

1 ENGROSSED SENATE
2 BILL NO. 1541

By: Stanislawski of the Senate

3 and

4 Baker of the House
5

6 An Act relating to statewide virtual charter schools;
7 amending 70 O.S. 2011, Section 3-104, as last amended
8 by Section 1, Chapter 271, O.S.L. 2013 (70 O.S. Supp.
9 2019, Section 3-104), which relates to powers and
10 duties of the State Board of Education; updating
11 reference from the Statewide Virtual Charter School
12 Board to the Oklahoma Commission for Digital
13 Learning; amending 70 O.S. 2011, Section 3-142, as
14 last amended by Section 6, Chapter 170, O.S.L. 2015
15 (70 O.S. Supp. 2019, Section 3-142), which relates to
16 calculation of funding; updating reference to the
17 Oklahoma Commission for Digital Learning; amending
18 Section 3, Chapter 367, O.S.L. 2012, as amended by
19 Section 4, Chapter 212, O.S.L. 2013 (70 O.S. Supp.
20 2019, Section 3-145.1), which relates to creation of
21 the Statewide Virtual Charter School Board; changing
22 the name of the Board to the Oklahoma Commission for
23 Digital Learning; updating references; increasing
24 membership of Commission; modifying initial terms of
certain appointments; modifying length of subsequent
appointment terms; removing language directing the
State Department of Education to provide office
space; amending Section 4, Chapter 367, O.S.L. 2012
(70 O.S. Supp. 2019, Section 3-145.2), which relates
to meetings; updating references; amending 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), which relates to powers and duties
of the Statewide Virtual Charter School Board;
updating references to the Oklahoma Commission for
Digital Learning; directing the Commission to develop
certain online learning platform with alignment to
certain subject matter standards; directing the
Commission to develop certain content with certain
emphasis; exempting the Commission from the Oklahoma
Central Purchasing Act for certain purpose; removing
language providing for appeal of certain decisions;

1 directing appeals to be conducted pursuant to the
2 Administrative Procedures Act; amending Section 6,
3 Chapter 367, O.S.L. 2012, as amended by Section 6,
4 Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2019, Section
5 3-145.4), which relates to promulgation of rules;
6 updating reference to the Oklahoma Commission for
7 Digital Learning; amending Section 7, Chapter 367,
8 O.S.L. 2012, as amended by Section 7, Chapter 212,
9 O.S.L. 2013 (70 O.S. Supp. 2019, Section 3-145.5),
10 which relates to residency requirements for full-time
11 virtual education; updating references to the
12 Oklahoma Commission for Digital Learning; amending
13 Section 1, Chapter 108, O.S.L. 2013, as amended by
14 Section 2, Chapter 277, O.S.L. 2014 (70 O.S. Supp.
15 2019, Section 3-145.6), which relates to nonresident
16 students in full-time virtual education; requiring
17 certain district and virtual education provider to
18 submit certain data to the Oklahoma Commission for
19 Digital Learning; amending Section 1, Chapter 225,
20 O.S.L. 2015 (70 O.S. Supp. 2019, Section 3-145.7),
21 which relates to the Statewide Virtual Charter School
22 Board Revolving Fund; renaming the fund the Oklahoma
23 Commission for Digital Learning Revolving Fund;
24 updating references; amending Section 1, Chapter 247,
O.S.L. 2017 (70 O.S. Supp. 2019, Section 3-145.8),
which relates to virtual charter school attendance
policy; updating references to the Oklahoma
Commission for Digital Learning; updating statutory
references; updating statutory language; providing an
effective date; and declaring an emergency.

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.
2019, 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,

1 subject to limitations otherwise provided by law, the State Board of
2 Education shall:

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

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

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

- 17 a. State Aid to schools,
18 b. the supervision of all other functions of general and
19 special education including general control, free
20 textbooks, school lunch, Indian education and all
21 other functions of the Board and an amount sufficient
22 to adequately staff and administer these services, and
23 c. the Board shall determine the details by which the
24 budget and the appropriations are administered.

1 Annually, the Board shall make preparations to
2 consolidate all of the functions of the Department in
3 such a way that the budget can be based on two items,
4 administration and aid to schools. A maximum amount
5 for administration shall be designated as a part of
6 the total appropriation;

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

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

1 e. a statement of plans and recommendations for the
2 management and improvement of public schools and such
3 other information relating to the educational
4 interests of the state as may be deemed necessary and
5 desirable;

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

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

21 a. the State Department of Education shall not issue a
22 certificate to and shall revoke the certificate of any
23 person who has been convicted, whether upon a verdict
24 or plea of guilty or upon a plea of nolo contendere,

1 or received a suspended sentence or any probationary
2 term for a crime or an attempt to commit a crime
3 provided for in Section 843.5 of Title 21 of the
4 Oklahoma Statutes if the offense involved sexual abuse
5 or sexual exploitation as those terms are defined in
6 Section 1-1-105 of Title 10A of the Oklahoma Statutes,
7 Sections 741, 843.1, if the offense included sexual
8 abuse or sexual exploitation, 865 et seq., 885, 888,
9 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,
10 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
11 Statutes or who enters this state and who has been
12 convicted, received a suspended sentence or received a
13 deferred judgment for a crime or attempted crime
14 which, if committed or attempted in this state, would
15 be a crime or an attempt to commit a crime provided
16 for in any of ~~said~~ the laws,

- 17 b. all funds collected by the State Department of
18 Education for the issuance of certificates to
19 instructional, supervisory and administrative
20 personnel in the public schools of the state shall be
21 deposited in the "Teachers' Certificate Fund" in the
22 State Treasury and may be expended by the State Board
23 of Education to finance the activities of the State
24 Department of Education necessary to administer the

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

18 7. Promulgate rules governing the classification, inspection,
19 supervision and accrediting of all public nursery, kindergarten,
20 elementary and secondary schools and on-site educational services
21 provided by public school districts or state-accredited private
22 schools in partial hospitalization programs, day treatment programs,
23 and day hospital programs as defined in this act for persons between
24 the ages of three (3) and twenty-one (21) years of age in the state.

1 However, no school shall be denied accreditation solely on the basis
2 of average daily attendance.

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

1 been given to the proper authorities thereof and an opportunity
2 given to correct the conditions which otherwise would be the cause
3 of such reduction.

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

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

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

23 10. Be and is hereby designated as the "State Educational
24 Agency" referred to in Public Law 396 of the 79th Congress of the

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

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

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

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

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

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

22 15. Prescribe all forms for school district and county officers
23 to report to the State Board of Education where required. The State
24 Board of Education shall also prescribe a list of appropriation

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

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

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

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

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

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

20 21. Administer the State Public Common School Building
21 Equalization Fund established by Section 32 of Article X of the
22 Oklahoma Constitution. Any monies as may be appropriated or
23 designated by the Legislature, other than ad valorem taxes, any
24 other funds identified by the State Department of Education, which

1 may include, but not be limited to, grants-in-aid from the federal
2 government for building purposes, the proceeds of all property that
3 shall fall to the state by escheat, penalties for unlawful holding
4 of real estate by corporations, and capital gains on assets of the
5 permanent school funds, shall be deposited in the State Public
6 Common School Building Equalization Fund. The fund shall be used to
7 aid school districts and charter schools in acquiring buildings,
8 subject to the limitations fixed by Section 32 of Article X of the
9 Oklahoma Constitution. It is hereby declared that the term
10 "acquiring buildings" as used in Section 32 of Article X of the
11 Oklahoma Constitution shall mean acquiring or improving school
12 sites, constructing, repairing, remodeling or equipping buildings,
13 or acquiring school furniture, fixtures, or equipment. For charter
14 schools, the fund shall only be used to acquire buildings in which
15 students enrolled in the charter school will be attending. It is
16 hereby declared that the term "school districts" as used in Section
17 32 of Article X of the Oklahoma Constitution shall mean school
18 districts and charter schools created pursuant to the provisions of
19 the Oklahoma Charter Schools Act. If sufficient monies are
20 available in the fund, the Board shall solicit proposals for grants
21 from school districts and charter schools and shall determine the
22 process for consideration of proposals. Grants shall be awarded
23 only to school districts which have a total assessed property
24 valuation per average daily membership that is less than the state

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

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

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

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 6, Chapter 170, O.S.L. 2015 (70 O.S. Supp.
18 2019, 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 five percent (5%) 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 Oklahoma Commission for Digital Learning, the State Aid allocation
18 for the charter school shall be distributed by the State Board of
19 Education and not more than five percent (5%) of the State Aid
20 allocation may be charged by the sponsor as a fee for administrative
21 services rendered. The State Board of Education shall determine the
22 policy and procedure for making payments to a charter school. The
23 fee for administrative services as authorized in this subsection
24

1 shall only be assessed on the State Aid allocation amount and shall
2 not be assessed on any other appropriated amounts.

3 B. 1. The weighted average daily membership for the first year
4 of operation of a charter school shall be determined initially by
5 multiplying the actual enrollment of students as of August 1 by
6 1.333. The charter school shall receive revenue equal to that which
7 would be generated by the estimated weighted average daily
8 membership calculated pursuant to this paragraph. At midyear, the
9 allocation for the charter school shall be adjusted using the first
10 quarter weighted average daily membership for the charter school
11 calculated pursuant to subsection A of this section.

12 2. For the purpose of calculating weighted average daily
13 membership pursuant to Section 18-201.1 of this title and State Aid
14 pursuant to Section 18-200.1 of this title, the weighted average
15 daily membership for the first year of operation and each year
16 thereafter of a full-time virtual charter school shall be determined
17 by multiplying the actual enrollment of students as of August 1 by
18 1.333. The full-time virtual charter school shall receive revenue
19 equal to that which would be generated by the estimated weighted
20 average daily membership calculated pursuant to this paragraph. At
21 midyear, the allocation for the full-time virtual charter school
22 shall be adjusted using the first quarter weighted average daily
23 membership for the virtual charter school calculated pursuant to
24 subsection A of this section.

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

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

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

22 SECTION 3. AMENDATORY Section 3, Chapter 367, O.S.L.
23 2012, as amended by Section 4, Chapter 212, O.S.L. 2013 (70 O.S.
24 Supp. 2019, Section 3-145.1), is amended to read as follows:

1 Section 3-145.1. A. There is hereby created the ~~Statewide~~
2 ~~Virtual Charter School Board~~ Oklahoma Commission for Digital
3 Learning. The ~~Board~~ Commission shall have the sole authority to
4 authorize and sponsor statewide virtual charter schools in this
5 state. The ~~Board~~ Commission shall be composed of ~~five (5)~~ nine (9)
6 voting members as follows:

7 1. One member appointed by the Governor, who shall be a
8 resident and elector of the Fifth Congressional District. The
9 member appointed after the effective date of this act pursuant to
10 this paragraph shall serve a term of five (5) years;

11 2. ~~Two members~~

12 a. one member appointed by the President Pro Tempore of
13 the Senate, ~~one of whom~~ who shall be a resident and
14 elector of the First Congressional District ~~and one of~~
15 ~~whom~~. The member appointed after the effective date
16 of this act pursuant to this subparagraph shall serve
17 an initial term of two (2) years, and

18 b. one member appointed by the President Pro Tempore of
19 the Senate, who shall be a resident and elector of the
20 Third Congressional District. The member appointed
21 after the effective date of this act pursuant to this
22 subparagraph shall serve an initial term of three (3)
23 years;

24 3. ~~Two members~~

1 a. one member appointed by the Speaker of the House of
2 Representatives, ~~one of whom~~ who shall be a resident
3 and elector of the Second Congressional District ~~and~~
4 ~~one of whom.~~ The member appointed after the effective
5 date of this act pursuant to this subparagraph shall
6 serve a term of five (5) years, and

7 b. one member appointed by the Speaker of the House of
8 Representatives, who shall be a resident and elector
9 of the Fourth Congressional District. The member
10 appointed after the effective date of this act
11 pursuant to this subparagraph shall serve a term of
12 five (5) years; and

13 4. The State Superintendent of Public Instruction~~and,~~ the
14 Secretary of Education, the Chancellor of Higher Education and the
15 Director of the Department of Career and Technology Education or
16 their designees ~~shall serve as ex officio nonvoting members, and~~
17 ~~shall not be counted toward a quorum.~~

18 B. ~~Initial appointments shall be made by August 1, 2012. The~~
19 ~~President Pro Tempore of the Senate and the Speaker of the House of~~
20 ~~Representatives shall each appoint one member for one (1) year and~~
21 ~~one member for three (3) years. The Governor shall appoint one~~
22 ~~member for two (2) years. Members~~ Appointed members shall serve
23 until their successors are duly appointed for a term of ~~three (3)~~
24 five (5) years. Appointments shall be made by and take effect on

1 November 1 of the year in which the appointment is made. Annually
2 by December 30 the ~~Board~~ Commission shall elect from its membership
3 a chair and vice-chair.

4 C. A member may be removed from the ~~Board~~ Commission by the
5 appointing authority for cause which shall include, but not be
6 limited to:

7 1. Being found guilty by a court of competent jurisdiction of a
8 felony or any offense involving moral turpitude;

9 2. Being found guilty of malfeasance, misfeasance or
10 nonfeasance in relation to ~~Board~~ Commission duties;

11 3. Being found mentally incompetent by a court of competent
12 jurisdiction; or

13 4. Failing to attend three successive meetings of the ~~Board~~
14 Commission without just cause, as determined by the ~~Board~~
15 Commission.

16 D. Vacancies shall be filled by the appointing authority.

17 E. No member of the Senate or House of Representatives may be
18 appointed to the ~~Board~~ Commission while serving as a member of the
19 Legislature, or for two (2) full years following the expiration of
20 the term of office.

21 ~~F. The State Department of Education shall provide staff~~
22 ~~support to the Board until December 31, 2014, and thereafter the~~
23 ~~Department shall provide office space for the operation of the~~
24 ~~Board.~~

1 SECTION 4. AMENDATORY Section 4, Chapter 367, O.S.L.

2 2012 (70 O.S. Supp. 2019, Section 3-145.2), is amended to read as
3 follows:

4 Section 3-145.2. A. The ~~Statewide Virtual Charter School Board~~
5 Oklahoma Commission for Digital Learning shall meet ~~at the call of~~
6 ~~the chair. The first meeting of the Board shall be held no later~~
7 ~~than sixty (60) days after the effective date of this act~~ at least
8 quarterly.

9 B. ~~Three~~ Five members of the ~~Board~~ Commission shall constitute
10 a quorum and an affirmative vote of at least ~~three~~ five members
11 shall be required in order for the ~~Board~~ Commission to take any
12 final action.

13 C. Members of the ~~Board~~ Commission shall receive necessary
14 traveling expenses while in the performance of their duties in
15 accordance with the State Travel Reimbursement Act. Members shall
16 receive reimbursement from the ~~State Department of Education~~
17 Commission.

18 SECTION 5. AMENDATORY Section 5, Chapter 367, O.S.L.

19 2012, as last amended by Section 1, Chapter 272, O.S.L. 2019 (70
20 O.S. Supp. 2019, Section 3-145.3), is amended to read as follows:

21 Section 3-145.3. A. Subject to the requirements of the
22 Oklahoma Charter Schools Act, the ~~Statewide Virtual Charter School~~
23 ~~Board~~ Oklahoma Commission for Digital Learning shall:
24

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

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

8 3. Make publicly available a list of supplemental online
9 courses which have been reviewed and certified by the ~~Statewide~~
10 ~~Virtual Charter School Board~~ Oklahoma Commission for Digital
11 Learning to ensure that the courses are high quality options and are
12 aligned with the subject matter standards adopted by the State Board
13 of Education pursuant to Section 11-103.6 of this title. The
14 ~~Statewide Virtual Charter School Board~~ Oklahoma Commission for
15 Digital Learning shall give special emphasis on listing supplemental
16 online courses in science, technology, engineering and math (STEM),
17 foreign language and advanced placement courses. School districts
18 shall not be limited to selecting supplemental online courses that
19 have been reviewed and certified by the ~~Statewide Virtual Charter~~
20 ~~School Board~~ Oklahoma Commission for Digital Learning and listed as
21 provided for in this paragraph; and

22 4. In conjunction with the Office of Management and Enterprise
23 Services, negotiate and enter into contracts with supplemental
24 online course providers to offer a state rate price to school

1 districts for supplemental online courses that have been reviewed
2 and certified by the ~~Statewide Virtual Charter School Board~~ Oklahoma
3 Commission for Digital Learning and listed as provided for in
4 paragraph 3 of this subsection; and

5 5. Develop and maintain an online learning platform to provide
6 high quality online learning opportunities that are aligned with the
7 subject matter standards adopted by the State Board of Education
8 pursuant to Section 11-103.6 of this title for Oklahoma students.
9 The Commission shall develop content for the online courses, with a
10 special emphasis on developing online courses in science,
11 technology, engineering and math (STEM), foreign language courses
12 and advanced placement courses. The online platform shall be
13 available to all Oklahoma school districts in addition to the
14 supplemental online courses provided for in paragraph 3 of this
15 subsection. The Commission shall be exempt from the competitive
16 bidding requirements of the Oklahoma Central Purchasing Act for the
17 purpose of soliciting, negotiating and executing contracts pursuant
18 to this subsection.

19 B. Each statewide virtual charter school which has been
20 approved and sponsored by the ~~Board~~ Commission or any virtual
21 charter school for which the ~~Board~~ Commission has assumed
22 sponsorship of as provided for in Section 3-145.5 of this title
23 shall be considered a statewide virtual charter school and the
24

1 geographic boundaries of each statewide virtual charter school shall
2 be the borders of the state.

3 C. Each statewide virtual charter school approved by the
4 ~~Statewide Virtual Charter School Board~~ Commission shall be eligible
5 to receive federal funds generated by students enrolled in the
6 charter school for the applicable year. Each statewide virtual
7 charter school shall be considered a separate local education agency
8 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 Oklahoma Commission for Digital Learning for administrative expenses
16 and to support the mission of the ~~Board~~ Commission. A statewide
17 virtual charter school shall be eligible for any other funding any
18 other charter school is eligible for as provided for in Section 3-
19 142 of this title. Each statewide virtual charter school shall be
20 considered a separate local education agency for purposes of
21 reporting and accountability.

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

1 Education, the Oklahoma Commission for Digital Learning or State
2 Auditor and Inspector may conduct financial, program or compliance
3 audits. A virtual charter school shall use the Oklahoma Cost
4 Accounting System (OCAS) to report financial transactions to the
5 State Department of Education.

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

19 G. Students enrolled full-time in a statewide virtual charter
20 school sponsored by the ~~Statewide Virtual Charter School Board~~
21 Oklahoma Commission for Digital Learning shall not be authorized to
22 participate in any activities administered by the Oklahoma Secondary
23 Schools Activities Association. However, the students may
24 participate in intramural activities sponsored by a statewide

1 virtual charter school, an online provider for the charter school or
2 any other outside organization.

3 H. The decision of the ~~Statewide Virtual Charter School Board~~
4 Oklahoma Commission for Digital Learning to deny, nonrenew or
5 terminate the charter contract of a statewide virtual charter school
6 may be appealed ~~to the State Board of Education within thirty (30)~~
7 ~~days of the decision by the Statewide Virtual Charter School Board.~~
8 ~~The State Board of Education shall act on the appeal within sixty~~
9 ~~(60) days of receipt of the request from the statewide virtual~~
10 ~~charter school applicant. The State Board of Education may reverse~~
11 ~~the decision of the Statewide Virtual Charter School Board or may~~
12 ~~remand the matter back to the Statewide Virtual Charter School Board~~
13 ~~for further proceeding as directed pursuant to the provisions of the~~
14 Administrative Procedures Act.

15 SECTION 6. AMENDATORY Section 6, Chapter 367, O.S.L.
16 2012, as amended by Section 6, Chapter 212, O.S.L. 2013 (70 O.S.
17 Supp. 2019, Section 3-145.4), is amended to read as follows:

18 Section 3-145.4. Pursuant to and in compliance with Article I
19 of the Administrative Procedures Act, the ~~Statewide Virtual Charter~~
20 ~~School Board~~ Oklahoma Commission for Digital Learning shall
21 promulgate rules as may be necessary to implement the provisions of
22 ~~this act~~ the Oklahoma Charter Schools Act.

1 SECTION 7. AMENDATORY Section 7, Chapter 367, O.S.L.

2 2012, as amended by Section 7, Chapter 212, O.S.L. 2013 (70 O.S.
3 Supp. 2019, Section 3-145.5), is amended to read as follows:

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

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

1 the current term of the contract, the ~~Board~~ Commission shall allow
2 the provider of the virtual charter school to apply for renewal of
3 the contract with the ~~Board~~ Commission in accordance with the
4 renewal procedures established pursuant to Section 3-145.3 of this
5 title.

6 SECTION 8. AMENDATORY Section 1, Chapter 108, O.S.L.
7 2013, as amended by Section 2, Chapter 277, O.S.L. 2014 (70 O.S.
8 Supp. 2019, Section 3-145.6), is amended to read as follows:

9 Section 3-145.6. A. A virtual education provider that offers
10 full-time virtual education to students who are not residents of the
11 school district with which the provider is contracted shall be
12 considered a site within each school district with which the
13 provider contracts and subject to the accountability system
14 established pursuant to Section 1210.545 of this title.

15 B. The virtual education provider and the school district with
16 which it contracts are hereby directed to identify those students
17 who are full-time virtual students and do not live in the physical
18 boundaries of the district. The district and provider shall submit
19 in electronic format as necessary to the State Department of
20 Education and the Oklahoma Commission for Digital Learning detailed
21 data on the performance of nonresident students who are receiving
22 full-time instruction.

1 SECTION 9. AMENDATORY Section 1, Chapter 225, O.S.L.

2 2015 (70 O.S. Supp. 2019, Section 3-145.7), is amended to read as
3 follows:

4 Section 3-145.7. There is hereby created in the State Treasury
5 a revolving fund for the ~~Statewide Virtual Charter School Board~~
6 Oklahoma Commission for Digital Learning to be designated the
7 "~~Statewide Virtual Charter School Board~~ Oklahoma Commission for
8 Digital Learning Revolving Fund". The fund shall be a continuing
9 fund, not subject to fiscal year limitations, and shall consist of
10 all monies received by the ~~Statewide Virtual Charter School Board~~
11 Oklahoma Commission for Digital Learning from State Aid pursuant to
12 Section 3-145.3 of ~~Title 70 of the Oklahoma Statutes~~ this title or
13 any other state appropriation. All monies accruing to the credit of
14 the fund are hereby appropriated and may be budgeted and expended by
15 the ~~Statewide Virtual Charter School Board~~ Oklahoma Commission for
16 Digital Learning for the purpose of supporting the mission of the
17 ~~Statewide Virtual Charter School Board~~ Oklahoma Commission for
18 Digital Learning. Expenditures from the fund shall be made upon
19 warrants issued by the State Treasurer against claims filed as
20 prescribed by law with the Director of the Office of Management and
21 Enterprise Services for approval and payment.

22 SECTION 10. AMENDATORY Section 1, Chapter 247, O.S.L.

23 2017 (70 O.S. Supp. 2019, Section 3-145.8), is amended to read as
24 follows:

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

10 B. By July 1, 2018, the governing body of each virtual charter
11 school shall adopt an attendance policy. The policy may allow
12 attendance to be a proportional amount of the required attendance
13 policy provisions based upon the date of enrollment of the student.
14 The attendance policy shall include the following provisions:

15 1. A student who attends a virtual charter school shall be
16 considered in attendance for a quarter if the student:

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

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

4 a. the number of school days during which the student
5 completed the instructional activities during the
6 quarter,

7 b. the number of school days proportional to the
8 percentage of the course that has been completed, or

9 c. the number of school days proportional to the
10 percentage of the required minimum number of completed
11 instructional activities during the quarter.

12 C. For the purposes of this section, "instructional activities"
13 shall include but not be limited to online logins to curriculum or
14 programs offered by the virtual charter school, offline activities,
15 completed assignments, testing, face-to-face communications with
16 virtual charter school staff or service providers or meetings with
17 virtual charter school staff or service providers via
18 teleconference, videoconference, email, text or phone.

19 D. The virtual charter school shall submit a notification to
20 the parent or legal guardian of a student who has been withdrawn for
21 truancy or is approaching truancy.

22 E. The ~~Statewide Virtual Charter School Board~~ Oklahoma
23 Commission for Digital Learning may promulgate rules to implement
24 the provisions of this section.

SECTION 11. This act shall become effective July 1, 2020.

SECTION 12. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 9th day of March, 2020.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2020.

Presiding Officer of the House
of Representatives