, Section 3-
21 145.3), which relates powers and duties of the
22 Statewide Virtual Charter School Board; removing
23 references to the Statewide Virtual Charter School
24 Board; giving the State Board of Education sole
authority to sponsor statewide virtual charter
schools; removing language regarding appeals to the
State Board of Education; providing for
reconsideration of rejected application; amending
Section 6, Chapter 367, O.S.L. 2012, as amended by
Section 6, Chapter 212, O.S.L. 2013 (70 O.S. Supp.
2020, Section 3-145.4), which relates to promulgation
of rules; replacing reference to the Statewide
Virtual Charter School Board with the State Board of
Education; amending Section 7, Chapter 367, O.S.L.
2012, as amended by Section 7, Chapter 212, O.S.L.
2013 (70 O.S. Supp. 2020, Section 3-145.5), which
relates to virtual charter school contracts;
directing the State Board of Education to succeed to
the sponsorship of statewide virtual charter schools
by certain date; updating statutory language;
amending Section 1, Chapter 225, O.S.L. 2015 (70 O.S.

1 Supp. 2020, Section 3-145.7), which relates to
2 Statewide Virtual Charter School Board Revolving
3 Fund; renaming fund; modifying authority over fund;
4 modifying purpose of fund; amending Section 1,
5 Chapter 247, O.S.L. 2017, as amended by Section 3,
6 Chapter 27, O.S.L. 2020 (70 O.S. Supp. 2020, Section
7 3-145.8), which relates to virtual charter school
8 attendance policies; replacing references to the
9 Statewide Virtual Charter School Board with the State
10 Board of Education; updating statutory reference;
11 amending Section 1, Chapter 86, O.S.L. 2020 (70 O.S.
12 Supp. 2020, Section 1210.704), which relates to
13 access to advanced placement courses; replacing
14 references to the Statewide Virtual Charter School
15 Board with the State Board of Education; updating
16 statutory reference; repealing Section 3, Chapter
17 367, O.S.L. 2012, as amended by Section 4, Chapter
18 212, O.S.L. 2013 (70 O.S. Supp. 2020, Section 3-
19 145.1), which relates to creation of the Statewide
20 Virtual Charter School Board; repealing Section 4,
21 Chapter 367, O.S.L. 2012 (70 O.S. Supp. 2020, Section
22 3-145.2), which relates to meetings of the Statewide
23 Virtual Charter School Board; and providing an
24 effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-104, as
last amended by Section 1, Chapter 271, O.S.L. 2013 (70 O.S. Supp.
2020, Section 3-104), is amended to read as follows:

Section 3-104. The supervision of the public school system of
Oklahoma shall be vested in the State Board of Education and,
subject to limitations otherwise provided by law, the State Board of
Education shall:

1. Adopt policies and make rules for the operation of the
public school system of the state;

1 2. Appoint, prescribe the duties and fix the compensation of a
2 secretary, an attorney and all other personnel necessary for the
3 proper performance of the functions of the State Board of Education.
4 The secretary shall not be a member of the Board;

5 3. Submit to the Governor a departmental budget based upon
6 major functions of the Department as prepared by the State
7 Superintendent of Public Instruction and supported by detailed data
8 on needs and proposed operations as partially determined by the
9 budgetary needs of local school districts filed with the State Board
10 of Education for the ensuing fiscal year. Appropriations therefor
11 shall be made in lump-sum form for each major item in the budget as
12 follows:

- 13 a. State Aid to schools,
- 14 b. the supervision of all other functions of general and
15 special education including general control, free
16 textbooks, school lunch, Indian education and all
17 other functions of the Board and an amount sufficient
18 to adequately staff and administer these services, and
- 19 c. the Board shall determine the details by which the
20 budget and the appropriations are administered.
21 Annually, the Board shall make preparations to
22 consolidate all of the functions of the Department in
23 such a way that the budget can be based on two items,
24 administration and aid to schools. A maximum amount

1 for administration shall be designated as a part of
2 the total appropriation;

3 4. On the first day of December preceding each regular session
4 of the Legislature, prepare and deliver to the Governor and the
5 Legislature a report for the year ending June 30 immediately
6 preceding the regular session of the Legislature. The report shall
7 contain:

- 8 a. detailed statistics and other information concerning
9 enrollment, attendance, expenditures including State
10 Aid, and other pertinent data for all public schools
11 in this state,
- 12 b. reports from each and every division within the State
13 Department of Education as submitted by the State
14 Superintendent of Public Instruction and any other
15 division, department, institution or other agency
16 under the supervision of the Board,
- 17 c. recommendations for the improvement of the public
18 school system of the state,
- 19 d. a statement of the receipts and expenditures of the
20 State Board of Education for the past year, and
- 21 e. a statement of plans and recommendations for the
22 management and improvement of public schools and such
23 other information relating to the educational
24

1 interests of the state as may be deemed necessary and
2 desirable;

3 5. Provide for the formulation and adoption of curricula,
4 courses of study and other instructional aids necessary for the
5 adequate instruction of pupils in the public schools;

6 6. Have authority in matters pertaining to the licensure and
7 certification of persons for instructional, supervisory and
8 administrative positions and services in the public schools of the
9 state subject to the provisions of Section 6-184 of this title, and
10 shall formulate rules governing the issuance and revocation of
11 certificates for superintendents of schools, principals,
12 supervisors, librarians, clerical employees, school nurses, school
13 bus drivers, visiting teachers, classroom teachers and for other
14 personnel performing instructional, administrative and supervisory
15 services, but not including members of boards of education and other
16 employees who do not work directly with pupils, and may charge and
17 collect reasonable fees for the issuance of such certificates:

18 a. the State Department of Education shall not issue a
19 certificate to and shall revoke the certificate of any
20 person who has been convicted, whether upon a verdict
21 or plea of guilty or upon a plea of nolo contendere,
22 or received a suspended sentence or any probationary
23 term for a crime or an attempt to commit a crime
24 provided for in Section 843.5 of Title 21 of the

1 Oklahoma Statutes if the offense involved sexual abuse
2 or sexual exploitation as those terms are defined in
3 Section 1-1-105 of Title 10A of the Oklahoma Statutes,
4 Sections 741, 843.1, if the offense included sexual
5 abuse or sexual exploitation, 865 et seq., 885, 888,
6 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,
7 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
8 Statutes or who enters this state and who has been
9 convicted, received a suspended sentence or received a
10 deferred judgment for a crime or attempted crime
11 which, if committed or attempted in this state, would
12 be a crime or an attempt to commit a crime provided
13 for in any of said laws,

14 b. all funds collected by the State Department of
15 Education for the issuance of certificates to
16 instructional, supervisory and administrative
17 personnel in the public schools of the state shall be
18 deposited in the "Teachers' Certificate Fund" in the
19 State Treasury and may be expended by the State Board
20 of Education to finance the activities of the State
21 Department of Education necessary to administer the
22 program, for consultative services, publication costs,
23 actual and necessary travel expenses as provided in
24 the State Travel Reimbursement Act incurred by persons

1 performing research work, and other expenses found
2 necessary by the State Board of Education for the
3 improvement of the preparation and certification of
4 teachers in Oklahoma. Provided, any unobligated
5 balance in the Teachers' Certificate Fund in excess of
6 Ten Thousand Dollars (\$10,000.00) on June 30 of any
7 fiscal year shall be transferred to the General
8 Revenue Fund of the State of Oklahoma. Until July 1,
9 1997, the State Board of Education shall have
10 authority for approval of teacher education programs.
11 The State Board of Education shall also have authority
12 for the administration of teacher residency and
13 professional development, subject to the provisions of
14 the Oklahoma Teacher Preparation Act;

15 7. Promulgate rules governing the classification, inspection,
16 supervision and accrediting of all public nursery, kindergarten,
17 elementary and secondary schools and on-site educational services
18 provided by public school districts or state-accredited private
19 schools in partial hospitalization programs, day treatment programs,
20 and day hospital programs as defined in this act for persons between
21 the ages of three (3) and twenty-one (21) years of age in the state.
22 However, no school shall be denied accreditation solely on the basis
23 of average daily attendance.

1 Any school district which maintains an elementary school and
2 faces the necessity of relocating its school facilities because of
3 construction of a lake, either by state or federal authority, which
4 will inundate the school facilities, shall be entitled to receive
5 probationary accreditation from the State Board of Education for a
6 period of five (5) years after the effective date of this act and
7 any school district, otherwise qualified, shall be entitled to
8 receive probationary accreditation from the State Board of Education
9 for a period of two (2) consecutive years to attain the minimum
10 average daily attendance. The Head Start and public nurseries or
11 kindergartens operated from Community Action Program funds shall not
12 be subjected to the accrediting rules of the State Board of
13 Education. Neither will the State Board of Education make rules
14 affecting the operation of the public nurseries and kindergartens
15 operated from federal funds secured through Community Action
16 Programs even though they may be operating in the public schools of
17 the state. However, any of the Head Start or public nurseries or
18 kindergartens operated under federal regulations may make
19 application for accrediting from the State Board of Education but
20 will be accredited only if application for the approval of the
21 programs is made. The status of no school district shall be changed
22 which will reduce it to a lower classification until due notice has
23 been given to the proper authorities thereof and an opportunity
24

1 given to correct the conditions which otherwise would be the cause
2 of such reduction.

3 Private and parochial schools may be accredited and classified
4 in like manner as public schools or, if an accrediting association
5 is approved by the State Board of Education, by procedures
6 established by the State Board of Education to accept accreditation
7 by such accrediting association, if application is made to the State
8 Board of Education for such accrediting;

9 8. Be the legal agent of the State of Oklahoma to accept, in
10 its discretion, the provisions of any Act of Congress appropriating
11 or apportioning funds which are now, or may hereafter be, provided
12 for use in connection with any phase of the system of public
13 education in Oklahoma. It shall prescribe such rules as it finds
14 necessary to provide for the proper distribution of such funds in
15 accordance with the state and federal laws;

16 9. Be and is specifically hereby designated as the agency of
17 this state to cooperate and deal with any officer, board or
18 authority of the United States Government under any law of the
19 United States which may require or recommend cooperation with any
20 state board having charge of the administration of public schools
21 unless otherwise provided by law;

22 10. Be and is hereby designated as the "State Educational
23 Agency" referred to in Public Law 396 of the 79th Congress of the
24 United States, which law states that said act may be cited as the

1 "National School Lunch Act", and said State Board of Education is
2 hereby authorized and directed to accept the terms and provisions of
3 said act and to enter into such agreements, not in conflict with the
4 Constitution of Oklahoma or the Constitution and Statutes of the
5 United States, as may be necessary or appropriate to secure for the
6 State of Oklahoma the benefits of the school lunch program
7 established and referred to in said act;

8 11. Have authority to secure and administer the benefits of the
9 National School Lunch Act, Public Law 396 of the 79th Congress of
10 the United States, in the State of Oklahoma and is hereby authorized
11 to employ or appoint and fix the compensation of such additional
12 officers or employees and to incur such expenses as may be necessary
13 for the accomplishment of the above purpose, administer the
14 distribution of any state funds appropriated by the Legislature
15 required as federal matching to reimburse on children's meals;

16 12. Accept and provide for the administration of any land,
17 money, buildings, gifts, donation or other things of value which may
18 be offered or bequeathed to the schools under the supervision or
19 control of said Board;

20 13. Have authority to require persons having administrative
21 control of all school districts in Oklahoma to make such regular and
22 special reports regarding the activities of the schools in said
23 districts as the Board may deem needful for the proper exercise of
24 its duties and functions. Such authority shall include the right of

1 the State Board of Education to withhold all state funds under its
2 control, to withhold official recognition, including accrediting,
3 until such required reports have been filed and accepted in the
4 office of said Board and to revoke the certificates of persons
5 failing or refusing to make such reports;

6 14. Have general supervision of the school lunch program. The
7 State Board of Education may sponsor workshops for personnel and
8 participants in the school lunch program and may develop, print and
9 distribute free of charge or sell any materials, books and bulletins
10 to be used in such school lunch programs. There is hereby created
11 in the State Treasury a revolving fund for the Board, to be
12 designated the School Lunch Workshop Revolving Fund. The fund shall
13 consist of all fees derived from or on behalf of any participant in
14 any such workshop sponsored by the State Board of Education, or from
15 the sale of any materials, books and bulletins, and such funds shall
16 be disbursed for expenses of such workshops and for developing,
17 printing and distributing of such materials, books and bulletins
18 relating to the school lunch program. The fund shall be
19 administered in accordance with Section 155 of Title 62 of the
20 Oklahoma Statutes;

21 15. Prescribe all forms for school district and county officers
22 to report to the State Board of Education where required. The State
23 Board of Education shall also prescribe a list of appropriation
24 accounts by which the funds of school districts shall be budgeted,

1 accounted for and expended; and it shall be the duty of the State
2 Auditor and Inspector in prescribing all budgeting, accounting and
3 reporting forms for school funds to conform to such lists;

4 16. Provide for the establishment of a uniform system of pupil
5 and personnel accounting, records and reports;

6 17. Have authority to provide for the health and safety of
7 school children and school personnel while under the jurisdiction of
8 school authorities;

9 18. Provide for the supervision of the transportation of
10 pupils;

11 19. Have authority, upon request of the local school board, to
12 act in behalf of the public schools of the state in the purchase of
13 transportation equipment;

14 20. Have authority and is hereby required to perform all duties
15 necessary to the administration of the public school system in
16 Oklahoma as specified in the Oklahoma School Code; and, in addition
17 thereto, those duties not specifically mentioned herein if not
18 delegated by law to any other agency or official;

19 21. Administer the State Public Common School Building
20 Equalization Fund established by Section 32 of Article X of the
21 Oklahoma Constitution. Any monies as may be appropriated or
22 designated by the Legislature, other than ad valorem taxes, any
23 other funds identified by the State Department of Education, which
24 may include, but not be limited to, grants-in-aid from the federal

1 government for building purposes, the proceeds of all property that
2 shall fall to the state by escheat, penalties for unlawful holding
3 of real estate by corporations, and capital gains on assets of the
4 permanent school funds, shall be deposited in the State Public
5 Common School Building Equalization Fund. The fund shall be used to
6 aid school districts and charter schools in acquiring buildings,
7 subject to the limitations fixed by Section 32 of Article X of the
8 Oklahoma Constitution. It is hereby declared that the term
9 "acquiring buildings" as used in Section 32 of Article X of the
10 Oklahoma Constitution shall mean acquiring or improving school
11 sites, constructing, repairing, remodeling or equipping buildings,
12 or acquiring school furniture, fixtures, or equipment. For charter
13 schools, the fund shall only be used to acquire buildings in which
14 students enrolled in the charter school will be attending. It is
15 hereby declared that the term "school districts" as used in Section
16 32 of Article X of the Oklahoma Constitution shall mean school
17 districts and charter schools created pursuant to the provisions of
18 the Oklahoma Charter Schools Act. If sufficient monies are
19 available in the fund, the Board shall solicit proposals for grants
20 from school districts and charter schools and shall determine the
21 process for consideration of proposals. Grants shall be awarded
22 only to school districts which have a total assessed property
23 valuation per average daily membership that is less than the state
24 average total assessed property valuation per average daily

1 membership and, at the time of application, the district has voted
2 the five-mill building fund levy authorized in Section 10 of Article
3 X of the Oklahoma Constitution, and has voted indebtedness through
4 the issuance of new bonds for at least fifty percent (50%) within
5 the last three (3) years of the maximum allowable pursuant to the
6 provisions of Section 26 of Article X of the Oklahoma Constitution
7 as shown on the school district budget filed with the State Board of
8 Equalization for the current school year and certifications by the
9 Attorney General prior to April 1 of the school year. Grants shall
10 be awarded only to charter schools which have secured matching funds
11 for the specific purpose of acquiring buildings in an amount of not
12 less than ten percent (10%) of the total grant amount. The amount
13 of each grant awarded by the Board each year shall not exceed Four
14 Million Dollars (\$4,000,000.00). From the total amount available to
15 provide grants to public schools and charter schools, charter
16 schools shall be allocated the greater of ten percent (10%) of the
17 total amount or the percent of students enrolled in charter schools
18 that are not ~~sponsored by the Statewide Virtual Charter School Board~~
19 virtual charter schools as compared to the student enrollment in
20 school districts which have a total assessed property valuation per
21 average daily membership that is equal to or less than twenty-five
22 percent (25%) of the state total assessed property valuation per
23 average daily membership. The Board shall give priority
24 consideration to school districts which have a total assessed

1 property valuation per average daily membership that is equal to or
2 less than twenty-five percent (25%) of the state average total
3 assessed property valuation per average daily membership. The Board
4 is authorized to prorate grants awarded if monies are not sufficient
5 in the fund to award grants to qualified districts and charter
6 schools. The State Board of Education shall make available to
7 eligible charter schools any unused grant funds that remain after
8 the initial allocation to all eligible public school districts and
9 charter schools of this state. The State Board of Education shall
10 prescribe rules for making grants of aid from, and for otherwise
11 administering, the fund pursuant to the provisions of this
12 paragraph, and may employ and fix the duties and compensation of
13 technicians, aides, clerks, stenographers, attorneys and other
14 personnel deemed necessary to carry out the provisions of this
15 paragraph. The cost of administering the fund shall be paid from
16 monies appropriated to the State Board of Education for the
17 operation of the State Department of Education;

18 22. Recognize that the Director of the Oklahoma Department of
19 Corrections shall be the administrative authority for the schools
20 which are maintained in the state reformatories and shall appoint
21 the principals and teachers in such schools. Provided, that rules
22 of the State Board of Education for the classification, inspection
23 and accreditation of public schools shall be applicable to such
24

1 schools; and such schools shall comply with standards set by the
2 State Board of Education; and

3 23. Have authority to administer a revolving fund which is
4 hereby created in the State Treasury, to be designated the
5 Statistical Services Revolving Fund. The fund shall consist of all
6 monies received from the various school districts of the state, the
7 United States Government, and other sources for the purpose of
8 furnishing or financing statistical services and for any other
9 purpose as designated by the Legislature. The State Board of
10 Education is hereby authorized to enter into agreements with school
11 districts, municipalities, the United States Government, foundations
12 and other agencies or individuals for services, programs or research
13 projects. The Statistical Services Revolving Fund shall be
14 administered in accordance with Section 155 of Title 62 of the
15 Oklahoma Statutes.

16 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3-142, as
17 last amended by Section 1, Chapter 122, O.S.L. 2020 (70 O.S. Supp.
18 2020, Section 3-142), is amended to read as follows:

19 Section 3-142. A. For purposes of funding, a charter school
20 sponsored by a board of education of a school district shall be
21 considered a site within the school district in which the charter
22 school is located. The student membership of the charter school
23 shall be considered separate from the student membership of the
24 district in which the charter school is located for the purpose of

1 calculating weighted average daily membership pursuant to Section
2 18-201.1 of this title and State Aid pursuant to Section 18-200.1 of
3 this title. For charter schools sponsored by a board of education
4 of a school district, the sum of the separate calculations for the
5 charter school and the school district shall be used to determine
6 the total State Aid allocation for the district in which the charter
7 school is located. A charter school shall receive from the
8 sponsoring school district, the State Aid allocation and any other
9 state-appropriated revenue generated by its students for the
10 applicable year, less up to three percent (3%) of the State Aid
11 allocation, which may be retained by the school district as a fee
12 for administrative services rendered. For charter schools sponsored
13 by the board of education of a technology center school district, a
14 higher education institution, the State Board of Education, or a
15 federally recognized Indian tribe and for statewide virtual charter
16 schools sponsored by the ~~Statewide Virtual Charter School Board~~
17 State Board of Education, the State Aid allocation for the charter
18 school shall be distributed by the State Board of Education and not
19 more than three percent (3%) of the State Aid allocation may be
20 charged by the sponsor as a fee for administrative services
21 rendered. The State Board of Education shall determine the policy
22 and procedure for making payments to a charter school. The fee for
23 administrative services as authorized in this subsection shall only
24 be assessed on the State Aid allocation amount and shall not be

1 assessed on any other appropriated amounts. A sponsor of a charter
2 school shall not retain any additional State Aid allocation or
3 charge the charter school any additional fee above the amounts
4 allowed by this subsection unless the additional fees are for
5 additional services rendered. The charter school sponsor shall
6 provide to the State Department of Education financial records
7 documenting any state funds retained by the sponsor for
8 administrative services rendered for the previous year.

9 B. 1. The weighted average daily membership for the first year
10 of operation of a charter school shall be determined initially by
11 multiplying the actual enrollment of students as of August 1 by
12 1.333. The charter school shall receive revenue equal to that which
13 would be generated by the estimated weighted average daily
14 membership calculated pursuant to this paragraph. At midyear, the
15 allocation for the charter school shall be adjusted using the first
16 quarter weighted average daily membership for the charter school
17 calculated pursuant to subsection A of this section.

18 2. For the purpose of calculating weighted average daily
19 membership pursuant to Section 18-201.1 of this title and State Aid
20 pursuant to Section 18-200.1 of this title, the weighted average
21 daily membership for the first year of operation and each year
22 thereafter of a full-time virtual charter school shall be determined
23 by multiplying the actual enrollment of students as of August 1 by
24 1.333. The full-time virtual charter school shall receive revenue

1 equal to that which would be generated by the estimated weighted
2 average daily membership calculated pursuant to this paragraph. At
3 midyear, the allocation for the full-time virtual charter school
4 shall be adjusted using the first quarter weighted average daily
5 membership for the virtual charter school calculated pursuant to
6 subsection A of this section.

7 C. A charter school shall be eligible to receive any other aid,
8 grants or revenues allowed to other schools. A charter school
9 sponsored by the board of education of a technology center school
10 district, a higher education institution, the State Board of
11 Education, or a federally recognized Indian tribe shall be
12 considered a local education agency for purposes of funding. A
13 charter school sponsored by a board of education of a school
14 district shall be considered a local education agency for purposes
15 of federal funding.

16 D. A charter school, in addition to the money received from the
17 state, may receive money from any other source. Any unexpended
18 funds may be reserved and used for future purposes. The governing
19 body of a charter school shall not levy taxes or issue bonds. If
20 otherwise allowed by law, the governing body of a charter school may
21 enter into private contracts for the purposes of borrowing money
22 from lenders. If the governing body of the charter school borrows
23 money, the charter school shall be solely responsible for repaying
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1 the debt, and the state or the sponsor shall not in any way be
2 responsible or obligated to repay the debt.

3 E. Any charter school which chooses to lease property shall be
4 eligible to receive current government lease rates.

5 F. Except as otherwise provided in this subsection, each
6 charter school shall pay to the Charter School Closure Reimbursement
7 Revolving Fund created in subsection G of this section an amount
8 equal to Five Dollars (\$5.00) per student based on average daily
9 membership, as defined by paragraph 2 of Section 18-107 of this
10 title, during the first nine (9) weeks of the school year. Each
11 charter school shall complete the payment every school year within
12 thirty (30) days after the first nine (9) weeks of the school year.
13 If the Charter School Closure Reimbursement Revolving Fund has a
14 balance of One Million Dollars (\$1,000,000.00) or more on July 1, no
15 payment shall be required the following school year.

16 G. There is hereby created in the State Treasury a revolving
17 fund for the State Department of Education to be designated the
18 "Charter School Closure Reimbursement Revolving Fund". The fund
19 shall be a continuing fund, not subject to fiscal year limitations,
20 and shall consist of all monies received by the State Department of
21 Education from charter schools as provided in subsection F of this
22 section. All monies accruing to the credit of said fund are hereby
23 appropriated and may be budgeted and expended by the State
24 Department of Education for the purpose of reimbursing charter

1 school sponsors for costs incurred due to the closure of a charter
2 school. Expenditures from said fund shall be made upon warrants
3 issued by the State Treasurer against claims filed as prescribed by
4 law with the Director of the Office of Management and Enterprise
5 Services for approval and payment. The State Department of
6 Education may promulgate rules regarding sponsor eligibility for
7 reimbursement.

8 SECTION 3. AMENDATORY Section 5, Chapter 367, O.S.L.
9 2012, as last amended by Section 2, Chapter 27, O.S.L. 2020 (70 O.S.
10 Supp. 2020, Section 3-145.3), is amended to read as follows:

11 Section 3-145.3. A. Subject to the requirements of the
12 Oklahoma Charter Schools Act, the ~~Statewide Virtual Charter School~~
13 ~~Board~~ State Board of Education shall have the sole authority to
14 authorize and sponsor statewide virtual charter schools in this
15 state and shall:

16 1. Provide oversight of the operations of statewide virtual
17 charter schools in this state;

18 2. Establish a procedure for accepting, approving and
19 disapproving statewide virtual charter school applications and a
20 process for renewal or revocation of approved charter school
21 contracts which minimally meet the procedures set forth in the
22 Oklahoma Charter Schools Act;

23 3. Make publicly available a list of supplemental online
24 courses which have been reviewed and certified by the ~~Statewide~~

1 ~~Virtual Charter School Board~~ State Board of Education to ensure that
2 the courses are high quality options and are aligned with the
3 subject matter standards adopted ~~by the State Board of Education~~
4 pursuant to Section 11-103.6 of this title. The ~~Statewide Virtual~~
5 ~~Charter School~~ Board shall give special emphasis on listing
6 supplemental online courses in science, technology, engineering and
7 math (STEM), foreign language and advanced placement courses.
8 School districts shall not be limited to selecting supplemental
9 online courses that have been reviewed and certified by the
10 ~~Statewide Virtual Charter School~~ Board and listed as provided for in
11 this paragraph; and

12 4. In conjunction with the Office of Management and Enterprise
13 Services, negotiate and enter into contracts with supplemental
14 online course providers to offer a state rate price to school
15 districts for supplemental online courses that have been reviewed
16 and certified by the ~~Statewide Virtual Charter School Board~~ State
17 Board of Education and listed as provided for in paragraph 3 of this
18 subsection.

19 B. Each statewide virtual charter school which has been
20 approved and sponsored by the Board or any virtual charter school
21 for which the Board has assumed sponsorship of as provided for in
22 Section 3-145.5 of this title shall be considered a statewide
23 virtual charter school and, except as provided in subsection H of
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1 this section, the geographic boundaries of each statewide virtual
2 charter school shall be the borders of the state.

3 C. Each statewide virtual charter school approved by the
4 ~~Statewide Virtual Charter School Board~~ State Board of Education
5 shall be eligible to receive federal funds generated by students
6 enrolled in the charter school for the applicable year. Each
7 statewide virtual charter school shall be considered a separate
8 local education agency for purposes of reporting and accountability.

9 D. As calculated as provided for in Section 3-142 of this
10 title, a statewide virtual charter school shall receive the State
11 Aid allocation and any other state-appropriated revenue generated by
12 students enrolled in the virtual charter school for the applicable
13 year, less up to five percent (5%) of the State Aid allocation,
14 which may be retained by the ~~Statewide Virtual Charter School Board~~
15 State Board of Education for administrative expenses and to support
16 the mission of the Board. A statewide virtual charter school shall
17 be eligible for any other funding any other charter school is
18 eligible for as provided for in Section 3-142 of this title. Each
19 statewide virtual charter school shall be considered a separate
20 local education agency for purposes of reporting and accountability.

21 E. A virtual charter school shall be subject to the same
22 reporting requirements, financial audits, audit procedures and audit
23 requirements as a school district. The State Department of
24 Education or State Auditor and Inspector may conduct financial,

1 program or compliance audits. A virtual charter school shall use
2 the Oklahoma Cost Accounting System (OCAS) to report financial
3 transactions to the State Department of Education.

4 F. A virtual charter school governing body shall be responsible
5 for the policies that govern the operational decisions of the
6 virtual charter school. The governing body of a virtual charter
7 school shall be subject to the same conflict of interest
8 requirements as a member of a local school board including, but not
9 limited to, Sections 5-113 and 5-124 of this title. Members
10 appointed to the governing body of a virtual charter school after
11 July 1, 2019, shall be subject to the same instruction and
12 continuing education requirements as a member of a local school
13 board and pursuant to Section 5-110 of this title, complete twelve
14 (12) hours of instruction within fifteen (15) months of appointment
15 to the governing body, and pursuant to Section 5-110.1 of this
16 title, attend continuing education.

17 G. Students enrolled full-time in a statewide virtual charter
18 school sponsored by the ~~Statewide Virtual Charter School Board~~ State
19 Board of Education shall not be authorized to participate in any
20 activities administered by the Oklahoma Secondary Schools Activities
21 Association. However, the students may participate in intramural
22 activities sponsored by a statewide virtual charter school, an
23 online provider for the charter school or any other outside
24 organization.

1 H. 1. Beginning with the 2021-2022 school year, public school
2 students who wish to enroll in a virtual charter school shall be
3 considered a transfer student from their resident school district.
4 A virtual charter school shall pre-enroll any public school student
5 whose parent expresses intent to enroll in the district. Upon pre-
6 enrollment, the State Department of Education shall initiate a
7 transfer on a form to be completed by the receiving virtual charter
8 school. Upon approval of the receiving virtual charter school, the
9 student may begin instructional activities. Upon notice that a
10 public school student has transferred to a virtual charter school,
11 the resident school district shall transmit the student's records
12 within three (3) school days.

13 2. The State Department of Education shall notify the
14 Legislature and Governor if it determines that the information
15 technology infrastructure necessary to process the transfer of
16 students to a virtual charter school is inadequate and one (1)
17 additional school year is needed for implementation.

18 3. A public school student may transfer to one statewide
19 virtual charter school at any time during a school year. For
20 purposes of this subsection, "school year" shall mean July 1 through
21 the following June 30. After one statewide virtual charter school
22 transfer during a school year, no public school student shall be
23 permitted to transfer to any other statewide virtual charter school
24 without the concurrence of both the resident school district and the

1 receiving virtual charter school. A student shall have a grace
2 period of fifteen (15) school days from the first day of enrollment
3 in a statewide virtual charter school to withdraw without academic
4 penalty and shall continue to have the option of one virtual charter
5 school transfer without the concurrence of both districts during
6 that same school year. A statewide virtual charter school student
7 that has utilized the allowable one transfer pursuant to this
8 subsection shall not be permitted to transfer to another district or
9 other statewide virtual charter school without first notifying his
10 or her resident district and initiating a new transfer. Upon
11 cancellation of a transfer the virtual charter school shall transmit
12 the student's records to the student's new school district within
13 three (3) school days. Students enrolled in a statewide virtual
14 charter school shall not be required to submit a virtual charter
15 transfer for consecutive years of enrollment. Any student enrolled
16 in a statewide virtual charter school the year prior to the
17 implementation of this section shall not be required to submit a
18 transfer in order to remain enrolled.

19 4. For purposes of this subsection, "parent" shall mean the
20 parent of the student or person having custody of the student as
21 provided for in paragraph 1 of subsection A of Section 1-113 of this
22 title.

23 I. A virtual charter school shall not accept or deny a transfer
24 based on ethnicity, national origin, gender, income level, disabling

1 condition, proficiency in the English language, measure of
2 achievement, aptitude or athletic ability.

3 ~~J. The decision of the Statewide Virtual Charter School Board~~
4 ~~to deny, nonrenew or terminate the charter contract of a statewide~~
5 ~~virtual charter school may be appealed to the State Board of~~
6 ~~Education within thirty (30) days of the decision by the Statewide~~
7 ~~Virtual Charter School Board. The State Board of Education shall~~
8 ~~act on the appeal within sixty (60) days of receipt of the request~~
9 ~~from the statewide virtual charter school applicant. The State~~
10 ~~Board of Education may reverse the decision of the Statewide Virtual~~
11 ~~Charter School Board or may remand the matter back to the Statewide~~
12 ~~Virtual Charter School Board for further proceeding as directed. If~~
13 ~~the State Board of Education rejects an application for a statewide~~
14 ~~virtual charter school, it shall notify the applicant in writing of~~
15 ~~the reasons for the rejection. The applicant may submit a revised~~
16 ~~application for reconsideration to the Board within thirty (30) days~~
17 ~~after receiving notification of the rejection. The Board shall~~
18 ~~accept or reject the revised application within thirty (30) days of~~
19 ~~its receipt.~~

20 SECTION 4. AMENDATORY Section 6, Chapter 367, O.S.L.
21 2012, as amended by Section 6, Chapter 212, O.S.L. 2013 (70 O.S.
22 Supp. 2020, Section 3-145.4), is amended to read as follows:

23 Section 3-145.4. Pursuant to and in compliance with Article I of
24 the Administrative Procedures Act, the ~~Statewide Virtual Charter~~

1 ~~School Board~~ State Board of Education shall promulgate rules as may
2 be necessary to implement the provisions of this act.

3 SECTION 5. AMENDATORY Section 7, Chapter 367, O.S.L.
4 2012, as amended by Section 7, Chapter 212, O.S.L. 2013 (70 O.S.
5 Supp. 2020, Section 3-145.5), is amended to read as follows:

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

12 B. Effective ~~July 1, 2014~~ July 1, 2022, the ~~Statewide Virtual~~
13 ~~Charter School Board~~ State Board of Education shall succeed to any
14 ~~contractual rights and responsibilities incurred by a school~~
15 ~~district in a~~ as the sponsor of any statewide virtual charter school
16 ~~contract executed~~ operating in this state prior to ~~January 1, 2014,~~
17 ~~with a provider to provide full-time virtual education to students~~
18 ~~who do not reside within the school district boundaries~~ July 1,
19 2022. All property, equipment, supplies, records, assets, current
20 and future liability, encumbrances, obligations and indebtedness
21 associated with the sponsorship contract shall be transferred to the
22 ~~Statewide Virtual Charter School Board~~ State Board of Education.
23 Appropriate conveyances and other documents shall be executed to
24 effectuate the transfer of any property associated with the

1 contract. Upon succession of the contract, the Board shall assume
2 sponsorship of the virtual charter school for the remainder of the
3 term of the contract. Prior to the end of the current term of the
4 contract, the Board shall allow the provider of the virtual charter
5 school to apply for renewal of the contract with the Board in
6 accordance with the renewal procedures established pursuant to
7 Section 3-145.3 of this title.

8 SECTION 6. AMENDATORY Section 1, Chapter 225, O.S.L.
9 2015 (70 O.S. Supp. 2020, Section 3-145.7), is amended to read as
10 follows:

11 Section 3-145.7. There is hereby created in the State Treasury
12 a revolving fund for the ~~Statewide Virtual Charter School Board~~
13 State Board of Education to be designated the "Statewide Virtual
14 Charter School ~~Board~~ Revolving Fund". The fund shall be a
15 continuing fund, not subject to fiscal year limitations, and shall
16 consist of all monies received by the ~~Statewide Virtual Charter~~
17 ~~School Board~~ State Board of Education from State Aid pursuant to
18 Section 3-145.3 of ~~Title 70 of the Oklahoma Statutes~~ this title or
19 any other state appropriation. All monies accruing to the credit of
20 the fund are hereby appropriated and may be budgeted and expended by
21 the ~~Statewide Virtual Charter School Board~~ State Board of Education
22 for the purpose of supporting the mission of ~~the Statewide Virtual~~
23 ~~Charter School Board~~ statewide virtual charter schools.

24 Expenditures from the fund shall be made upon warrants issued by the

1 State Treasurer against claims filed as prescribed by law with the
2 Director of the Office of Management and Enterprise Services for
3 approval and payment.

4 SECTION 7. AMENDATORY Section 1, Chapter 247, O.S.L.
5 2017, as amended by Section 3, Chapter 27, O.S.L. 2020 (70 O.S.
6 Supp. 2020, Section 3-145.8), is amended to read as follows:

7 Section 3-145.8. A. It shall be the duty of each virtual
8 charter school approved and sponsored by the ~~Statewide Virtual~~
9 ~~School Board~~ State Board of Education pursuant to the provisions of
10 Section 3-145.3 of ~~Title 70 of the Oklahoma Statutes~~ this title to
11 keep a full and complete record of the attendance of all students
12 enrolled in the virtual charter school in one of the student
13 information systems approved by the State Department of Education
14 and locally selected by the virtual school from the approved list.

15 B. By July 1, 2020, the governing body of each virtual charter
16 school shall adopt an attendance policy. The policy may allow
17 attendance to be a proportional amount of the required attendance
18 policy provisions based upon the date of enrollment of the student.
19 The attendance policy shall include the following provisions:

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

22 2. A student who attends a virtual charter school shall be
23 considered in attendance for a quarter if the student:
24

- a. completes instructional activities on no less than ninety percent (90%) of the days within the quarter,
- b. is on pace for on-time completion of the course as defined by the governing board of the virtual charter school, or
- c. completes no less than seventy-two instructional activities within the quarter of the academic year.

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

- a. the number of school days during which the student completed the instructional activities during the quarter,
- b. the number of school days proportional to the percentage of the course that has been completed, or
- c. the number of school days proportional to the percentage of the required minimum number of completed instructional activities during the quarter.

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

1 D. Each statewide virtual charter school approved and sponsored
2 by the ~~Statewide Virtual Charter School Board~~ State Board of
3 Education pursuant to the provisions of Section 3-145.3 of this
4 title shall offer a student orientation, notify the parent or legal
5 guardian and each student who enrolls in that school of the
6 requirement to participate in the student orientation, and require
7 all students enrolled to complete the student orientation prior to
8 completing any other instructional activity. The ~~Statewide Virtual~~
9 ~~Charter School Board~~ State Board of Education shall promulgate rules
10 to develop materials for orientation.

11 E. Any student that is behind pace and does not complete an
12 instructional activity for a fifteen-school-day period shall be
13 withdrawn for truancy. The virtual charter school shall submit a
14 notification to the parent or legal guardian of a student who has
15 been withdrawn for truancy or is approaching truancy.

16 F. A student who is reported for truancy two times in the same
17 school year shall be withdrawn and prohibited from enrolling in the
18 same virtual charter school for the remainder of the school year.

19 G. The governing body of each statewide virtual charter school
20 shall develop, adopt and post on the school's website a policy
21 regarding consequences for a student's failure to attend school and
22 complete instructional activities. The policy shall state, at a
23 minimum, that if a student fails to consistently attend school and
24 complete instructional activities after receiving a notification

1 pursuant to subsection E of this section and reasonable intervention
2 strategies have been implemented, a student shall be subject to
3 certain consequences including withdrawal from the school for
4 truancy.

5 H. If a statewide virtual charter school withdraws a student
6 pursuant to subsections F and G of this section, the virtual charter
7 school shall immediately notify the student's resident district in
8 writing of the student's disenrollment.

9 I. The provisions of subsections F, G and H of this section
10 shall not be in effect until the implementation of subsection H of
11 Section 3-145.3 of this title.

12 J. The ~~Statewide Virtual Charter School Board~~ State Board of
13 Education may promulgate rules to implement the provisions of this
14 section.

15 SECTION 8. AMENDATORY Section 1, Chapter 86, O.S.L. 2020
16 (70 O.S. Supp. 2020, Section 1210.704), is amended to read as
17 follows:

18 Section 1210.704. A. Beginning with the 2024-2025 school year,
19 all public high schools in this state shall make a minimum of four
20 advanced placement courses available to students.

21 B. Local boards of education in each district shall be
22 responsible for ensuring annually that all high school students have
23 access to advanced placement courses beginning in the 2024-2025
24

1 school year. Such access may be provided through enrollment in
2 courses offered through:

- 3 1. A school site or sites within the district;
- 4 2. A career and technology institution within the district;
- 5 3. A program offered by the ~~Statewide Virtual Charter School~~

6 ~~Board~~ State Board of Education or one of its ~~vendors~~ online course
7 providers; or

- 8 4. A school site or sites in another school district.

9 C. The ~~Statewide Virtual Charter School Board~~ State Board of
10 Education shall maintain an online learning platform to provide high
11 quality online learning opportunities for Oklahoma students that are
12 aligned with the subject matter standards adopted by the ~~State Board~~
13 ~~of Education~~ pursuant to Section 11-103.6 of ~~Title 70 of the~~
14 ~~Oklahoma Statutes~~ this title. The Board shall implement online
15 courses, with an emphasis on science, technology, engineering, and
16 math (STEM) courses, foreign language courses and advanced placement
17 courses. The online platform shall be available to all Oklahoma
18 school districts.

19 D. The State Department of Education shall provide information
20 to all local boards of education, to be distributed to their
21 students and parents, on available opportunities and the enrollment
22 process for students to take advanced placement courses. The
23 information shall explain the value of advanced placement courses in
24 preparing students for postsecondary-level coursework, enabling

1 students to gain access to postsecondary opportunities, and
2 qualifying for scholarships and other financial aid opportunities.

3 E. The State Department of Education shall retain records of
4 which options outlined in subsection B of this section local boards
5 of education selected for their students and make the information
6 available on the Department's website.

7 F. As used in this section, "advanced placement course" shall
8 have the same meaning as provided in paragraph 1 of Section 1210.702
9 of ~~Title 70 of the Oklahoma Statutes~~ this title.

10 SECTION 9. REPEALER Section 3, Chapter 367, O.S.L. 2012,
11 as amended by Section 4, Chapter 212, O.S.L. 2013 (70 O.S. Supp.
12 2020, Section 3-145.1), and Section 4, Chapter 367, O.S.L. 2012 (70
13 O.S. Supp. 2020, Section 3-145.2), are hereby repealed.

14 SECTION 10. This act shall become effective July 1, 2022.

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