An Act

ENROLLED SENATE
BILL NO. 1816

By: Stanislawski of the Senate

and

Quinn, Kern and Murphey of the House

An Act relating to virtual education; amending 70 O.S. 2011, Sections 3-132 and 3-140, which relate to the charter schools; allowing State Board of Education to sponsor a full-time statewide charter school; providing that statewide virtual charter schools shall enroll students in accordance with certain criteria; creating the Statewide Virtual Charter School Board; allowing board to apply for sponsorship of certain charter school; providing for membership; providing for appointments by certain date; providing for staggering of terms; requiring board to annually elect a chair and vice-chair by certain date; allowing for removal of members for cause; providing for filling of vacancies; prohibiting Legislator from being a member of the board; providing for board to meet at the call of the chair; providing that first meeting shall be held by certain date; providing for a quorum; requiring an affirmative vote of three members in order to take any action; requiring board act in accordance with certain provisions; allowing members of the board to receive travel reimbursement; requiring the board to perform certain duties; granting board authority to issue diplomas; declaring board eligible to receive certain federal funds; providing that the board shall receive state aid allocation for enrolled full-time students; allowing the State Board of Education to retain a certain percentage of state aid for administrative expenses; allowing statewide virtual charter school to be eligible for certain funds;

providing for participation in certain extracurricular activities; allowing State Board of Education to promulgate rules in accordance with law; requiring school districts offering full-time virtual education to submit certain report; amending Section 20 of Enrolled Senate Bill No. 1975 of the 2nd Session of the 53rd Oklahoma Legislature, which relates to general appropriations; requiring certain funds to be used for textbooks; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Virtual charter schools

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-132, is amended to read as follows:

Section 3-132. A. The Oklahoma Charter Schools Act shall apply only to charter schools formed and operated under the provisions of the act. Charter schools shall be sponsored only as follows:

1. By a school district with an average daily membership of five thousand (5,000) or more and which all or part of the school district is located in a county having more than five hundred thousand (500,000) population according to the latest Federal Decennial Census;

2. By a school district which has a school site listed on the school improvement list as determined by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized;

3. By a technology center school district if the charter school is located in a school district served by the technology center school district and the school district has an average daily membership of five thousand (5,000) or more and which all or part of

the school district is located in a county having more than five hundred thousand (500,000) population according to the latest Federal Decennial Census;

4. By a technology center school district if the charter school is located in a school district served by the technology center school district and the school district has a school site listed on the school improvement list as determined by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized;

5. By a comprehensive or regional institution that is a member of The Oklahoma State System of Higher Education if the charter school is located in a school district that has an average daily membership of five thousand (5,000) or more and which all or part of the school district is located in a county having more than five hundred thousand (500,000) population according to the latest Federal Decennial Census. In addition, the institution shall have a teacher education program accredited by the Oklahoma Commission for Teacher Preparation and have a branch campus or constituent agency physically located within the school district in which the charter school is located;

6. By a comprehensive or regional institution that is a member of the Oklahoma State System of Higher Education if the charter school is located in a school district that has a school site listed on the school improvement list as determined by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized. In addition, the institution shall have a teacher education program accredited by the Oklahoma Commission for Teacher Preparation and have a branch campus or constituent agency physically located within the school district in which the charter school is located;

7. By a federally recognized Indian tribe, operating a high school under the authority of the Bureau of Indian Affairs as of ~~the effective date of this act~~ November 1, 2010, if the charter school is for the purpose of demonstrating native language immersion instruction, and is located within its former reservation or treaty area boundaries. For purposes of this paragraph, native language immersion instruction shall require that educational instruction and

other activities conducted at the school site are primarily conducted in the native language; ~~or~~

8. By the State Board of Education ~~only~~ when the applicant of the charter school is the Office of Juvenile Affairs or the applicant has a contract with the Office of Juvenile Affairs to provide a fixed rate level E, D, or D+ group home service and the charter school is for the purpose of providing education services to youth in the custody or supervision of the state. Not more than two charter schools shall be sponsored by the Board as provided for in this paragraph during the period of time beginning July 1, 2010, through July 1, 2016; or

9. By the State Board of Education when the applicant of the charter school is the Statewide Virtual Charter School Board created in Section 3 of this act and the charter school is for the purpose of establishing a full-time statewide virtual charter school.

B. Any charter or enterprise school operating in the state pursuant to an agreement with the board of education of a school district on July 1, 1999, may continue to operate pursuant to that agreement or may contract with the board of education of the school district pursuant to the Oklahoma Charter Schools Act. Nothing in the Oklahoma Charter Schools Act shall prohibit a school district from applying for exemptions from certain education-related statutory requirements as provided for in the Educational Deregulation Act.

C. For purposes of the Oklahoma Charter Schools Act, "charter school" means a public school established by contract with a board of education of a school district, an area vocational-technical school district, a higher education institution, a federally recognized Indian tribe, or the State Board of Education pursuant to the Oklahoma Charter Schools Act to provide learning that will improve student achievement and as defined in the Elementary and Secondary Education Act of 1965, 20 U.S.C. 8065.

D. A charter school may consist of a new school site, new school sites or all or any portion of an existing school site. An entire school district may not become a charter school site.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 3-140, is amended to read as follows:

Section 3-140. A. Except for a charter school sponsored by the State Board of Education, a charter school shall enroll those students whose legal residence is within the boundaries of the school district in which the charter school is located and who submit a timely application, or those students who transfer to the district in which the charter school is located in accordance with Section 8-103 or 8-104 of this title, unless the number of applications exceeds the capacity of a program, class, grade level, or building. Students who reside in a school district where a charter school is located shall not be required to obtain a transfer in order to attend a charter school in the school district of residence. If capacity is insufficient to enroll all eligible students, the charter school shall select students through a lottery selection process. Except for a charter school sponsored by the State Board of Education, a charter school shall give enrollment preference to eligible students who reside within the boundaries of the school district in which the charter school is located. Except for a charter school sponsored by the State Board of Education, a charter school created after the effective date of this act shall give enrollment preference to eligible students who reside within the boundaries of the school district in which the charter school is located and who attend a school site listed on the school improvement list as determined by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized. A charter school may limit admission to students within a given age group or grade level. A charter school sponsored by the State Board of Education when the applicant of the charter school is the Office of Juvenile Affairs shall limit admission to youth that are in the custody or supervision of the Office of Juvenile Affairs. A charter school sponsored by the State Board of Education when the applicant of the charter school is the Statewide Virtual Charter School Board shall enroll those students who are legal residents of this state and who have been approved for a transfer pursuant to Section 8-103 or 8-104 of this title.

B. Except for a charter school sponsored by the State Board of Education, a charter school shall admit students who reside in the attendance area of a school or in a school district that is under a court order of desegregation or that is a party to an agreement with

the United States Department of Education Office for Civil Rights directed towards mediating alleged or proven racial discrimination unless notice is received from the resident school district that admission of the student would violate the court order or agreement.

C. A charter school may designate a specific geographic area within the school district in which the charter school is located as an academic enterprise zone and may limit admissions to students who reside within that area. An academic enterprise zone shall be a geographic area in which sixty percent (60%) or more of the children who reside in the area qualify for the free or reduced school lunch program.

D. Except as provided in subsections B and C of this section, a charter school shall not limit admission based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measures of achievement, aptitude, or athletic ability.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-145.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Statewide Virtual Charter School Board. The Board shall have the authority to be an applicant for a full-time statewide virtual charter school sponsored by the State Board of Education pursuant to the Oklahoma Charter Schools Act. The Board shall be composed of five (5) voting members as follows:

1. One member appointed by the Governor, who shall be a resident and elector of the Fifth Congressional District;

2. Two members appointed by the President Pro Tempore of the Senate, one of whom shall be a resident and elector of the First Congressional District and one of whom shall be a resident and elector of the Third Congressional District;

3. Two members appointed by the Speaker of the House of Representatives, one of whom shall be a resident and elector of the Second Congressional District and one of whom shall be a resident and elector of the Fourth Congressional District;

4. The State Superintendent of Public Instruction and the Secretary of Education or their designees shall serve as ex officio nonvoting members, and shall not be counted toward a quorum.

B. Initial appointments shall be made by August 1, 2012. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint one member for one (1) year and one member for three (3) years. The Governor shall appoint one member for two (2) years. Members shall serve until their successors are duly appointed for a term of three (3) years. Appointments shall be made by and take effect on November 1 of the year in which the appointment is made. Annually by December 30 the Board shall elect from its membership a chair and vice chair.

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

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

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

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

4. Failing to attend three successive meetings of the Board without just cause, as determined by the Board.

D. Vacancies shall be filled by the appointing authority.

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

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-145.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The Statewide Virtual Charter School Board shall meet at the call of the chair. The first meeting of the Board shall be held no later than sixty (60) days after the effective date of this act.

B. Three members of the Board shall constitute a quorum and an affirmative vote of at least three members shall be required in order for the Board to take any final action.

C. Members of the Board shall receive necessary traveling expenses while in the performance of their duties in accordance with the State Travel Reimbursement Act. Members shall receive reimbursement from the State Department of Education.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-145.3 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Subject to limitations provided by the State Board of Education and subject to the requirements of the Oklahoma Charter Schools Act, the Statewide Virtual Charter School Board shall:

1. Be the governing body of the statewide virtual charter school;

2. Provide oversight of the operations of the statewide virtual charter school;

3. Negotiate and enter into contracts with providers of virtual education to provide academic content and with providers for the management and administration of the statewide virtual charter school;

4. Establish policies and procedures for student admissions eligibility, student transfers, approval of online courses, and student enrollment;

5. Submit annually, by November 1 of each year, to the Governor, President Pro Tempore of the Senate, and Speaker of the House of Representatives a report on each provider which has entered into a contract with the Board and each provider which has entered into a contract with a local school district to provide full-time virtual instruction to students who do not reside within the school

district boundaries, that has detailed data on the performance of students enrolled with the provider through the statewide virtual charter school or school district offering full-time virtual education to students who do not reside within the school district. The report shall be posted on the State Department of Education website.

B. The Statewide Virtual Charter School Board shall have authority to issue a diploma to students enrolled in the statewide virtual charter school full-time who have completed the curriculum requirements for graduation as provided in Section 1210.523 of Title 70 of the Oklahoma Statutes and as determined by the Board.

C. Each provider approved by the statewide virtual charter school governed by the Statewide Virtual Charter School Board shall be eligible to receive federal funds generated by students enrolled in the charter school for the applicable year. Each provider shall be considered a separate school site for purposes of reporting and accountability.

D. As calculated as provided for in Section 3-142 of Title 70 of the Oklahoma Statutes, the Statewide Virtual Charter School Board shall receive the state aid allocation and any other state-appropriated revenue generated by students enrolled in the full-time statewide virtual charter school for the applicable year, less up to five percent (5%) of the state aid allocation, which may be retained by the State Board of Education for administrative expenses, all other funds shall be passed along to the providers. The statewide virtual charter school shall be eligible for any other funding any other charter school is eligible for as provided for in Section 3-142 of Title 70 of the Oklahoma Statutes. Each provider shall be considered a separate school site for purposes of reporting and accountability.

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

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-145.4 of Title 70, unless there is created a duplication in numbering, reads as follows:

Pursuant to and in compliance with Article I of the Administrative Procedures Act, the State Board of Education shall promulgate rules as may be necessary to implement the provisions of this act.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-145.5 of Title 70, unless there is created a duplication in numbering, reads as follows:

Each school district which offers full-time virtual education to students who are not residents of the school district shall submit annually, by October 1 of each year, to the Statewide Virtual Charter School Board, a report on each provider which has entered into a contract with the school district. The report shall contain detailed data on the performance of students enrolled with the district who are receiving full-time instruction through a provider and do not reside within the school district.

SECTION 8. AMENDATORY Section 20 of Enrolled Senate Bill No. 1975 of the 2nd Session of the 53rd Oklahoma Legislature, is amended to read as follows:

Section 20. There is hereby appropriated to the State Board of Education from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2011, the sum of Thirty-three Million Dollars ($33,000,000.00) or so much thereof as may be necessary for the support of public schools activities. <u>Of the funds appropriated in this section, Thirty Million Dollars ($30,000,000.00) shall be used for the purchase of textbooks.</u>

SECTION 9. This act shall become effective July 1, 2012.

SECTION 10. It being immediately necessary for the preservation of the public peace, health and 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 24th day of May, 2012.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of May, 2012.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 25th

day of May, **20** 12,

at 4:31 **o'clock** P **M.**

By: Jessica R. Byers

Approved by the Governor of the State of Oklahoma the 8 **day of** June, **20** 12 **at** 3:14 **o'clock** P **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 8th **day of** June, **20** 12,

at 4:45 **o'clock** P. **M.**

By: Michelle R Day