

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2905

By: Dills

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8 COMMITTEE SUBSTITUTE

9
10 An Act relating to schools; creating the Virtual
11 Charter School Reform and Transparency Act of 2020;
12 amending Section 5, Chapter 367, O.S.L. 2012, as last
13 amended by Section 1, Chapter 272, O.S.L. 2019 and
14 Section 1, Chapter 247, O.S.L. 2017 (70 O.S. Supp.
15 2019, Sections 3-145.3 and 3-145.8), which relate to
16 the Oklahoma Charter Schools Act; considering certain
17 students transfers; requiring certain notice;
18 providing transfer process; limiting certain
19 transfers; defining term; prohibiting certain
20 transfers; determining first date of attendance and
21 membership; modifying attendance calculation;
22 modifying term; requiring student orientation;
23 requiring promulgation of rules; requiring withdrawal
24 for truancy under certain conditions; prohibiting re-
enrollment under certain circumstances; requiring
adoption of certain attendance policy; requiring
notice upon disenrollment; providing effective time
for certain provisions; amending 70 O.S. 2011,
Section 18-107, which relates to state aid; modifying
definition; providing for noncodification; providing
an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Virtual Charter
School Reform and Transparency Act of 2020".

SECTION 2. AMENDATORY Section 5, Chapter 367, O.S.L.
2012, as last amended by Section 1, Chapter 272, O.S.L. 2019 (70
O.S. Supp. 2019, Section 3-145.3), is amended to read as follows:

Section 3-145.3 A. Subject to the requirements of the Oklahoma
Charter Schools Act, the Statewide Virtual Charter School Board
shall:

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

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

3. Make publicly available a list of supplemental online
courses which have been reviewed and certified by the Statewide
Virtual Charter School Board to ensure that the courses are high
quality options and are aligned with the subject matter standards
adopted by the State Board of Education pursuant to Section 11-103.6
of this title. The Statewide Virtual Charter School Board shall
give special emphasis on listing supplemental online courses in

1 science, technology, engineering and math (STEM), foreign language
2 and advanced placement courses. School districts shall not be
3 limited to selecting supplemental online courses that have been
4 reviewed and certified by the Statewide Virtual Charter School Board
5 and listed as provided for in this paragraph; and

6 4. In conjunction with the Office of Management and Enterprise
7 Services, negotiate and enter into contracts with supplemental
8 online course providers to offer a state rate price to school
9 districts for supplemental online courses that have been reviewed
10 and certified by the Statewide Virtual Charter School Board and
11 listed as provided for in paragraph 3 of this subsection.

12 B. Each statewide virtual charter school which has been
13 approved and sponsored by the Board or any virtual charter school
14 for which the Board has assumed sponsorship of as provided for in
15 Section 3-145.5 of this title shall be considered a statewide
16 virtual charter school and, except as provided in subsection H of
17 this section, the geographic boundaries of each statewide virtual
18 charter school shall be the borders of the state.

19 C. Each statewide virtual charter school approved by the
20 Statewide Virtual Charter School Board shall be eligible to receive
21 federal funds generated by students enrolled in the charter school
22 for the applicable year. Each statewide virtual charter school
23 shall be considered a separate local education agency for purposes
24 of reporting and accountability.

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

13 E. A virtual charter school shall be subject to the same
14 reporting requirements, financial audits, audit procedures and audit
15 requirements as a school district. The State Department of
16 Education or State Auditor and Inspector may conduct financial,
17 program or compliance audits. A virtual charter school shall use
18 the Oklahoma Cost Accounting System (OCAS) to report financial
19 transactions to the State Department of Education.

20 F. A virtual charter school governing body shall be responsible
21 for the policies that govern the operational decisions of the
22 virtual charter school. The governing body of a virtual charter
23 school shall be subject to the same conflict of interest
24 requirements as a member of a local school board including, but not

1 limited to, Sections 5-113 and 5-124 of this title. Members
2 appointed to the governing body of a virtual charter school after
3 July 1, 2019, shall be subject to the same instruction and
4 continuing education requirements as a member of a local school
5 board and pursuant to Section 5-110 of this title, complete twelve
6 (12) hours of instruction within fifteen (15) months of appointment
7 to the governing body, and pursuant to Section 5-110.1 of this
8 title, attend continuing education.

9 G. Students enrolled full-time in a statewide virtual charter
10 school sponsored by the Statewide Virtual Charter School Board shall
11 not be authorized to participate in any activities administered by
12 the Oklahoma Secondary Schools Activities Association. However, the
13 students may participate in intramural activities sponsored by a
14 statewide virtual charter school, an online provider for the charter
15 school or any other outside organization.

16 H. 1. Beginning with the 2021-2022 school year, public school
17 students who wish to enroll in a virtual charter school shall be
18 considered a transfer student from their resident school district.
19 A virtual charter school shall pre-enroll any public school student
20 whose parent expresses intent to enroll in the district. Upon pre-
21 enrollment, the State Department of Education shall initiate a
22 transfer on a form to be completed by the receiving virtual charter
23 school. Upon approval of the receiving virtual charter school, the
24 student may begin instructional activities. Upon notice that a

1 public school student has transferred to a virtual charter school,
2 the resident school district shall transmit the student's records
3 within three (3) school days.

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

9 3. A public school student may transfer to one statewide
10 virtual charter school at any time during a school year. For
11 purposes of this subsection "school year" shall mean July 1 through
12 the following June 30. After one statewide virtual charter school
13 transfer during a school year, no public school student shall be
14 permitted to transfer to any other statewide virtual charter school
15 without the concurrence of both the resident school district and the
16 receiving virtual charter school. A student shall have a grace
17 period of fifteen (15) school days from the first day of enrollment
18 in a statewide virtual charter school to withdraw without academic
19 penalty and shall continue to have the option of one virtual charter
20 school transfer without the concurrence of both districts during
21 that same school year. A statewide virtual charter school student
22 that has utilized the allowable one transfer pursuant to this
23 subsection shall not be permitted to transfer to another district or
24 other statewide virtual charter school without first notifying their

1 resident district and initiating a new transfer. Upon cancellation
2 of a transfer the virtual charter school shall transmit the
3 student's records to the student's new school district within three
4 (3) school days. Students enrolled in a statewide virtual charter
5 school shall not be required to submit a virtual charter transfer
6 for consecutive years of enrollment. Any student enrolled in a
7 statewide virtual charter school the year prior to the
8 implementation of this section shall not be required to submit a
9 transfer in order to remain enrolled.

10 4. For purposes of this subsection, "parent" shall mean the
11 parent of the student or person having custody of the student as
12 provided for in paragraph 1 of subsection A of Section 1-113 of this
13 title.

14 I. A virtual charter school shall not accept or deny a transfer
15 based on ethnicity, national origin, gender, income level, disabling
16 condition, proficiency in the English language, measure of
17 achievement, aptitude or athletic ability.

18 J. The decision of the Statewide Virtual Charter School Board
19 to deny, nonrenew or terminate the charter contract of a statewide
20 virtual charter school may be appealed to the State Board of
21 Education within thirty (30) days of the decision by the Statewide
22 Virtual Charter School Board. The State Board of Education shall
23 act on the appeal within sixty (60) days of receipt of the request
24 from the statewide virtual charter school applicant. The State

1 Board of Education may reverse the decision of the Statewide Virtual
2 Charter School Board or may remand the matter back to the Statewide
3 Virtual Charter School Board for further proceeding as directed.

4 SECTION 3. AMENDATORY Section 1, Chapter 247, O.S.L.
5 2017 (70 O.S. Supp. 2019, Section 3-145.8), is amended to read as
6 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 pursuant to the provisions of Section 3-145.3 of Title
10 70 of the Oklahoma Statutes to keep a full and complete record of
11 the attendance of all students enrolled in the virtual charter
12 school in one of the student information systems approved by the
13 State Department of Education and locally selected by the virtual
14 school from the approved list.

15 B. By July 1, ~~2018~~ 2020, the governing body of each virtual
16 charter school shall adopt an attendance policy. The policy may
17 allow attendance to be a proportional amount of the required
18 attendance policy provisions based upon the date of enrollment of
19 the student. The attendance policy shall include the following
20 provisions:

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

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

- 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 ~~forty~~ seventy-two instructional activities within the quarter of the academic year.

~~2.~~ 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 ~~but not be limited to online logins to curriculum or programs offered by the virtual charter school, offline activities,~~ 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

1 ~~completed, testing, face-to-face communications with virtual charter~~
2 ~~school staff or service providers or meetings with virtual charter~~
3 ~~school staff or service providers via teleconference,~~
4 ~~videoconference, email, text or phone~~ and school-sanctioned field
5 trips, and orientation.

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

15 E. Any student that is behind pace and does not complete an
16 instructional activity for a fifteen (15) school day period shall be
17 withdrawn for truancy. The virtual charter school shall submit a
18 notification to the parent or legal guardian of a student who has
19 been withdrawn for truancy or is approaching truancy.

20 ~~E.~~ F. A student who is reported for truancy two (2) times in
21 the same school year shall be withdrawn and prohibited from
22 enrolling in the same virtual charter school for the remainder of
23 the school year.

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

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

15 I. The provisions of subsections F, G and H of this section
16 shall not be in effect until the implementation of subsection H of
17 section 3-145.3 of this title.

18 J. The Statewide Virtual Charter School Board may promulgate
19 rules to implement the provisions of this section.

20 SECTION 4. AMENDATORY 70 O.S. 2011, Section 18-107, is
21 amended to read as follows:

22 Section 18-107. As used in this title:

23 1. "Average Daily Attendance" (ADA) means the legal average
24 number of pupils, early childhood education programs through grade

1 twelve, in a school district during a school year as determined
2 pursuant to the provisions of Section 18-111 of this title. A day
3 of school for early childhood education programs and kindergarten
4 shall be at least two and one-half (2 1/2) hours and, for early
5 childhood education, may be six (6) hours.

6 2. "Average Daily Membership" (ADM) means the average number of
7 pupils present and absent in a school district during a school year.
8 Average Daily Membership shall be calculated by dividing the sum of
9 the pupil's total days present and total days absent by the number
10 of days taught.

11 ~~Provided, a~~

12 a. A pupil who has been absent without excuse ten (10)
13 consecutive days shall be taken off the roll beginning
14 the eleventh day and thereafter shall not be
15 considered in a district's average daily membership
16 calculation until the pupil is placed on the roll in
17 the district. For the purpose of this paragraph,
18 consecutive days means days for which enrollment is
19 recorded.

20 b. A pupil enrolled in a statewide virtual charter school
21 who is behind pace and has not completed instructional
22 activity as defined by Section 3-145.8 of this title
23 for a fifteen (15) school day period, without excuse
24 as authorized by Section 10-105 of this title, shall

1 be taken off the roll beginning the sixteenth day and
2 thereafter shall not be considered in the virtual
3 charter school's average daily membership calculation
4 until the pupil is placed on the roll in the virtual
5 charter school.

6 3. "Total Adjusted Assessed Valuation" means the sum of public
7 service property assessed valuation, personal property assessed
8 valuation and real property assessed valuation as adjusted pursuant
9 to the provisions of Section 18-109.1 of this title.

10 4. "Eighty-five percent (85%) of maximum allowable", for the
11 purpose of assessing class size penalty pursuant to Sections 18-
12 113.1 and 18-113.2 of this title, means eighty-five percent (85%) of
13 ten percent (10%) of the preceding year's net assessed valuation of
14 a school district. The calculation of indebtedness as provided for
15 in paragraph a of subsection G of Section 18-113.1 and subparagraph
16 a of paragraph 4 of subsection A of Section 18-113.2 of this title
17 shall include the outstanding principal amount of bonds issued by
18 the school district plus the principal amount of any bonds
19 authorized by a vote of the people for issuance but not yet issued
20 by the school district.

21 SECTION 5. This act shall become effective July 1, 2020.

22 SECTION 6. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
24

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
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4 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/26/2020
5 - DO PASS, As Amended.
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