

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

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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:

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

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

5 SECTION 2. AMENDATORY Section 5, Chapter 367, O.S.L.  
6 2012, as last amended by Section 1, Chapter 272, O.S.L. 2019 (70  
7 O.S. Supp. 2019, Section 3-145.3), is amended to read as follows:

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

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

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

18 3. Make publicly available a list of supplemental online  
19 courses which have been reviewed and certified by the Statewide  
20 Virtual Charter School Board to ensure that the courses are high  
21 quality options and are aligned with the subject matter standards  
22 adopted by the State Board of Education pursuant to Section 11-103.6  
23 of this title. The Statewide Virtual Charter School Board shall  
24 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:



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

8 ~~2.~~ 3. For a student who does not meet any of the criteria set  
9 forth in paragraph 1 or 2 of this subsection, the amount of  
10 attendance recorded shall be the greater of:

- 11 a. the number of school days during which the student  
12 completed the instructional activities during the  
13 quarter,  
14 b. the number of school days proportional to the  
15 percentage of the course that has been completed, or  
16 c. the number of school days proportional to the  
17 percentage of the required minimum number of completed  
18 instructional activities during the quarter.

19 C. For the purposes of this section, "instructional activities"  
20 shall include ~~but not be limited to online logins to curriculum or~~  
21 ~~programs offered by the virtual charter school, offline activities,~~  
22 instructional meetings with a teacher, completed assignments that  
23 are used to record a grade for a student that is factored into the  
24 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.

24

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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