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STATE SUPERINTENDENT *of* PUBLIC INSTRUCTION
OKLAHOMA STATE DEPARTMENT *of* EDUCATION

MEMORANDUM

TO: Oklahoma State Board of Education
FROM: Superintendent Joy Hofmeister
DATE: May 19, 2016
SUBJECT: Bills signed by Governor as of April 22, 2016

Accountability, Evaluations, Student Data

SB 1431 – Updates federal citations in state statute regarding what is required for schools listed as in need of improvement. Eliminates improvement models that were required under No Child Left Behind (NCLB), instead requiring schools in need of improvement to implement a locally developed, evidence-based intervention model, as required under the Every Student Succeeds Act (ESSA). Schools identified for school improvement for four consecutive years are required to seek support from the state, which may include academic intervention, professional development, restructuring, or any other reasonable plan. If after two years of a state support plan the improvements are insufficient, the board may exercise the option of assuming control of the school. Effective July 1, 2016.

Certification, Retirement

HB 2258 – Eliminates the requirement that the Oklahoma State Pension Commission include information regarding the analysis of the performance of the custodian bank or trust company in its annual financial performance report. It also removes the requirement that the annual report include a comparative performance piece. It requires the report to include changes in the investment policy statements adopted by each retirement system in the prior year and an analysis of the performance of the securities lending program and short-term investment fund of the custodian employed by each governing body of the retirement systems. Effective November 1, 2016.

[**HB 2263**](#) – Expands the amount of time to file an application for retirement from 30 days before the date of retirement to 60 days and allows TRS to waive the 60 day deadline for good cause. Requires the employer to provide the member’s last day physically on the job, last day on payroll, any regular compensation not already reported and final unused sick leave balance to TRS no later than the 15th day of the month of retirement. If the employers fail to do so or make a mistake, they are required to reemploy the member for the time period required to reach eligibility up to two months. Expands the abilities of certain trusts to be named beneficiaries. The bill also changes the amount related to the payment of monies without intervention of probate court from \$5,000 to \$25,000 in the event of a member who leaves no living beneficiary. Effective November 1, 2016.

NEW [**SB 1128**](#) – “Pension Improvement Act” – Creates a revolving fund for the purposes of paying for any legislatively authorized cost-of-living adjustment (COLA) for retirees of retirement systems, or to reduce the unfunded liabilities of the systems. Does not appropriate any monies or create a funding stream to the revolving fund. Effective 90 days after Legislative Sine Die.

Charter Schools

[**SB 1268**](#) – Corrects a scrivener’s error in the Oklahoma Charter Schools Act, allowing for certain exemptions for those schools “designated” by SDE as implementing alternative education programs. Effective July 1, 2016.

Children, Families, Students

[**HB 2404**](#) – Directs the State Board of Education to promulgate rules that create exemptions for the maximum age at which a child may attend half-day or full-day pre-kindergarten. Effective November 1, 2016.

[**HB 2518**](#) – Allows for surgical procedures on a minor without consent of the parent or guardian when a physician determines that an emergency exists and the parent or other adult authorized to provide consent cannot be located or contacted after a reasonably diligent effort. Effective November 1, 2016.

NEW [**SB 1357**](#) – Adds a member to the Oklahoma Food Service Advisory Council within the State Department of Health. The new member, appointed by the Commissioner of Health, shall represent the School Nutrition Association of Oklahoma. Effective November 1, 2016.

***NEW* [SB 1369](#)** – Defines the term “homeless children and youth” to mean a person age 21 or under unaccompanied by a parent/guardian, without shelter, without a parent/guardian willing and able to provide shelter, and without a fixed, regular and adequate nighttime residence. Also defines “runaway” to mean any unmarried child under the age of 18 who is absent from their home or lawful placement without consent. Also defines “youth at risk of homelessness” to mean any person age 21 or under whose status indicates a significant danger of experiencing homelessness in the near future. Finally, the bill requires the Oklahoma Commission on Children and Youth to include in its annual report recommendations for services to such youth. Effective November 1, 2016.

Curriculum

[HB 2298](#) – Requires driver education courses to include instruction on the dangers of texting while driving and the effects of being under the influence of alcohol or other intoxicating substances. Effective November 1, 2016.

***NEW* [HB 2535](#)** – “Apprenticeships, Internships and Mentorships (AIM) Act of 2016.” Allows a school board, beginning in 2017-2018, to enter into an agreement with public or private organizations to create apprenticeship, internship and mentorship programs for high school juniors and seniors, and have those programs count towards elective credit. Directs the State Department SDE to promulgate rules to carry out the Act. Effective November 1, 2016.

[SB 1105](#) – Allows students who have been denied a diploma for not completing the required curriculum units in order to graduate from high school to re-enroll in the district following denial and be provided the opportunity for remediation and intervention in order to complete the units. Such students are exempt from the requirement to be enrolled for a full six hours. Allows districts enrolling such students to receive state aid based on the portion of the day the student is enrolled. Effective July 1, 2016.

***NEW* [SB 1269](#)** – Requires the State Board, in collaboration with the State Regents and CareerTech, to develop college and career endorsements to direct students toward clear career pathways. Specifies endorsement categories for STEM, business and industry, public services, arts and humanities, multidisciplinary studies and any other areas determined by the Board. The Board, Regents, CareerTech, and business representatives will specify the curriculum requirements. The State Board must develop and implement a mechanism to recognize the endorsements. Effective November 1, 2016.

Employment, Personnel, Compensation

[HB 2097](#) – Allows members of health maintenance organization’s (HMOs) to request a printed copy of their individual contract if they are not able to view and print an electronic copy. Effective November 1, 2016.

[HB 2315](#) – Allows for district treasurers and encumbrance clerks to count applicable training in the prior 3 years before assuming such position towards the training required within the first nine months of employment. Effective April 11, 2016.

***NEW* [HB 3109](#)** – Requires school districts to provide teachers and administrators with a copy of an employee information worksheet containing specific information prior to the first payroll in September. School districts are required to make someone available to review the worksheet with anyone who has questions. Effective 90 days after Legislative Sine Die.

Funding

***NEW* [HB 2616](#)** - Defines “administrative process” to include an administrative submission process that allows Oklahoma Universal Service Fund (OUSF) beneficiaries to submit a preapproval request directly to the “administrator,” which is defined as the Director of the Public Utility Division (PUD) of the Corporation Commission. Expands the definition of “public school” to include technology center schools providing instruction for high school students, and excludes from the definition private schools, home schools and virtual schools.

Requires schools to submit within 60 days of the start of service to submit a request for reimbursement from OUSF. The administrator must issue a determination within 60 days regarding the amount of funding that is recoverable. Failure to do so will result in approval of the request. Payment as a result of automatic approval or approval by the administrator must be made within 45 days.

Allows reconsideration requests to be filed within 15 days of an order being posted. If the commission does not respond within 30 days then the request is deemed approved on an interim basis. If a final order is not issued within 120 days then the request is deemed to be approved permanently.

OUSF beneficiaries, including public schools, must make every effort to obtain funding from other state and federal sources for Special Universal Services, and double recovery is not allowable in any case. Beneficiaries must explain such efforts to the administrator with their request for funding. Beneficiaries must conduct fair and open competitive bidding processes to select services. Requires an administrative preapproval process to be set up for beneficiaries. Effective May 9, 2016.

[HB 3115](#) – Amends the definition of “Textbooks” to eliminate the restriction that technology-based materials do not include the equipment required to make use of those materials. Effective July 1, 2016.

***NEW* [HB 3206](#)** - Requires the Office of Management and Enterprise Services (OMES) to analyze and submit to the State Board of Equalization the amount of monies remaining in the General Revenue Cash-flow Reserve Fund which are not necessary for current year cash-flow needs and are available for legislative appropriation by the first Monday of each December. Effective September 1, 2016.

***NEW* [SB 933](#)** – Extends the moratorium on certain mandates until a fiscal year immediately following a fiscal year when the state aid factors return to \$3,291.60 on the initial allocation notice. Until such time, the State Board shall not withdraw or deny accreditation or assess a penalty for districts not complying with the media materials and equipment standards and media

program expenditures standards, or for districts receiving an accreditation deficiency. The State Board shall exempt districts from and waive any policy, rule or law to form or convene any advisory council or committee except those required by federal law. Districts seeking flexibility to use appropriated dollars for textbooks for other purposes must demonstrate to the State Board that the textbooks and instructional materials being used for the area under consideration in the textbook adoption cycle are current and appropriate for student learning. Effective July 1, 2016.

***NEW* [SB 1030](#)** – Requires appropriated agencies to submit an itemized estimate of needs for the ensuing fiscal year and the following two fiscal years when they submit their budget requests each year to the Office of Management and Enterprise Services (OMES). The bill also requires agencies to submit an estimate of revenues from all sources to be received by the agency for the ensuing fiscal year and the following two fiscal years. Requires the budget committees of the Legislature to establish budget performance measures for each agency to obtain measureable data in order to determine if the agency is performing its duties in the most cost-effective manner possible. Effective May 16, 2016.

Professional Development

***NEW* [HB 2957](#)** – Eliminates separate qualitative and quantitative evaluation ratings and instead provides for one “district evaluation rating” for the Teacher and Leader Effectiveness Evaluation System (TLE). Requires evaluations for 2015-16 and 2016-17 to be based on the qualitative component of TLE. Eliminates quantitative ratings from the evaluation components, including performance measures based on student academic growth using standardized test data. Districts choosing to use quantitative measures may do so at their own expense.

Allows for teachers who receive “superior” and “highly effective” ratings to be evaluated once every three years. Allows for evaluations to be done by a designee of the principal, supervisor, content expert, department chair, peer committee or other trained persons or groups of persons.

Requires each school board to develop, maintain and annually review a written policy of evaluation and corresponding professional development for all teachers and administrators. Requires SDE to work with school districts during the 2016-17 school year to develop individualized programs of professional development. During 2017-18 districts will incorporate the programs on a pilot basis, and in 2018-19 the programs will be fully incorporated. These programs will count towards already required professional development and not institute any new requirements.

Beginning in 2017-18, a career teacher receiving a rating of ineffective shall be dismissed; however, the superintendent and board may approve continued employment. A career teacher receiving a rating of needs improvement for three consecutive years may be dismissed. Effective July 1, 2016.

Red Tape Task Force Recommendations

[HB 2544](#) – Changes the date for districts to notify the State Board of Education that they have adopted a school hours policy from Sept. 15 to Oct. 15. Eliminates the requirement that districts submit a report on the impact of adopting an extended day schedule and allows an extended-day schedule to be adopted for any grade. Effective July 1, 2016.

[HB 2649](#) – Allows for two school days of six hours each to be counted in any 24-hour period without seeking a waiver from the State Board of Education if one of those days is for parent-teacher conferences. Effective July 1, 2016.

[SB 1004](#) – Requires reporting of students dropping out from quarterly to annually. Effective July 1, 2016.

Scholarships, Adult Education

[HB 2615](#) – Prohibits gifts of money or other things of value to student-athletes or a member of their immediate family to persuade them to enroll or attend a certain college or university, or for their participation in an intercollegiate sporting event, contest or exhibition. Excludes the activities of postsecondary institutions acting in accordance with policy, grants and scholarships, immediate family members and gifts under \$100. Prohibits any transactions that could cause student athletes to lose their scholarship or ability to participate in intercollegiate athletics. Requires schools to advise students of these provisions each sports season. Effective November 1, 2016.

School Boards

[HB 2281](#) – Allows for public bodies to meet the obligation of providing “prompt, reasonable access to records” by providing records online. Effective November 1, 2016.

NEW **[HB 2784](#)** – Eliminates the requirement that schools store duplicate copies of student records in a separate facility, instead requiring both temporary and permanent records be stored, regulated, communicated and disclosed in a manner consistent with state and federal law. Allows districts to store student records either electronically or in paper format and directs that they be stored, backed up and secured in accordance with standards and protocols developed by the State Board of Education. Directs that transcripts be maintained for not less than 80 years. Requires all other records to be disposed of between five and seven years after graduation, transfer or withdrawal from the district. Directs the State Board to promulgate rules for notification before destruction of records. Effective July 1, 2016.

[HB 2965](#) – Prohibits a governing body or entity from interfering with an employees’ obligations to report child abuse or neglect, or retaliating or discriminating against them. Any such governing body will be held liable for damages, costs and attorney fees. Any child who is harmed by such action may file an action to recover damages, costs and attorney fees. Effective November 1, 2016.

NEW [SB 1036](#) – Allows for names of school district personnel who have been designated by the school board to carry a firearm to be kept confidential. Effective July 1, 2016.

NEW [SB 911](#) – Allows a school board to adopt a policy requiring students to perform campus-site service for violating the district’s discipline policy. Effective 90 days after Legislative Sine Die.

School Sites

[HB 2432](#) – Requires all schools to post a sign in English and Spanish with the child abuse and neglect reporting hotline in a clearly visible location in a public area of the school that is readily accessible to students. State Board of Education is to promulgate rules relating to the size and location of the sign. Effective July 1, 2016.

NEW [HB 2571](#) – Clarifies terms regarding speed limits for school buses as follows: 55 mph on paved two-lane “roads” and 65 mph on “the state highway system, the interstate highway system and the turnpike system”. Effective November 1, 2016.

[HB 2614](#) – Adds students who have been removed from a public or private school in any state by an administrative or judicial process for cyberbullying to the list of circumstances under which a public school is not required to provide education services in a regular school setting. The school may choose to keep the student out of the regular school setting until it is determined that the student is no longer a threat. Effective July 1, 2016.

[HB 2720](#) – Clarifies the definition, process and required accountability for “conversion schools” – those schools created by converting all or part of a traditional public school into a charter school. Effective July 1, 2016.

NEW [HB 2931](#) – Eliminates the requirement for each school to conduct two lockdown drills and two intruder drills and instead requires four security drills. It requires one security drill to be conducted within the first 15 days of each semester. Effective July 1, 2016.

[SB 1057](#) – Directs that business owners are prohibited from establishing a policy or rule that prohibits any person from carrying a concealed or unconcealed firearm with certain exceptions. Carrying a concealed or unconcealed firearm may be prohibited from any public property sports field or adjacent seating where a school sporting event or professional sporting event is being held. Effective November 1, 2016.

Special Education

NEW [HB 2962](#) – Requires all health benefit plans issued or renewed after November 1, 2016 to provide coverage for the screening, diagnosis and treatment of autism spectrum disorder for children under the age of nine as long as there is sufficient progress and improvement. No insurer can deny coverage based solely on the individual being diagnosed with or having received treatment for an autism spectrum disorder. Coverage for applied behavior analysis is

limited to \$25,000 per year. A health benefit plan that has more than a one-percent increase in premiums due to the coverage is exempt from the requirements.

Requires the Health Care Authority, in conjunction with the Dept of Mental Health and the Dept of Education, to examine the feasibility of a state plan amendment to the Oklahoma Medicaid Program for applied behavior analysis treatment of autism. The agencies are required to submit a report by December 31, 2016 estimating the potential costs to the state, clinical findings, reviews of pilot projects and research from other states on the effects of applied behavioral analysis treatment on autism spectrum disorders. If the report demonstrates treatment is essential to Medicaid participants then, they are to draft an amendment to the state plan by July 1, 2017. Effective November 1, 2016.

NEW [HB 2969](#) – Requires standards for accreditation adopted by the Board to include standards for educational services provided in partial hospitalization programs, day treatment programs, day hospital programs, residential treatment programs and emergency shelter programs, for both onsite and offsite services provided by public school districts and state-accredited private schools. Requires SDE to actively monitor such programs to determine compliance. Requires SDE to investigate a complaint of a school not in compliance within 10 days of receipt and make a recommendation to the Board within 60 days. If a school does not comply within 90 days, the Board is required to withdraw accreditation for the school. Effective 90 days after Legislative Sine Die.

State Department

[HB 1581](#) – Requires each state agency receiving federal funds to provide a report to the Office of Management and Enterprise Services (OMES) detailing the amount of federal funds received, sources of those funds, any conditions for the receipt of those funds, and required or prohibited actions. Effective September 1, 2016.

NEW [SB 912](#) - Requires agencies to include a statement of the gist of the rule when filing the notice of intended rulemaking with The Oklahoma Register and with the Secretary of State when the rules are finally adopted. Effective November 1, 2016.

[SB 1342](#) – Requires revenue and expenditure data for federal funds to be included on the state Taxpayer Transparency Website by program beginning in FY 2017. Effective January 1, 2017.

Teacher Shortage

[HB 2371](#) – Eliminates the requirement that a mentor teacher be employed by the school district, and allows a former classroom teacher to serve in that role at the discretion of the district. Effective July 1, 2016.

NEW [HB 3025](#) – Expands the list of those who qualify to pursue a standard certificate through an alternative placement program to include those who have successfully completed a terminal degree and those who have a bachelor's degree and qualified work experience corresponding to an area of certification. Requires that candidates have either demonstrated

competency or completed a major in a field corresponding to an area of certification as determined by the State Board or as recommended by CareerTech for a vocational-technical certificate. Allows the State Board to determine the number of hours required for the professional education component for each person making application, with a minimum of 6 semester hours and maximum of 18 semester hours. Effective November 1, 2016.

HB 3102 – Increases the maximum number of clock hours an adjunct teacher may teach from 90 hours to 270 hours per semester, which is the equivalent of a half-day every day for a full semester. Effective July 1, 2016

***NEW* HB 3114** – “Empowering Teachers to Lead Act.” Creates a framework of teacher career paths, leadership roles and compensation requirements and allows districts to apply to SDE for approval to implement the framework or a comparable system of career paths and compensation that contains differentiated multiple leadership roles. The framework defines the responsibilities of a model teacher, mentor teacher and lead teacher with a corresponding salary supplement. Allows SDE to award planning grants and implementation grants to districts, subject to availability of funds. Effective November 1, 2016.

SB 1038 – Creates a Teacher Certification Scholarship Program under the Office of Educational Quality and Accountability (OEQA). Directs OEQA to establish eligibility criteria. Limits scholarship to one per teacher candidate. In order to receive a scholarship, the candidate is required to teach for one year in the state. Establishes a revolving fund for the legislature to appropriate money to and allows the program to be supported with gifts and donations. Effective January 1, 2017.

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