An Act

ENROLLED HOUSE
BILL NO. 2180

By: Lowe (Dick) of the House

and

Thompson (Kristen),
Stanley, Coleman, Garvin,
Newhouse, Daniels, Pugh,
and Stewart of the Senate

An Act relating to virtual charter schools; amending 70 O.S. 2021, Section 3-145.8, which relates to virtual charter school attendance; modifying attendance requirements for virtual charter school alternative education programs; defining term; clarifying timing requirement for completion of instructional activities; authorizing virtual charter school alternative education program to request a certain student waiver; directing office of accreditation to review the request and make a determination; requiring continued attendance while waiver is being reviewed; updating internal references; and providing an effective date.

SUBJECT: Virtual charter schools

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 3-145.8, is amended to read as follows:

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

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

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

2. A student who attends a virtual charter school shall be 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 seventy-two instructional activities within the quarter of the academic year.

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 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 completed, testing and school-sanctioned field trips, and orientation.

D. A student enrolled in a virtual charter school alternative education program designated by the State Department of Education who attends a full abbreviated school day shall be counted in full attendance for purposes of computing the average daily attendance and average daily membership of the virtual charter school. For purposes of this subsection, "full abbreviated school day" shall mean one hundred eighty-nine (189) hours per quarter or seven hundred fifty-six (756) hours per school year.

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

~~E.~~ F. Any student ~~that~~ who is behind pace and does not complete an instructional activity for ~~a fifteen-school-day period~~ fifteen (15) consecutive days, including weekends, shall be withdrawn for truancy. The virtual charter school shall submit a notification to the parent or legal guardian of a student who has been withdrawn for truancy or is approaching truancy.

~~F. A~~

G. 1. Except as provided in paragraph 2 of this subsection, a student who is reported for truancy two times in the same school year shall be withdrawn and prohibited from enrolling in the same virtual charter school for the remainder of the school year.

2. If a student is enrolled in a virtual charter school alternative education program designated by the State Department of Education, the virtual charter school may request a waiver of the enrollment prohibition from the Department on behalf of a student enrolled at the virtual charter school who is reported for truancy two times in the same school year. The office of accreditation shall review the waiver request and determine whether the student should be allowed to continue attending the virtual charter school. The student shall continue attending the virtual charter school while the waiver is being reviewed and until a final determination is made.

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

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

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

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

SECTION 2. This act shall become effective November 1, 2023.

Passed the House of Representatives the 22nd day of May, 2023.

Presiding Officer of the House
of Representatives

Passed the Senate the 25th day of May, 2023.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 26th

day of May, 20 23, at 10:34 o'clock a. M.

By: Jenner Curry

Approved by the Governor of the State of Oklahoma this 7th

day of June, 20 23, at 4:17 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 7th

day of June, 20 23, at 4:35 o'clock P. M.

By: Brian Bingman