



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

MEMORANDUM

TO: Oklahoma State Board of Education
FROM: Superintendent Joy Hofmeister
DATE: February 25, 2021
SUBJECT: Active education-related bills as of February 18, 2021

Academic Counseling

[HB1801](#) – Requires all institutions within the state’s System of Higher Education to grant priority enrollment and course registration to active duty members of the military and to students who are eligible to receive financial assistance from the Department of Veterans Affairs. Effective November 1, 2021.

[HB2399](#) – Allows students in 11th or 12th grade whose parents became deceased after the student’s 10th grade year and whose adoptive parents have a federal adjusted gross income of less than \$60,000 per year, to be eligible for the Oklahoma Higher Learning Access Program (OHLAP). Effective November 1, 2021.

[SB68](#) – Allows the children of active duty military personnel to pre-enroll in a local school district prior to moving to Oklahoma and be considered in compliance with school residency requirements prior to arrival. Effective July 1, 2021.

[SB69](#) – Allows the children of active duty military personnel to pre-enroll in statewide virtual charter schools prior to moving to Oklahoma and be considered in compliance with school residency requirements prior to arrival. Effective July 1, 2021.

[SB238](#) – Creates a taskforce until December 31, 2021 to explore a requirement for high school students to complete the Free Application for Federal Student Aid (FAFSA) prior to graduation. The nine-member taskforce will be composed of education stakeholders and include the State Superintendent of Public Instruction or a designee. Effective July 1, 2021.

[SB261](#) – Creates the Oklahoma Student Borrower’s Bill of Rights Act, directing the Attorney General to compose the "Oklahoma Student Borrower's Bill of Rights" for a student loan borrower who takes out a student education loan with a student loan servicer. The statement must include plain and clear language prohibiting a student loan servicer from engaging in any act that misleads, deceives, or defrauds student borrowers. Loan servicers are also prohibited from making false statements or omitting material facts when submitting reports to a governmental agency. Effective November 1, 2021.

[SB639](#) – Revises the Oklahoma Higher Learning Access Program (OHLAP), also known as Oklahoma’s Promise, to include awards for postsecondary career and technology programs that have been identified as critical occupation areas, as identified by the Executive Director of the Oklahoma Department of Commerce in recurring annual reports. The State Regents for Higher Education, in consultation with the State Board of Career and Technology Education, must identify postsecondary vocational-technical programs that correlate to identified critical occupation areas. Additionally, beginning in the 2022-2023 academic year, students who receive an OHLAP award to participate in a postsecondary vocational-technical program will have five years to complete the program, lest they be required to repay the full amount. Effective July 1, 2021.

Accountability, Assessments, Student Info

[HB1104](#) – Requires schools to collect student tribal affiliation data alongside other demographic data collected as part of the “Student Data Accessibility, Transparency and Accountability Act of 2013”. Effective 90 days after Sine Die.

[HB1875](#) – Prohibits an educational agency or institution that is not the primary custodian of student directory information of attending students from releasing or selling any student directory information unless otherwise allowed by the Family Educational Rights and Privacy Act (FERPA) or the Student Data Accessibility, Transparency and Accountability Act of 2013 in Title 70 of the Oklahoma Statutes. Effective November 1, 2021.

[HB2030](#) – Requires the Oklahoma subject matter standards for history, social studies, and U.S. Government include the study of important historical documents, including the Constitution, Declaration of Independence, Emancipation Proclamation, and Federalist Papers. Subject matter standards for U.S. Government must also include simulations of the democratic process, and lessons on the structure and relationship between the levels of government. Requires students to pass the United States naturalization test to graduate high school beginning with the 2022-2023 school year. Effective November 1, 2021.

[SB437](#) – Requires, rather than permits, school districts to provide remediation courses to high school students who score below the benchmarks on subject-area portions of the ACT or below equivalent scores on the SAT, beginning in the 2021-22 school year. States that provided remediation may include extended instructional time, summer academies, tutoring, online coursework, repetition of any course that corresponds to a subject area in which the student scored below the benchmark, and other supplementary services. The State Board of Education may adopt rules to implement these changes. Effective July 1, 2021.

Certification, Retirement

[HB1773](#) – Requires teacher candidates in early childhood, elementary, secondary, and special education, as part of their competency-based teacher preparation program, to study the background and implementation of multi-tiered systems of support (MTSS) designed to address the core academic and nonacademic needs of all students. Candidates will receive grade-appropriate training on applying MTSS in the areas of structured literacy, mathematics, classroom management, and trauma-informed instruction at a minimum. Effective November 1, 2021.

[HB1796](#) – Allows the State Board of Education, in consultation with the Commission for Education Quality and Accountability, to grant subject area examination exceptions for initial teacher certification in a field that does not require an advanced degree if the candidate already has an advanced degree in the subject substantially comparable to the content assessed in the examination. This exception currently only exists for alternatively certified teachers. Effective upon its passage and approval.

[HB1836](#) – Requires the State Department of Education (OSDE) to develop a system for coding initial teacher certifications, including emergency certification, to allow for reporting data on initial certification pathways, and creates the Data Governance Council to monitor, evaluate, and make recommendations regarding the state’s certification pathways based on OSDE reports. The Council will be composed of numerous education agency directors or their designees, including the State Superintendent of Public Instruction, Chancellor of the Oklahoma State Regents for Higher Education, Executive Director of the Office of Educational Quality and Accountability, among other education stakeholders. Effective November 1, 2021.

[HB2693](#) – Requires the Office of Educational Quality and Accountability (OEQA) to select up to 300 teachers seeking to renew their National Board Certification each year, and to pay for a portion of their renewal application fee not to exceed \$750. Requires OEQA, rather than the State Board of Education, to provide the \$5,000 annual bonus to teachers who attain National Board certification, for the duration of certification. This reestablishes the National Board Certification bonus as it existed prior to being eliminated in 2013. Lastly, the National Board Certification category is eliminated from the teacher salary schedule. Effective November 1, 2021.

[HB2748](#) – Requires the State Board of Education to issue a one-year alternative teacher certificate, renewable for up to three years, to early childhood or elementary education candidates who declare their intention to earn standard certification within three years. Candidates may enter the classroom immediately as they work toward full certification provided they meet certain benchmarks each year which include completing credit hours and receiving instructional coaching in the areas of reading, classroom management, child development, and math instruction. Effective November 1, 2021.

[SB67](#) – Allows the State Board of Education to grant an exception to the requirements for all certification examinations to deaf teachers who are fluent in American Sign Language (ASL) and who will be teaching exclusively in settings requiring the use of ASL. Effective July 1, 2021.

Children, Families, Students

[HB1002](#) – Eliminates the statute of limitations for civil action against individuals accused of childhood sexual abuse, while lengthening the same statute of limitations for corporate entities and organizations to 30 years. The measure allows a five-year window for the filing of retroactive claims for childhood sexual abuse for those persons who were previously barred from filing due to the time limitation. The revival of a claim does not apply to any claim that has been litigated to finality; or to any written settlement agreement which has been entered into between the plaintiff and defendant. Effective November 1, 2021.

Curriculum

[HB1569](#) – Creates the Oklahoma Play to Learn Act, allowing early childhood educators to employ play-based learning techniques and school districts to provide related professional development. States school districts may not prohibit a teacher from using play-based learning in early childhood education. Effective upon its passage and approval.

[SB252](#) – Requires all public high schools, middle schools, elementary schools and their charter school equivalents to offer a minimum of one grade-appropriate computer science course to students each year, beginning in the 2024-2025 school year. Starting June 30, 2025, each school district shall submit an annual report to OSDE regarding the computer science courses offered, which the Department will post on its website. Effective November 1, 2021.

[SB784](#) – Permits the Council on Law Enforcement Education and Training (CLEET) develop a statewide law enforcement and public safety youth program designed for high school students. Effective November 1, 2021.

Charter Schools

[SB239](#) – Requires the Department of Education to determine if it has the capacity to support a new charter school before the State Board approves a charter school sponsorship upon appeal. Requires the Board to find that the applicant applied with all of the applicable requirements required to be reviewed by the local board before it approves a charter. Sets parameters for the appeal process. Effective July 1, 2021.

Employment, Personnel, Compensation

[HB1876](#) – Clarifies that personal information of current and former public employees including home addresses, home phone numbers, Social Security numbers, and private email addresses and mobile numbers are not open to public inspection or disclosure, with the exception of public records created using a private email address or mobile phone. Effective November 1, 2021.

[SB121](#) – Requires local boards of education to adopt a policy allowing school employees who are lactating to take paid break time to maintain their milk supply and comfort. This break time may run concurrently with any break time already provided to the employee and the board must make a reasonable effort to provide a private, sanitary room for expressing milk or breastfeeding. Effective July 1, 2021.

[SB267](#) – Beginning July 1, 2021, a teacher may return as a classroom teacher with no earnings limitation provided they have been retired for at least one year and have not been employed at a school district during that time. The bill's provisions will expire after three years. Effective 90 days after Sine Die.

[SB683](#) – (Sen. Kidd) Retroactively removes the requirement that full-time non-classified optional personnel be regularly employed for more than one year to participate in the Oklahoma Teachers Retirement System (TRS) from August 2, 1969 through the bill's effective date. Upon the effective date, current personnel who are regularly employed for at least 20 hours per week will have thirty days to opt out of the System or be enrolled automatically. The option for

membership and the ensuing thirty-day opt out window will also apply to all eligible new hires. Effective 90 days after Sine Die.

[SB970](#) – Exempts any portion of any document or information provided to a state agency or entity for use in providing a license or certificate to an individual from being considered a “record” under the Oklahoma Open Records Act. Allows a public body to release personnel records at the body’s sole discretion, provided, identifying information relating to the occupants of any residential structure and email addresses are redacted in addition to existing protections. Effective November 1, 2021.

Funding, Budget

[HB1968](#) – Eliminates duplicative annual school expenditures report for Gifted and Talented (GT) programs that must be provided to OSDE by August 1. Effective upon its passage and approval.

[HB2078](#) – Revises the calculation of Oklahoma’s school funding formula, requiring that Initial State Aid be allocated based on the weighted average daily membership (WADM) from the preceding school year rather than the higher of the prior two years. Requires that the mid-year adjustment be allocated based on either the WADM of the first nine weeks of the current school year, or the WADM of the preceding school year, whichever is higher, rather than the highest WADM of the current or prior two school years. Lastly, the allowable percentages of general fund carryover are increased from between three and eight percent, depending on the general fund collections of the district, and excess carryover penalties for fiscal years 2022 and 2023 are waived. The bill’s provisions are contingent on the enactment of either H.B. 2074 or S.B. 783. Effective July 1, 2022.

[SB66](#) – Exempts surplus line policies sold to school districts from the surplus lines premium tax. Effective November 1, 2021.

[SB142](#) – Permits a local board of education to accept students from a bordering, out-of-state district without charging tuition if the school district does not receive State Aid funds and has a per-pupil expenditure above the state average. Such out-of-state students will be ineligible for State Aid, and no local funds from the student’s out-of-state resident district may be transferred to the receiving district. Effective July 1, 2021.

[SB749](#) – Creates a recurring annual fee of \$1.00 per kilowatt of total nameplate generating capacity for commercial wind equipment beginning January 1, 2022, with all related fees and penalty interest to be deposited in the State Department of Education’s Education Reform Revolving (1017) Fund. The fee is estimated to generate \$8,749,600 for the 1017 Fund in Fiscal Year 2022. Effective November 1, 2021.

Professional Development

[HB1593](#) – Revises the frequency for certain professional development requirements including training on the importance of digital teaching and learning standards, recognizing and addressing the mental health needs of students, emphasizing the importance of incorporating workplace safety training into curriculum, and in-service training on alcohol and drug abuse. Each training

program must be completed during a teacher's first year of employment at a district and be retaken at specified intervals. Effective November 1, 2021.

[HB2749](#) – Requires school districts receiving more than \$2,500 in Reading Sufficiency Act (RSA) appropriations, to spend a minimum of 10% of those funds on professional development on the Science of Reading for pre-k through fifth grade teachers beginning in the 2022-2023 school year. The professional development must include training on the cognitive science of how students learn to read, and be selected from an approved list of evidence-based programs compiled by the State Department of Education prior to June 30, 2022. Effective 90 days after Sine Die.

School Boards

[HB1775](#) – Updates the requirements for “Riley’s Rule”, requiring local school boards to coordinate with local emergency medical service providers in developing an Emergency Action Plan for each athletic practice, event or activity held at school district facilities. The plan must include contact, directory and map information for emergency medical services, a designated medical administrator, be provided to all school athletics and events staff, specify evaluation and debriefing procedures following an emergency, and be updated and rehearsed annually. Effective November 1, 2021.

[HB1789](#) – Permits local governmental units to create or contract with a purchasing cooperative to achieve better value or terms in contracts. Any purchasing cooperative or interlocal cooperative may use a single legal newspaper of the state to meet the notice and publication requirements for statewide purchasing projects, and a newspaper within the boundaries of the cooperative to meet notice requirements for local or regional projects. Effective November 1, 2021.

[HB1963](#) – Requires the Governor to make a temporary appointment for a local school board should the board ever have insufficient membership to attain a quorum and conduct business. Effective November 1, 2021.

[HB2335](#) – Prohibits any government entity from mandating a vaccination, other than those already required for enrollment in schools as required by state law. Government entities, including state or local officials, any political subdivision, and any agency, board, commission, or council with rule-making authority, are prohibited from discrimination and penalties against any person who declines vaccination of themselves or their children. Effective November 1, 2021.

[HB2655](#) – Requires that general elections for members of local school and technology center boards of education to be conducted beginning the first Tuesday of November 2022, and on the general election date every two years thereafter. Elected members serving a term on Nov. 1, 2022, will be re-elected on Nov. 1, 2022 and those whose terms expire before the next succeeding general election will be elected. Effective November 1, 2021.

[SB197](#) – Requires school and technology board member candidates who receive over 50% of the vote to be seated at the next board meeting following the April primary election. Effective July 1, 2021.

[SB619](#) – Permits the governing body of any school to obtain liability insurance coverage to protect a student who participates in an apprenticeship, internship or mentorship program. Prohibits schools from charging the student or parent for the cost of providing insurance. Requires the State Board of Education to review apprenticeships, internships and mentorships to determine if they are eligible for academic credit toward graduation. Effective July 1, 2021.

[SB658](#) – Requires the State Department of Education to provide and ensure every school district details the state’s vaccination requirements for enrollment, including the possibility for exemption, in addition to contact information for the State Department of Health, on the district’s website and any vaccine-related publication or notice. Effective July 1, 2021.

[SB707](#) – Allows parents thirty days after the first day of the school year to provide certification that a child received required immunization treatments or a certificate of exemption. If the parent does not present either certificate within the 30-day period, the child will not be admitted into the school until the parent or legal guardian provides the required documents. Effective July 1, 2021.

[SB1031](#) – Extends many of the Open Meeting Act flexibilities for public bodies to hold meetings by teleconference or videoconference put into place last session and that expired Nov. 15, 2020. To ensure virtual meetings remain transparent and accessible to the public, new requirements have been implemented including a requirement that documents and other materials be provided on a public body’s website and that meetings with a videoconference option ensure the option is indeed provided, alongside access codes or passwords as necessary. These exemptions are to remain in effect until Feb. 15, 2022, or until 30 days after the expiration of the Governor’s COVID-19 state of emergency, whichever occurs first. Took effect on February 10, 2021.

[SB1032](#) – Makes permanent additions to the Open Meetings Act requiring all public bodies that maintain a website and utilize a high-speed internet connection, to stream all meetings on the website and post meeting recordings after concluding, if such actions are practicable. Also authorizes any public body headquartered in a county subject to a declared state of emergency to meet via teleconference or videoconference, with all related requirements and exemptions applicable to public bodies statewide under the COVID-19 emergency. Effective upon its passage and approval.

School Sites

[HB2074](#) – Creates the Open Transfer Act of 2021, reforming Oklahoma’s school transfer statutes, namely, revising the allowable causes for denying student transfers, limiting students to a maximum of two out-of-district transfers per school year, requiring school districts and the State Department of Education to list district transfer enrollment capacities on their respective websites, creating a structured appeal process ending with the State Board of Education for transfer denials, and repealing the state’s emergency transfer law. The bill’s provisions are contingent on the enactment of H.B. 2078. The revised transfer provisions and requirements will take effect beginning on January 1, 2022. Effective upon its passage and approval.

[HB2662 / SB128](#) – Creates the Seizure-Safe Schools Act, requiring each school site with a student who is known to have a seizure disorder, to have at least one employee who has training to administer or assist with self-administration of seizure medication and recognize symptoms of

seizures and take steps to respond by Jan. 1, 2022. Districts may provide an age appropriate seizure education program to all students that is consistent with Epilepsy Foundation of America guidelines and the State Board of Education may develop rules to assist in the development and implementation of the program. Lastly, school employees who take actions in compliance with the act are exempt from disciplinary proceedings and will have immunity from civil liability. Effective upon its passage and approval.

[SB54](#) – Requires the State Department of Education to designate a school district or individual campus as a Purple Star Campus if the school or district applies for the designation and agrees to provide certain services benefiting military-connected students and their families, in addition to offering related professional development for staff. Effective November 1, 2021.

[SB302](#) – Grants visiting teams in all regular high school athletic competitions the same rights to radio broadcast, video stream, and telegraphic play-by-play accounts as the home team beginning in the 2021-22 school year, provided the visiting team has either a valid agreement between a media organization and the school’s board of education, or a curricular program for providing home game streaming to students. Effective July 1, 2021.

[SB670](#) – Designates the purchase or possession of methamphetamine, heroin, cocaine or fentanyl within 1,000 feet of a school as a felony, punishable by up to five years in prison. These provisions will not apply to any person who is younger than eighteen years old, is enrolled as a full-time student at the school in question, or who was requested to enter the prohibited distance as part of a routine traffic stop. Effective November 1, 2021.

[SB1033](#) – Clarifies that a retail marijuana dispensary established on or after November 1, 2019 will not be in jeopardy of losing its license in the event that a school building came to be located within 1,000 feet of the dispensary at a later date. Effective November 1, 2021.

State Board/Dept. of Education

[HB1018](#) – Repeals the required publication and distribution of the biennial school laws book by the State Department of Education. Effective November 1, 2021.

[HB1090](#) – Permits the State Auditor and Inspector and the Auditor’s Performance Audit Division, to examine books and accounts of public officers and other governmental entities independent of a request by the Governor, a government entity’s CEO, or a concurrent resolution of the Legislature. Effective July 1, 2021.

[HB2223](#) – Requires the State Department of Education to maintain a dyslexia handbook created by the Dyslexia and Education Taskforce by making annual revisions and additions as recommended by stakeholders. Any revisions must include, but are not limited to, specified criteria for assisting school districts in screening for dyslexia and educating students who have dyslexia. Effective November 1, 2021.

[HB2361](#) – Adds habitual absence from minimum required training events to the list of causes for which an appointed state officer may be removed from office. Requires removal from office to follow the procedures established for removing elected and unelected officials, impaneling a

grand jury to indict a public official, or removing a political subdivision officer by order of the Attorney General and the Oklahoma Supreme Court. Effective November 1, 2021.

[HB2462](#) – Reauthorizes the State Department of Education to enter into contracts and agreements for expenses necessary to host, or participate in, conferences or training sessions. Enables the Department to create accounts for the collection and distribution of funds from sponsors or registration fees related to conferences and training sessions. Effective upon its passage and approval.

[HB2932](#) – Prohibits any agency or other entity organized within the executive branch from using federal funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act in a way that will, or will be likely to increase the demand for state-appropriated funds without the express authorization of the state Legislature, beginning in the fiscal year ending June 30, 2021, and every following fiscal year. These requirements will also apply to any federal funds allocated by an act of Congress or federal agency rules authorized by the federal government on or after December 1, 2020. Effective upon its passage and approval.

[SB157](#) – Repeals language stating that appointed members of the State Board of Education shall serve at the pleasure of the Governor and provides a list of eligible causes for a member's removal by the Governor. Effective July 1, 2021.

Trauma-Informed/Mental Health

[HB1027](#) – Requires the State Board of Education and Department of Mental Health and Substance Abuse Services, in consultation with school superintendents, to develop and offer training for school employees on violence de-escalation, in addition to existing training addressing student mental health. The training will include information concerning trauma-informed teaching, self-regulation practices for students and staff, and trauma-informed response protocols for addressing behavior with a positive and compassionate approach. Effective November 1, 2021.

[HB1103](#) – Requires all schools to administer the Oklahoma Prevention Needs Assessment (OPNA) survey every two years beginning in the 2022-2023 school year, for the purpose of improving student mental health and substance abuse outcomes. The Department of Mental Health and Substance Abuse Services will assist in administering the survey, maintain all collected data, and develop a waiver process allowing schools to administer an alternate assessment to meet the requirement. Effective November 1, 2021.

[HB2396](#) – Permits local school boards to adopt a policy regarding sex trafficking awareness and education programs, in addition to providing prevention and awareness education to staff, parents, and students in grades 7-12, partnering with nonprofits specializing in this area, and offering a two-hour sex trafficking prevention and awareness program to students in grades 7-12, beginning with the 2022-2023 school year. Effective November 1, 2021.

[SB21](#) – Requires, rather than permits, local boards of education to adopt a policy regarding suicide awareness training and reporting student drug abuse and to provide district-wide training to all staff, beginning in the 2021-2022 school year. Districts *may* provide suicide awareness training to students grade 7-12 beginning in the 2022-2023 school year. Effective July 1, 2021.

