

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1768

By: Thompson (Kristen) and  
4 Paxton

5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2021,  
8 Section 1-109, which relates to length of the school  
9 year; allowing a school district or certain charter  
10 school to include emergency virtual days in certain  
11 policy; providing reasons for which emergency virtual  
12 days may be used; allowing the State Board of  
13 Education to approve use of virtual instruction;  
14 defining term; requiring notification within certain  
15 time period; providing for contents of notification;  
16 requiring the State Department of Education to make  
17 certain determination within certain time period;  
18 requiring a school district or charter school to  
19 provide certain in-person instruction if certain  
20 determination is made; providing process for appeal;  
21 directing virtual instruction to consist of certain  
22 number of hours; allowing the Department to audit  
23 certain records and make certain determination;  
24 requiring certain in-person instruction if certain  
25 determination is made; providing process for appeal;  
26 defining term; updating statutory language; updating  
27 statutory reference; providing an effective date; and  
28 declaring an emergency.

29  
30 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

31 SECTION 1. AMENDATORY 70 O.S. 2021, Section 1-109, is  
32 amended to read as follows:  
33  
34  
35

1 Section 1-109. A. For all public schools in ~~Oklahoma~~ this  
2 state, school shall actually be in session and classroom instruction  
3 offered:

4 1. For not less than one hundred eighty (180) days; ~~or~~

5 2. For not less than one thousand eighty (1,080) hours each  
6 school year, if a district board of education adopts a school-hours  
7 policy and notifies the State Board of Education prior to October 15  
8 of the applicable school year; ~~or~~

9 3. Beginning with the 2021-2022 school year, for not less than  
10 one thousand eighty (1,080) hours with a minimum of one hundred  
11 sixty-five (165) days of instruction each school year, if a district  
12 board of education adopts a school-hours policy and notifies the  
13 State Board of Education prior to October 15 of the applicable  
14 school year; or

15 4. Beginning with the 2021-2022 school year, for not less than  
16 one thousand eighty (1,080) hours each school year, if a district  
17 board of education adopts a school-hours policy, notifies the State  
18 Board of Education prior to October 15 of the applicable school  
19 year, and meets the requirements established by the State Board of  
20 Education pursuant to subsection H of this section.

21 B. A school district may not count more than thirty (30) hours  
22 each school year that are used for attendance of professional  
23 meetings toward the one hundred eighty (180) days or one thousand  
24

1 eighty (1,080) hours of classroom instruction time required in  
2 subsection A of this section.

3 C. Teachers off contract with an employing district shall not  
4 be required by the employing school district to attend professional  
5 meetings unless the teacher is paid additional compensation for the  
6 additional time. Teachers may be paid additional compensation for  
7 attending professional meetings in excess of their contract term.  
8 Subject to district board of education policy or collective  
9 bargaining agreement, additional paid professional days may be  
10 granted for individual teachers to attend or participate in  
11 professional meetings, staff development training, or National Board  
12 certification portfolio development as provided for in Section 6-  
13 204.2 of this title.

14 D. A school district may authorize parent-teacher conferences  
15 to be held during a regular school day. If authorized by the school  
16 district, parent-teacher conferences shall be counted as classroom  
17 instruction time for no more than six (6) hours per semester, for a  
18 total of twelve (12) hours per school year.

19 E. A school district may maintain school for less than a full  
20 school year only when conditions beyond the control of school  
21 authorities make the maintenance of the term impossible and the  
22 State Board of Education has been apprised and has expressed  
23 concurrence in writing.  
24

1 F. The State Board of Education shall establish criteria for an  
2 extended-day schedule for schools subject to paragraph 1 of  
3 subsection A of this section. The criteria shall:

4 1. Prescribe a lengthened school day within limits determined  
5 not to be detrimental to quality instruction;

6 2. Ensure that the schedule is equivalent in annual hours of  
7 instruction to the one-hundred-eighty-day school year specified in  
8 paragraph 1 of subsection A of this section; and

9 3. Be consistent with the provisions of this section and  
10 Sections 1-111 and 1-112 of this title, but may result in fewer  
11 annual days of instruction.

12 G. Notwithstanding the provisions of subsection F of this  
13 section, a school district board of education subject to paragraph 1  
14 of subsection A of this section may adopt and implement an extended-  
15 day schedule subject to the following requirements:

16 1. The annual number of hours of instruction shall equal or  
17 exceed one thousand eighty (1,080) hours, which is the equivalent of  
18 one hundred eighty (180) days of instruction as specified in  
19 subsection A of this section for six (6) hours each day as specified  
20 in Section 1-111 of this title;

21 2. The annual number of days of instruction shall equal or  
22 exceed one hundred eighty (180) days as specified in subsection A of  
23 this section;

1           3. The schedule adopted shall be consistent with the provisions  
2 of Sections 1-111 and 1-112 of this title, except that for not more  
3 than one (1) day per week, a school day shall consist of not less  
4 than five (5) hours devoted to academic instruction in a regular  
5 classroom setting;

6           4. The district shall hold a public hearing prior to the  
7 adoption of an extended-day schedule authorized pursuant to this  
8 subsection; and

9           5. The district shall document the impact on student  
10 achievement as determined by the academic performance data score and  
11 any other relevant factors that are a result of implementation of an  
12 extended-day schedule authorized pursuant to this subsection and  
13 provide an annual report to the State Board of Education of the  
14 results. If improvement in student achievement cannot be documented  
15 in the report, the district board of education shall revoke  
16 authorization as provided by this subsection. If the district does  
17 not revoke authorization after student achievement is not documented  
18 in the report, the State Board of Education may deny accreditation  
19 of any school in violation of this subsection.

20           H. Beginning with the 2021-2022 school year, a school district  
21 board of education may adopt a school-hours policy as provided for  
22 by paragraph 4 of subsection A of this section only if it meets or  
23 exceeds the minimum guidelines for student performance and school  
24 district cost savings established by the State Board of Education.

1 The State Board of Education shall promulgate rules, subject to  
2 approval by the Legislature, establishing the minimum guidelines for  
3 student performance and school district cost savings.

4 I. If subject to paragraph 2 of subsection A of this section, a  
5 district board of education or designee may elect to close a school  
6 during the school day for inclement weather purposes. In such an  
7 event, the number of hours incurred in classroom instruction time  
8 prior to school closure shall be counted toward the one thousand  
9 eighty (1,080) hours per year requirement.

10 J. 1. A school district or charter school created pursuant to  
11 Section 3-132 of this title may include in its policy adopted  
12 pursuant to subsection A of this section one or more emergency  
13 virtual days during which instruction shall be delivered to students  
14 virtually. For the purposes of this subsection, reasons for an  
15 emergency virtual day shall only include inclement weather,  
16 unavailability of teachers and support staff due to illness, and  
17 building maintenance issues. No school district or charter school  
18 may close school to provide virtual instruction except as provided  
19 for in this subsection or as approved by the State Board of  
20 Education. For the purposes of this subsection, "virtual  
21 instruction" means the use of the internet or other digital  
22 information transmission systems as a form of instruction.

23 2. a. If a school district administrator determines it  
24 necessary to use an emergency virtual day, he or she

1 shall notify the State Department of Education within  
2 seventy-two (72) hours of the determination being  
3 made. The notification shall include the date or  
4 dates during which virtual instruction was to be  
5 provided and the reason for providing virtual  
6 instruction.

7 b. Within one calendar week of receiving the notification  
8 required by subparagraph a of this paragraph, the  
9 State Department of Education shall determine whether  
10 the use of virtual instruction complied with the  
11 provisions of this subsection. If the Department  
12 determines use of virtual instruction did not comply  
13 with the provisions of this subsection, the school  
14 district or charter school shall be required to  
15 provide an additional day of in-person instruction.

16 c. If the State Department of Education determines use of  
17 virtual instruction did not comply with the provisions  
18 of this subsection, the school district or charter  
19 school may appeal the decision to the State Board of  
20 Education.

21 3. a. Instruction delivered virtually pursuant to the  
22 provisions of this subsection shall consist of:  
23 (1) a minimum of five and one-half (5 1/2) hours for  
24 grades kindergarten through eight including at

1                   least three (3) hours of synchronous instruction,

2                   and

3                   (2) a minimum of six hours for grades nine through

4                   twelve including at least four (4) hours of

5                   synchronous instruction.

6                   b. Upon receiving the notification required by

7                   subparagraph a of paragraph 2 of this subsection, the

8                   State Department of Education may audit school

9                   district or charter school records to determine

10                   whether a majority of students enrolled in the school

11                   district or charter school complied with the minimum

12                   hours of synchronous instruction required by this

13                   paragraph. If the Department determines less than a

14                   majority of students enrolled in the school district

15                   or charter school complied with the minimum hours

16                   required by this paragraph, the school district or

17                   charter school shall be required to provide an

18                   additional day of in-person instruction.

19                   c. If the State Department of Education determines less

20                   than a majority of students enrolled in the school

21                   district or charter school complied with the minimum

22                   hours required by this paragraph, the school district

23                   or charter school may appeal the decision to the State

24                   Board of Education.



1 For the purposes of this subsection, "synchronous instruction" means  
2 real-time interaction between a teacher and students as the primary  
3 format of instruction.

4 K. Nothing in this section shall be construed as affecting the  
5 right of an employing school district to require teachers as defined  
6 in Section 6-101.3 of this title to work in excess of the one  
7 thousand eighty (1,080) hours required for student instruction. In  
8 addition, nothing in this section shall be construed to affect the  
9 Fair Labor Standards Act of 1938 status of any school district  
10 employee.

11 ~~K.~~ L. The provisions of this section shall not prohibit the  
12 Oklahoma School for the Blind or the Oklahoma School for the Deaf  
13 from adopting an alternative school-hours policy if the Oklahoma  
14 School for the Blind or the Oklahoma School for the Deaf notifies  
15 and receives approval from the State Board of Education prior to  
16 October 15 of the applicable school year.

17 SECTION 2. This act shall become effective July 1, 2024.

18 SECTION 3. It being immediately necessary for the preservation  
19 of the public peace, health, or safety, an emergency is hereby  
20 declared to exist, by reason whereof this act shall take effect and  
21 be in full force from and after its passage and approval.

22  
23 59-2-2303 EB 1/17/2024 12:03:50 PM  
24  
25