

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1768

By: Thompson (Kristen), Paxton,
and Daniels of the Senate

6 and

7 Baker and Moore of the
8 House

9
10 COMMITTEE SUBSTITUTE

11 [schools - length of school year - emergency virtual
12 days - State Board of Education - virtual
13 instruction - notification - State Department of
14 Education - determination - in-person instruction -
15 appeal - audit of records - effective date -
16 emergency]

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

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

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

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

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

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

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

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

23 C. Teachers off contract with an employing district shall not
24 be required by the employing school district to attend professional

1 meetings unless the teacher is paid additional compensation for the
2 additional time. Teachers may be paid additional compensation for
3 attending professional meetings in excess of their contract term.
4 Subject to district board of education policy or collective
5 bargaining agreement, additional paid professional days may be
6 granted for individual teachers to attend or participate in
7 professional meetings, staff development training, or National Board
8 certification portfolio development as provided for in Section 6-
9 204.2 of this title.

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

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

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

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

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

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

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

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

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

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

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

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

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

23 I. If subject to paragraph 2 of subsection A of this section, a
24 district board of education or designee may elect to close a school

1 during the school day for inclement weather purposes. In such an
2 event, the number of hours incurred in classroom instruction time
3 prior to school closure shall be counted toward the one thousand
4 eighty (1,080) hours per year requirement.

5 J. 1. A school district or charter school created pursuant to
6 Section 3-132 of this title may include in its policy adopted
7 pursuant to subsection A of this section up to ten (10) scheduled or
8 unscheduled virtual days in each school year during which
9 instruction shall be delivered to students virtually. For the
10 purposes of this subsection, reasons for a virtual day shall only
11 include inclement weather, unavailability of teachers and support
12 staff due to illness or professional development or training, and
13 building maintenance issues. No school district or charter school
14 may close school to provide virtual instruction except as provided
15 for in this subsection or as approved by the State Board of
16 Education. For the purposes of this subsection, "virtual
17 instruction" means the use of the Internet or other digital
18 information transmission systems as a form of instruction.

19 2. a. If a school district administrator determines it
20 necessary to use a scheduled or unscheduled virtual
21 day, he or she shall notify the State Department of
22 Education within seventy-two (72) hours of the
23 determination being made. The notification shall
24 include the date or dates during which virtual

1 instruction was to be provided and the reason for
2 providing virtual instruction.

3 b. Within one calendar week of receiving the notification
4 required by subparagraph a of this paragraph, the
5 State Department of Education shall determine whether
6 the use of virtual instruction complied with the
7 provisions of this subsection. If the Department
8 determines use of virtual instruction did not comply
9 with the provisions of this subsection, the school
10 district or charter school shall be required to
11 provide an additional day of in-person instruction.

12 c. If the State Department of Education determines use of
13 virtual instruction did not comply with the provisions
14 of this subsection, the school district or charter
15 school may appeal the decision to the State Board of
16 Education.

17 3. a. Instruction delivered virtually pursuant to the
18 provisions of this subsection may include synchronous
19 instruction, asynchronous instruction, or a
20 combination of both in accordance with the policy
21 adopted by the school district board of education.
22 Synchronous instruction delivered virtually shall be
23 research-based and age-appropriate for the length of
24 time for elementary and secondary students.

1 b. Policy adopted by the school district board of
2 education shall also specify how students who do not
3 have Internet access at home will receive instruction
4 virtually.

5 c. Upon receiving the notification required by
6 subparagraph a of paragraph 2 of this subsection, the
7 State Department of Education may audit school
8 district or charter school records to determine
9 whether a majority of students enrolled in the school
10 district or charter school complied with the virtual
11 policy adopted by the school district board of
12 education. If the Department determines less than a
13 majority of students enrolled in the school district
14 or charter school complied with the virtual policy
15 adopted by the school district board of education, the
16 school district or charter school shall be required to
17 provide an additional day of in-person instruction.

18 d. If the State Department of Education determines less
19 than a majority of students enrolled in the school
20 district or charter school complied with the virtual
21 policy adopted by the school district board of
22 education, the school district or charter school may
23 appeal the decision to the State Board of Education.

1 For the purposes of this subsection, "synchronous instruction" means
2 real-time interaction between a teacher and students as the primary
3 format of instruction.

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

11 ~~K.~~ L. The provisions of this section shall not prohibit the
12 Oklahoma School for the Blind or the Oklahoma School for the Deaf
13 from adopting an alternative school-hours policy if the Oklahoma
14 School for the Blind or the Oklahoma School for the Deaf notifies
15 and receives approval from the State Board of Education prior to
16 October 15 of the applicable school year.

17 SECTION 2. This act shall become effective July 1, 2024.

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

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