

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 HOUSE BILL 3645

By: Dills of the House

5 and

6 **Pemberton** of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to virtual charter schools; amending
11 70 O.S. 2021, Section 3-145.8, which relates to
12 virtual charter school attendance; modifying
13 attendance requirements for virtual charter school
14 alternative education programs; defining term;
15 clarifying timing requirement for completion of
16 instructional activities; authorizing virtual charter
17 school alternative education program to request a
18 certain student waiver; directing regional
19 accreditation officer to review the request and make
20 a determination; requiring continued attendance while
21 waiver is being reviewed; updating internal
22 references; and providing an effective date.

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

24 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
School Board pursuant to the provisions of Section 3-145.3 of Title

1 ~~70 of the Oklahoma Statutes~~ this title to keep a full and complete
2 record of the attendance of all students enrolled in the virtual
3 charter school in one of the student information systems approved by
4 the State Department of Education and locally selected by the
5 virtual school from the approved list.

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

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

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

15 a. completes instructional activities on no less than
16 ninety percent (90%) of the days within the quarter,

17 b. is on pace for on-time completion of the course as
18 defined by the governing board of the virtual charter
19 school, or

20 c. completes no less than seventy-two instructional
21 activities within the quarter of the academic year.

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

- 1 a. the number of school days during which the student
2 completed the instructional activities during the
3 quarter,
4 b. the number of school days proportional to the
5 percentage of the course that has been completed, or
6 c. the number of school days proportional to the
7 percentage of the required minimum number of completed
8 instructional activities during the quarter.

9 C. For the purposes of this section, "instructional activities"
10 shall include instructional meetings with a teacher, completed
11 assignments that are used to record a grade for a student that is
12 factored into the student's grade for the semester during which the
13 assignment is completed, testing and school-sanctioned field trips,
14 and orientation.

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

23 E. Each statewide virtual charter school approved and sponsored
24 by the Statewide Virtual Charter School Board pursuant to the

1 provisions of Section 3-145.3 of this title shall offer a student
2 orientation, notify the parent or legal guardian and each student
3 who enrolls in that school of the requirement to participate in the
4 student orientation, and require all students enrolled to complete
5 the student orientation prior to completing any other instructional
6 activity. The Statewide Virtual Charter School Board shall
7 promulgate rules to develop materials for orientation.

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

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

19 2. If a student is enrolled in a virtual charter school
20 alternative education program designated by the State Department of
21 Education, the virtual charter school may request a waiver of the
22 enrollment prohibition from the Department on behalf of a student
23 enrolled at the virtual charter school who is reported for truancy
24 two times in the same school year. The regional accreditation

1 officer shall review the waiver request and determine whether the
2 student should be allowed to continue attending the virtual charter
3 school. The student shall continue attending the virtual charter
4 school while the waiver is being reviewed and until a final
5 determination is made.

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

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

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

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

1 SECTION 2. This act shall become effective November 1, 2022.

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3 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/17/2022
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