

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2180

By: Lowe (Dick) of the House and Thompson (Kristen) of the Senate

Title: School employees; entitling certain employees to certain amount of paid maternity leave;
effective date; emergency.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment.

Respectfully submitted,

SENATE CONFEREES

Thompson _____
(Kristen)

Pugh _____

Bergstrom _____

Green _____

Hicks _____

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
BILL NO. 2180

By: Lowe (Dick) of the House

and

Thompson (Kristen) of the
Senate

8 An Act relating to virtual charter schools; amending
9 70 O.S. 2021, Section 3-145.8, which relates to
10 virtual charter school attendance; modifying
11 attendance requirements for virtual charter school
12 alternative education programs; defining term;
13 clarifying timing requirement for completion of
14 instructional activities; authorizing virtual charter
15 school alternative education program to request a
16 certain student waiver; directing office of
17 accreditation to review the request and make a
18 determination; requiring continued attendance while
19 waiver is being reviewed; updating internal
20 references; and providing an effective date.

17 AUTHOR: Add the following Senate Coauthors: Stanley, Coleman,
18 Garvin, Newhouse, Daniels, and Pugh

19 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
20 entire bill and insert

21 "An Act relating to school employees; entitling full-
22 time public school district employees who have worked
23 for a certain amount of time to certain amount of
24 paid maternity leave; directing maternity leave be in
addition to certain sick leave; prohibiting employee
on maternity leave from being deprived of certain
compensation or benefits; directing the Legislature

1 to appropriate adequate funding to provide paid
2 maternity leave to certain school employees;
3 providing for allocation of funds if certain
4 appropriation is not made; providing for promulgation
5 of rules; amending 70 O.S. 2021, Section 6-104.1,
6 which relates to leave without pay for teachers;
7 updating statutory reference; allowing maternity
8 leave in addition to certain sick leave and extended
9 leave; updating statutory language; amending 70 O.S.
10 2021, Section 6-104.5, which relates to pay
11 deductions for certain leave; adding statutory
12 reference; allowing certain deductions after
13 exhausting certain sick leave and maternity leave;
14 amending 70 O.S. 2021, Section 6-104.6, which relates
15 to establishment of leave sharing programs; allowing
16 certain district employees to participate in certain
17 shared leave after exhausting maternity leave;
18 requiring maternity leave and sick leave to be used
19 prior to shared sick leave; making language gender
20 neutral; providing for codification; providing an
21 effective date; and declaring an emergency.

22
23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 6-104.8 of Title 70, unless
there is created a duplication in numbering, reads as follows:

A. A full-time employee of a public school district in this
state who has been employed by the school district for at least one
year and has worked at least one thousand two hundred fifty (1,250)
hours during the preceding twelve-month period shall be entitled to
eight (8) weeks of paid maternity leave following the birth of the
employee's child. The eight (8) weeks of paid maternity leave shall
be used immediately following the birth of the school district
employee's child.

1 B. Paid maternity leave provided pursuant to this section shall
2 be in addition to and not in place of sick leave due to pregnancy,
3 as provided for in Section 6-104 of Title 70 of the Oklahoma
4 Statutes.

5 C. A school district employee who takes maternity leave
6 pursuant to the provisions of this section shall not be deprived of
7 any compensation or other benefits to which the employee is
8 otherwise entitled.

9 D. Each fiscal year, the Legislature shall appropriate adequate
10 funding to the State Board of Education for the purpose of providing
11 paid maternity leave to eligible school district employees pursuant
12 to this act. If the Legislature does not appropriate adequate
13 funding specifically for the purpose of providing paid maternity
14 leave to school district employees, the State Board of Education
15 shall allocate from the funds appropriated to the State Board of
16 Education for the support of public school activities an amount to
17 fully fund paid maternity leave.

18 E. The State Board of Education may promulgate rules to
19 implement the provisions of this section.

20 SECTION 2. AMENDATORY 70 O.S. 2021, Section 6-104.1, is
21 amended to read as follows:

22 Section 6-104.1. After exhausting sick leave and extended leave
23 pursuant to Sections 6-104 and 6-104.5 of ~~Title 70 of the Oklahoma~~
24 ~~Statutes~~ this title and maternity leave pursuant to Section 1 of

1 this act, a full-time teacher who, with the proper approval of the
2 district board of education, takes not more than ninety (90) school
3 days of leave without pay to care for the teacher's child during the
4 first year of the child's life, shall receive full credit for the
5 days on leave without pay as though the teacher had been on leave
6 with pay for purposes of computing experience for the minimum
7 teacher salary schedule. A teacher on leave without pay pursuant to
8 this section who pays the actuarial cost, as determined by the Board
9 of Trustees of the Teachers' Retirement System of Oklahoma, shall
10 have the period during which such leave without pay is taken,
11 counted toward retirement service credit as though the teacher had
12 been on leave with pay. The teacher shall notify ~~their~~ his or her
13 employer and the System in writing within thirty (30) days from the
14 date he or she returns to service that ~~they~~ he or she will pay such
15 actuarial cost. The teacher shall have up to twelve (12) months
16 from the date he or she returns to service to pay such actuarial
17 cost.

18 SECTION 3. AMENDATORY 70 O.S. 2021, Section 6-104.5, is
19 amended to read as follows:

20 Section 6-104.5. A. If, after exhausting all sick leave
21 pursuant to Section 6-104 of this title and maternity leave pursuant
22 to Section 1 of this act, a teacher is absent from his or her duties
23 due to personal accidental injury, illness, or pregnancy, the
24

1 teacher shall receive for a period of not to exceed twenty (20) days
2 his or her full contract salary less the amount:

3 1. ~~actually~~ Actually paid a certified substitute teacher for
4 his or her position if a certified substitute teacher is hired; or

5 2. ~~normally~~ Normally paid a certified substitute teacher for
6 his or her position if a certified substitute teacher is not hired.

7 B. The district's plan may provide that the teacher is entitled
8 to payment for accrued but unused sick leave upon termination of
9 employment.

10 SECTION 4. AMENDATORY 70 O.S. 2021, Section 6-104.6, is
11 amended to read as follows:

12 Section 6-104.6. A. The board of education of each school
13 district may establish a leave sharing program for all district
14 employees. The program shall permit district employees to donate
15 sick leave to a fellow district employee who is pregnant or
16 recovering from childbirth or who is suffering from or has a
17 relative or household member suffering from an extraordinary or
18 severe illness, injury, impairment, or physical or mental condition
19 which has caused or is likely to cause the employee to take leave
20 without pay or to terminate employment.

21 B. As used in this section:

22 1. "Relative of the employee" means a spouse, child, stepchild,
23 grandchild, grandparent, stepparent, or parent of the employee;

24

1 2. "Household members" means those persons who reside in the
2 same home, who have reciprocal duties to and do provide financial
3 support for one another. This term shall include foster children
4 and legal wards even if they do not live in the household. The term
5 does not include persons sharing the same general house, when the
6 living style is primarily that of a dormitory or commune;

7 3. "Severe" or "extraordinary" means serious, extreme, or life-
8 threatening including temporary disability resulting from pregnancy,
9 miscarriage, childbirth, and recovery therefrom; and

10 4. "District employee" means a teacher or any full-time
11 employee of the school district.

12 C. A district employee may be eligible to receive shared leave
13 pursuant to the following conditions:

14 1. The board of education determines that the employee meets
15 the criteria described in this section; and

16 2. The employee has abided by district policies regarding the
17 use of sick leave.

18 D. A district employee may donate annual leave to another
19 district employee only pursuant to the following conditions:

20 1. The receiving employee has exhausted, or will exhaust, ~~only~~
21 maternity leave granted pursuant to Section 1 of this act or sick
22 leave earned pursuant to Section 6-104 of this title due to
23 pregnancy, miscarriage, childbirth and recovery therefrom, an
24 illness, injury, impairment, or physical or mental condition, which

1 is of an extraordinary or severe nature, and involves the employee,
2 a relative of the employee, or household member;

3 2. The condition has caused, or is likely to cause, the
4 employee to go on leave without pay or to terminate employment;

5 3. The board of education of the district permits the leave to
6 be shared with an eligible employee;

7 4. The amount of leave to be donated is within the limits set
8 by the board of education of the district; and

9 5. District employees may not donate excess sick leave that the
10 donor would not be able to otherwise take.

11 E. The board of education of each school district shall
12 determine the amount of donated leave an employee may receive.

13 F. The board of education shall require the employee to submit,
14 prior to approval or disapproval, a medical certificate from a
15 licensed physician or health care practitioner verifying the severe
16 or extraordinary nature and expected duration of the condition.

17 G. Donated sick leave is transferable between employees of
18 different school districts in the state with the agreement of both
19 boards of education of each school district.

20 H. The receiving employee shall be paid the regular rate of pay
21 of the employee. The sick leave received will be designated as
22 shared sick leave and be maintained separately from all other sick
23 leave balances.

24

1 I. Any donated sick leave may only be used by the recipient for
2 the purposes specified in this section.

3 J. ~~Only~~ Maternity leave granted pursuant to Section 1 of this
4 act and sick leave earned pursuant to Section 6-104 of this title
5 available for use by the recipient ~~must~~ shall be used prior to using
6 shared sick leave.

7 K. Any shared sick leave not used by the recipient during each
8 occurrence as determined by the board of education shall be returned
9 to the donor. The shared sick leave remaining will be divided among
10 the donors on a prorated basis based on the original donated value
11 and returned at its original donor value and reinstated to the
12 annual leave balance of each donor.

13 L. All donated sick leave ~~must~~ shall be given voluntarily. No
14 employee shall be coerced, threatened, intimidated, or financially
15 induced into donating sick leave for purposes of the leave sharing
16 program.

17 M. In addition to the sick leave sharing program provided for
18 in this section, the board of education of each school district may
19 establish a sick leave sharing bank for all district employees. A
20 district employee may donate sick leave to a common fund which may
21 be used by any district employee who is eligible to receive shared
22 leave as set forth in subsection A of this section. The terms and
23 conditions for donation and use of sick leave to a leave sharing
24 bank shall be subject to the provisions of this section, unless

1 negotiations, entered into pursuant to Section 509.1 et seq. of this
2 title, between district employees and the school district establish
3 terms and conditions for a sick leave sharing bank in excess of
4 those provided for in this section.

5 SECTION 5. This act shall become effective July 1, 2023.

6 SECTION 6. It being immediately necessary for the preservation
7 of the public peace, health, or safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.”
10

11 Passed the Senate the 27th day of April, 2023.

12
13 _____
14 Presiding Officer of the Senate

15 Passed the House of Representatives the ____ day of _____,
16 2023.

17
18 _____
19 Presiding Officer of the House
20 of Representatives
21
22
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1 ENGROSSED HOUSE
2 BILL NO. 2180

By: Lowe (Dick) of the House

3 and

4 Thompson (Kristen) of the
5 Senate

6
7 An Act relating to virtual charter schools; amending
8 70 O.S. 2021, Section 3-145.8, which relates to
9 virtual charter school attendance; modifying
10 attendance requirements for virtual charter school
11 alternative education programs; defining term;
12 clarifying timing requirement for completion of
13 instructional activities; authorizing virtual charter
14 school alternative education program to request a
15 certain student waiver; directing office of
16 accreditation to review the request and make a
17 determination; requiring continued attendance while
18 waiver is being reviewed; updating internal
19 references; and providing an effective date.

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

21 SECTION 7. AMENDATORY 70 O.S. 2021, Section 3-145.8, is
22 amended to read as follows:

23 Section 3-145.8 A. It shall be the duty of each virtual
24 charter school approved and sponsored by the Statewide Virtual
25 Charter School Board pursuant to the provisions of Section 3-145.3
26 of ~~Title 70 of the Oklahoma Statutes~~ this title to keep a full and
27 complete record of the attendance of all students enrolled in the
28 virtual charter school in one of the student information systems

1 approved by the State Department of Education and locally selected
2 by the virtual school from the approved list.

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

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

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

12 a. completes instructional activities on no less than
13 ninety percent (90%) of the days within the quarter,
14 b. is on pace for on-time completion of the course as
15 defined by the governing board of the virtual charter
16 school, or

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

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

22 a. the number of school days during which the student
23 completed the instructional activities during the
24 quarter,

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

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

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

20 E. Each statewide virtual charter school approved and sponsored
21 by the Statewide Virtual Charter School Board pursuant to the
22 provisions of Section 3-145.3 of this title shall offer a student
23 orientation, notify the parent or legal guardian and each student
24 who enrolls in that school of the requirement to participate in the

1 student orientation, and require all students enrolled to complete
2 the student orientation prior to completing any other instructional
3 activity. The Statewide Virtual Charter School Board shall
4 promulgate rules to develop materials for orientation.

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

11 ~~F.~~ A

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

16 2. If a student is enrolled in a virtual charter school
17 alternative education program designated by the State Department of
18 Education, the virtual charter school may request a waiver of the
19 enrollment prohibition from the Department on behalf of a student
20 enrolled at the virtual charter school who is reported for truancy
21 two times in the same school year. The office of accreditation
22 shall review the waiver request and determine whether the student
23 should be allowed to continue attending the virtual charter school.
24 The student shall continue attending the virtual charter school

1 while the waiver is being reviewed and until a final determination
2 is made.

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

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

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

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

22 SECTION 8. This act shall become effective November 1, 2023.
23
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1 Passed the House of Representatives the 8th day of March, 2023.

2
3 _____
4 Presiding Officer of the House
5 of Representatives

6 Passed the Senate the ___ day of _____, 2023.

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8 _____
9 Presiding Officer of the Senate