

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 958

By: Rader

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5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,  
8 Section 1-111, as last amended by Section 1, Chapter  
9 135, O.S.L. 2016 (70 O.S. Supp. 2017, Section 1-111),  
10 which relates to the school day; providing an  
11 exemption for certain students who enroll in certain  
12 course; providing definitions; allowing students  
13 educated by certain means to participate in  
14 extracurricular activities offered by certain  
15 district; providing eligibility criteria for  
16 participation; directing certain school districts to  
17 publish certain policy; providing certain  
18 construction; directing certain districts to enter  
19 certain student information into certain system;  
20 providing method for calculating weighted average  
21 daily membership and State Aid for certain students;  
22 amending 70 O.S. 2011, Section 1210.545, as last  
23 amended by Section 2, Chapter 131, O.S.L. 2017 (70  
24 O.S. Supp. 2017, Section 1210.545), which relates to  
Oklahoma School Testing Program annual reports;  
directing the State Board of Education to promulgate  
rules to make allowances for certain students in the  
accountability system; providing for codification;  
and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-111, as  
last amended by Section 1, Chapter 135, O.S.L. 2016 (70 O.S. Supp.  
2017, Section 1-111), is amended to read as follows:

1 Section 1-111. A. Except as otherwise provided for by law, a  
2 school day shall consist of not less than six (6) hours devoted to  
3 school activities. A district board of education may elect to  
4 extend the length of one (1) or more school days to more than six  
5 (6) hours and reduce the number of school days as long as the total  
6 amount of classroom instruction time is not less than one thousand  
7 eighty (1,080) hours per year as required pursuant to Section 1-109  
8 of this title.

9 B. A school day for nursery, early childhood education,  
10 kindergarten, and alternative education programs shall be as  
11 otherwise defined by law or as defined by the State Board of  
12 Education. Except as otherwise provided for in this subsection, not  
13 more than one (1) school day shall be counted for attendance  
14 purposes in any twenty-four-hour period. Two (2) school days, each  
15 consisting of not less than six (6) hours, may be counted for  
16 attendance purposes in any twenty-four-hour period only if one of  
17 the school days is for the purpose of parent-teacher conferences  
18 held as provided for in Section 1-109 of this title.

19 C. A student who is educated by other means pursuant to Section  
20 10-105 of this title who enrolls in a course as required by Section  
21 2 of this act shall be exempt from the provisions of this section.

22 D. Students absent from school in which they are regularly  
23 enrolled may be considered as being in attendance if the reason for  
24 such absence is to participate in scheduled school activities under

1 the direction and supervision of a regular member of the faculty or  
2 to participate in an online course approved by the district board of  
3 education. The State Board of Education shall adopt rules to  
4 provide for the implementation of supplemental online courses which  
5 shall include, but not be limited to, provisions addressing the  
6 following:

7 1. Criteria for student admissions eligibility;

8 2. A student admission process administered through the  
9 district of residence, which provides the ability for the student to  
10 enroll in individual courses;

11 3. A process by which students are not denied the opportunity  
12 to enroll in educationally appropriate courses by school districts.  
13 For the purposes of this section, "educationally appropriate" means  
14 any instruction that is not substantially a repeat of a course or  
15 portion of a course that the student has successfully completed,  
16 regardless of the grade of the student, and regardless of whether a  
17 course is similar to or identical to the instruction that is  
18 currently offered in the school district;

19 4. Creation of a system which provides ongoing enrollment  
20 access for students throughout the school year;

21 5. A grace period of fifteen (15) calendar days from the first  
22 day of an online course for student withdrawal from an online course  
23 without academic penalty;

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1       6. Mastery of competencies for course completion rather than  
2 Carnegie units;

3       7. Student participation in extracurricular activities in  
4 accordance with school district eligibility rules and policies and  
5 any rules and policies of a private organization or association  
6 which provides the coordination, supervision, and regulation of the  
7 interscholastic activities and contests of schools;

8       8. Parent authorization for release of state test results to  
9 online course providers, on a form developed by the State Department  
10 of Education; and

11       9. A review process to identify and certify online course  
12 providers and a uniform payment processing system.

13       ~~D.~~ E. Each district board of education shall adopt policies and  
14 procedures that conform to rules for online courses as adopted by  
15 the State Board. Such policies shall include criteria for approval  
16 of the course, the appropriateness of the course for a particular  
17 student, authorization for full-time students to enroll in online  
18 courses, and establishing fees or charges. No district shall be  
19 liable for payment of any fees or charges for any online course for  
20 a student who has not complied with the district's policies and  
21 procedures. School districts shall not deny students the  
22 opportunity to enroll in educationally appropriate courses and shall  
23 provide an admissions process which includes input from the student,  
24 the parent or guardian of the student, and school faculty.

1       ~~E.~~ F. Districts shall require students enrolled in online  
2 courses to participate in the Oklahoma School Testing Program Act.  
3 Students participating in online courses from a remote site will be  
4 responsible for providing their own equipment and Internet access,  
5 unless the district chooses to provide the equipment. Credit may  
6 not be granted for such courses except upon approval of the State  
7 Board of Education and the district board of education.

8       ~~F.~~ G. The school day for kindergarten may consist of six (6)  
9 hours devoted to school activities.

10       SECTION 2.       NEW LAW       A new section of law to be codified  
11 in the Oklahoma Statutes as Section 1-125 of Title 70, unless there  
12 is created a duplication in numbering, reads as follows:

13       A. For the purposes of this section:

14       1. "Eligible to participate" means participating in tryouts,  
15 off-season conditioning, summer workouts, preseason conditioning,  
16 in-season practice or contests at the same level as required by a  
17 resident district participant. It does not mean that a student  
18 shall be placed on any specific team for interscholastic or  
19 intrascholastic extracurricular activities; and

20       2. "Resident district" means the public school district in  
21 which the student resides as defined in Section 1-113 of Title 70 of  
22 the Oklahoma Statutes.

23       B. Beginning with the 2019-2020 school year, a student who is  
24 educated by other means pursuant to Section 10-105 of Title 70 of

1 the Oklahoma Statutes or a student enrolled in a private school may  
2 be eligible to participate in extracurricular activities offered by  
3 the student's resident district if the resident district has adopted  
4 a policy allowing such participation.

5 C. In order to participate in extracurricular activities  
6 pursuant to the provisions of this section, a student shall:

7 1. Register an intention to participate with the board of  
8 education of the resident district by July 1 immediately preceding  
9 the school year in which participation is intended;

10 2. Pay any participation or activity fee in an amount equal to  
11 any fee charged to a resident district participant;

12 3. Adhere to the same standards of behavior, responsibility,  
13 performance and code of conduct as other participants of the  
14 resident district;

15 4. Adhere to any rules and policies of a private organization  
16 or association which provides the coordination, supervision and  
17 regulation of the interscholastic activities and contests of  
18 schools;

19 5. Adhere to any physical exams or drug testing provisions  
20 required by the board of education of the resident district or the  
21 private organization or association which provides the coordination,  
22 supervision and regulation of the interscholastic activities and  
23 contests of schools;

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1       6. Enroll in a course offered by the resident district that is  
2 required to participate in an extracurricular activity and take any  
3 assessment required as a part of the course;

4       7. Adhere to the same academic standards as other participants  
5 of the resident district pursuant to the provisions of subsection D  
6 of this section; and

7       8. Comply with the immunization requirements of Section  
8 1210.191 of Title 70 of the Oklahoma Statutes.

9       D. During the time period a student participates in  
10 extracurricular activities pursuant to the provisions of this  
11 section, the student shall demonstrate adherence to academic  
12 standards by a method of evaluation agreed upon by the parent or  
13 legal guardian of the student and the superintendent of the resident  
14 district. The method of evaluation may include a review of the  
15 student's work by a certified teacher employed by the resident  
16 district; the student's performance on a nationally recognized  
17 standardized test; evaluation of grades earned through  
18 correspondence courses; evaluation of grades earned in private  
19 school courses; or grades earned in courses taken at an institution  
20 within The Oklahoma State System of Higher Education or a technology  
21 center school supervised by the State Board of Career and Technology  
22 Education.

23       E. 1. A school district board of education that chooses to  
24 offer extracurricular activities to students who are educated by

1 other means or students enrolled in a private school pursuant to the  
2 provisions of this section shall publish its policy in its student  
3 handbook.

4 2. A school district that requires students who are educated by  
5 other means or students enrolled in a private school to enroll in a  
6 course that is required to participate in an extracurricular  
7 activity shall not be required to provide transportation for the  
8 students to attend the course.

9 F. Nothing in this section shall be construed to permit an  
10 agency of this state, a public school district or any other  
11 governmental body to exercise control, regulatory authority or  
12 supervision over a student who is educated by other means beyond the  
13 control, regulatory authority or supervision required to participate  
14 in extracurricular activities pursuant to this section.

15 SECTION 3. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 1-126 of Title 70, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. For the purposes of funding school districts that adopt a  
19 policy to offer extracurricular activities to students who are  
20 educated by other means or students enrolled in a private school who  
21 are required to enroll in a course pursuant to the provisions of  
22 paragraph 6 of subsection C of Section 2 of this act, the school  
23 districts shall enter the student's information into the student  
24



1 identification system as required by subsection E of Section 18-  
2 200.1 of Title 70 of the Oklahoma Statutes.

3 B. For the purposes of calculating weighted average daily  
4 membership pursuant to Section 18-201.1 of Title 70 of the Oklahoma  
5 Statutes and State Aid pursuant to Section 18-200.1 of Title 70 of  
6 the Oklahoma Statutes, the weighted average daily membership for  
7 each year a school district enrolls a student pursuant to the  
8 provisions of paragraph 6 of subsection C of Section 2 of this act  
9 shall be determined by multiplying actual enrollment of students as  
10 of August 1 by 1.0. The school district shall receive revenue equal  
11 to that which would be generated by the estimated weighted average  
12 daily membership calculated pursuant to this subsection.

13 SECTION 4. AMENDATORY 70 O.S. 2011, Section 1210.545, as  
14 last amended by Section 2, Chapter 131, O.S.L. 2017 (70 O.S. Supp.  
15 2017, Section 1210.545), is amended to read as follows:

16 Section 1210.545. A. Except as otherwise provided, as part of  
17 the accountability system developed as provided for in Section  
18 1210.541 of this title, the State Board of Education shall prepare  
19 annual reports of the results of the Oklahoma School Testing Program  
20 which describe student achievement in the state, and each school  
21 site, pursuant to the Elementary and Secondary Education Act of 1965  
22 (ESEA) as reauthorized by P.L. No. 114-95, also known as the Every  
23 Student Succeeds Act (ESSA), and any related federal regulations.

24

1 B. The annual report as required pursuant to subsection A of  
2 this section shall identify school sites as having one of the  
3 following grades for each indicator, separately, and by a single  
4 overview grade of all indicators, defined according to rules of the  
5 State Board of Education:

- 6 1. "A" means schools making excellent progress;
- 7 2. "B" means schools making above average progress;
- 8 3. "C" means schools making satisfactory progress;
- 9 4. "D" means schools making less than satisfactory progress;

10 and

- 11 5. "F" means schools failing to make adequate progress.

12 C. Each school that has students who are tested and included in  
13 the school grading system as provided for in this section shall  
14 receive a school grade, except as follows:

15 1. A school shall not receive a school grade if the number of  
16 students tested and included in the school grading system is less  
17 than the minimum sample size necessary for statistical reliability  
18 and prevention of the unlawful release of personally identifiable  
19 student data. The State Board of Education is directed to establish  
20 the lowest minimum sample size necessary to meet the requirements of  
21 this paragraph; and

22 2. The academic performance of students who are enrolled full-  
23 time in an online program that is offered by a school district or  
24 charter school that is not the district of residence or is not

1 located in the district of residence of the student shall be  
2 reported separately by the school district or charter school and  
3 shall not be included when determining the grade of the school site  
4 or charter school.

5 D. The State Board of Education may adopt alternate systems of  
6 accountability for statewide virtual charter schools, alternative  
7 education programs as defined in Section 1210.568 of this title, and  
8 schools serving only grades prekindergarten or kindergarten through  
9 two.

10 E. The grade of a school shall be based on a multimeasures  
11 approach to accountability in accordance with the Elementary and  
12 Secondary Education Act of 1965 (ESEA) as reauthorized by P.L. No.  
13 114-95, also known as the Every Student Succeeds Act (ESSA) and any  
14 federal regulations that include, but are not limited to, the  
15 following indicators:

16 1. Statewide assessments, including the establishment of  
17 student performance bands;

18 2. Graduation rates for high schools;

19 3. Statewide academic measures for elementary and middle  
20 schools;

21 4. English language proficiency for English learners; and

22 5. At least one additional statewide measure of school quality  
23 or student success, including, but not limited to, school climate,  
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1 school safety, student engagement, educator engagement, and/or  
2 advanced coursework and postsecondary readiness.

3 F. Of the indicators included in subsection E of this section,  
4 not less than seventy percent (70%) of the overview grade must be  
5 given to indicators 1, 2, 3 and 4 and, in the aggregate, with not  
6 more than thirty percent (30%) of the grade given to indicator 5.

7 G. Further, the grade of an elementary or middle school site  
8 shall include, but not be limited to, a measure of status for  
9 English language arts (ELA), math and science, growth in ELA and  
10 math, English Language Proficiency Assessment (ELPA) progress, and  
11 chronic absenteeism.

12 H. The grade of a high school site shall include, but not be  
13 limited to, a measure of status for English language arts (ELA),  
14 math and science status, English Language Proficiency Assessment  
15 (ELPA) progress, graduation rate, chronic absenteeism, and  
16 postsecondary opportunities. For purposes of this section  
17 postsecondary opportunities shall include Advanced Placement,  
18 International Baccalaureate, dual and concurrent enrollment,  
19 internships, mentorships and apprenticeships, and industry  
20 certifications. The Board shall adopt a time line for moving from  
21 completion of such opportunities to crediting achievement of such  
22 opportunities.

23 I. The annual report shall identify the performance of each  
24 school as having improved, remained the same, or declined. This

1 school improvement rating shall be based on a comparison of the  
2 student and school performance data of the current year to the  
3 previous year data.

4 J. The State Department of Education shall annually develop a  
5 school site report card to be delivered to parents throughout each  
6 school district. The report card shall be in accordance with the  
7 requirements of the Elementary and Secondary Education Act of 1965  
8 (ESEA), as reauthorized and amended by P.L. No. 114-95, also known  
9 as the Every Student Succeeds Act (ESSA) and includes the grade for  
10 the school, information regarding school improvement, an explanation  
11 of school performance, and indicators of return on investment. The  
12 report card for each school site shall be published annually by the  
13 Department on its website, and every school district shall provide  
14 the school site report card to the parent or guardian of each  
15 student enrolled in the school site. In order to provide  
16 information regarding school performance for school report cards  
17 issued during the 2016-2017 and 2017-2018 school year, the  
18 Department shall include an explanation of the changes to the  
19 statewide system of student assessments as required in Section  
20 1210.508 of this title and how the transition in assessments may  
21 impact school performance. The Department shall issue school report  
22 cards using the 2016-2017 school year assessment data that is  
23 available.

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1 K. The Legislature may factor in the performance of schools in  
2 calculating any performance-based funding policy that is provided to  
3 public school districts.

4 L. The State Board of Education shall promulgate rules to  
5 implement the provisions of this section. The Board shall  
6 promulgate rules regarding the school site report card that grant a  
7 medical exemption from the eighteen-day chronic absenteeism  
8 provision.

9 M. The State Board of Education shall promulgate rules as  
10 necessary to make allowances within the accountability system for  
11 students who are educated by other means pursuant to Section 10-105  
12 of this title or students who are enrolled in a private school and  
13 are required to enroll in a public school district course pursuant  
14 to the provisions of paragraph 6 of subsection C of Section 2 of  
15 this act. The rules shall take into consideration whether the  
16 required course is subject to statewide assessments.

17 SECTION 5. This act shall become effective July 1, 2019.

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