

# 2022 LEGISLATION



**OKLAHOMA**  
Education





2022 LEGISLATION

JOY HOFMEISTER

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

Dear Educator:

The Oklahoma State Department of Education is excited to provide to you the **8<sup>th</sup> Annual Red Banner Book** as a resource to help you stay informed of state education legislation.

New laws that emerge each year from legislative session can be overwhelming. The impact on districts, schools and classrooms across Oklahoma can be significant or minimal, immediate or delayed, positive or troubling – but there is one constant: You need to know the law.

This book is not intended to be all-inclusive nor serve as legal advice, but it will give you a general overview of this year’s new laws and legislative actions affecting public education.

This session marked a return to convention with the number of new laws (approximately 400). While the 2020 session produced far fewer laws due to the arrival of COVID, the 2021 session saw a record high of 583 resulting from the backlog of policy initiatives from the prior year’s truncated proceedings. Although 2022 had fewer pandemic-specific bills, many looked to address perennial areas of concern exacerbated by COVID, such as the teacher shortage and student mental health. To help facilitate teachers’ path to the classroom, [H.B. 3658](#) eliminates the requirement that teacher candidates pass the general education (OGET) portion of the teacher competency examination to become certified. Additionally, [H.B. 3564](#) creates a higher education scholarship to incentivize college students to enter the teaching profession and stay in the profession for at least five years, offering up to \$25,500 in scholarships and incentive payments. To support mental health, [H.B. 4106](#) requires each school district to develop a protocol for responding to students in mental health crisis, created in partnership with local mental health treatment providers.

This session also saw the Legislature weigh in on social issues that can impact education, most notably to require that students participate in athletic programs ([S.B. 2](#)) and use restrooms and changing facilities ([S.B. 615](#)) that align with the sex indicated on the students’ birth certificate.

Thank you for your service to the children of Oklahoma. You already have so much to navigate, and an onslaught of new requirements doesn’t make things any simpler. It has been my distinct honor and privilege to provide you the Red Banner Book for the entirety of my eight-year tenure as State Superintendent. I hope this resource has empowered you to keep track of ever-changing laws while remaining focused on what matters most, our students.

A handwritten signature in blue ink that reads "Joy Hofmeister".

Joy Hofmeister  
State Superintendent of Public Instruction



## SUBJECT INDEX

**NOTE: Bills in the Red Banner Book are listed in numerical order.  
Bills in this index may be listed under more than one subject.**

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## **H.B. 1800**

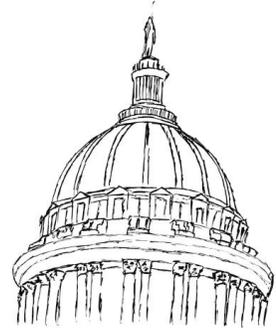
RE: H.B. 1800  
SUBJECT: Schools

[House Bill 1800](#) becomes effective November 1, 2022. This bill extends the time period a person discharged from the military, or their spouse or dependent, is eligible for in-state tuition at a college or university from five years to 10 years.

- Section 1(A)(4): Allows a person discharged from the military after at least 90 days of active uniformed service, or their spouse or dependent, to be eligible for in-state tuition at an Oklahoma college or university up to 10 years, changed from five years, following the discharge date.
- Section 2: Allows a member of the Armed Forces who has been stationed for more than one year in Oklahoma any time in the previous 10 years, or their spouse or dependent, to be eligible for in-state tuition.

Should you have any questions related to this bill, please contact Ms. Jenna Jones, Executive Director of School Counseling, at (405) 306-2797 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 3247  
New law at: 70 O.S. § 3249



## H.B. 2034

RE: H.B. 2034

SUBJECT: State contracts

[House Bill 2034](#) becomes effective November 1, 2022. This bill creates the Energy Discrimination Elimination Act of 2022 requiring the state treasurer to maintain and provide state government entities a list of financial companies that boycott energy companies, with which the state is not to do business unless there is no viable alternative. Additionally, it prohibits government entities, including school districts, from contracting with any company unless it attests that it does not boycott energy companies.

- Section 3(A)(1): Requires the State Treasurer to prepare, maintain and provide each state governmental entity a list of financial companies that boycott energy companies. Allows the Treasurer to use their own judgement in relying on publicly available information and to request written verification from a financial company.
  - Defines “Boycott energy company” to mean a company without an ordinary business purpose refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company engages in the exploration, production, utilization, transportation, sale or manufacturing of fossil-fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law *or* does business with a company as described.
- Section 3(A)(2): Allows the Treasurer to presume a financial company that does not provide required written verification to be boycotting energy companies.
- Section 3(A)(3): Requires the Treasurer to update the list annually, or more often as necessary, but not more often than quarterly.
- Section 3(A)(4): Requires the Treasurer to file the list with the Legislature and Attorney General within thirty days of updating the list and post the list online.
- Section 5(A): Defines “governmental entity” to mean a state agency or political subdivision (i.e., school district) of this state.
- Section 5(B)(1): Subjects contracts that are between a governmental entity and a company with ten or more full-time employees, and for \$100,000 or more over the term

of the contract that is wholly or partly paid from public funds of the governmental entity to the provisions of the bill.

- Section 5(B)(2): Prohibits a governmental entity from contracting with a company for goods or services unless the contract contains a written verification from the company that it does not and will not, during the term of the contract, boycott energy companies.
  - Defines “Company” to mean a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit.
- Section 5(B)(3): Prohibits a governmental entity from contracting with a financial company on the Treasurer's boycott list.
  - Defines “Financial company” to mean a publicly traded financial services, banking, or investment company.
- Section 5(B)(4): Provides an exception if a governmental entity determines the prohibitions are inconsistent with the entity’s constitutional or statutory duties and the entity determines the necessary supplies or services are not otherwise reasonably available from a financial company not on the Treasurer’s boycott list.

NOTE: This exemption would apply to the Oklahoma Teachers’ Retirement System.

- Section 6: Restricts the prohibition to contracts entered into after November 1, 2022.

NOTE: This summary is not an exhaustive list of every change made by H.B. 2034 and only reflects the sections of the bill most pertinent to education.

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 74 O.S. § 12001, 12002, 12003, 12004, 12005, 12006



## H.B. 2046

RE: H.B. 2046

SUBJECT: Higher education funding districts

[House Bill 2046](#) becomes effective August 25, 2022. This bill creates the “Higher Education Institution Local Funding Act” to allow 2-year colleges to adopt a resolution requesting a vote to organize a funding district and levy a property tax of up to ten mills.

Existing constitutional provisions authorize school districts to levy up to 39 mills of ad valorem taxes and career tech districts to levy 5 mills of ad valorem taxes, with an additional 5 mills available for buildings.

- Section 2: States that the Legislature finds providing additional sources of revenue for certain institutions of higher education will make postsecondary education more accessible.
- Section 3: Allows eligible two-year colleges under the Oklahoma State Regents for Higher Education to be considered higher education funding districts for the purposes of calling for elections to levy operational (up to 5 mills) and sinking fund (up to 5 mills) millage as is currently allowed for career tech funding districts.
- Section 4: Authorizes the board of a two-year college to adopt a resolution by majority vote to designate the college as a higher education funding district, provided the district does not include the territory or establish any levy of any existing career technology district.
- Section 5(A): Requires the college board of regents to prepare a boundary map depicting a proposed funding district, which is required to include the main campus of the college.
- Section 5(B): Requires the county assessor of the counties included within a proposed higher education funding district to provide the college board of regents with information regarding the net assessed value of all taxable property within the district.
- Section 6: Requires the county election board of the counties included within a proposed higher education funding district to provide the requesting college board of regents a precinct boundary map of the proposed area to call for a vote to approve the funding district.

- Section 7(A): Requires elections to approve the boundaries and/or initial millage rate (not to exceed 10 mills) of a proposed higher education funding district to be held in November of even-numbered years. Requires a proposed district to be approved by at least 60% of the vote.
- Section 7(B): Requires the ballot title to contain information on any anticipated bonded indebtedness, millage and projects related to the new district.
- Section 7(C): Authorizes the board of a two-year college to call for a special election to consider the creation of a funding district if the vote would occur outside of the general election schedule.
- Section 7(D): Requires that all election costs to be covered by the requesting college.
- Section 10: Authorizes a college board of regents to expend revenues from higher education funding districts for operational expenses, provided none of these revenues are used to compete with the services or programs offered by a nearby career technology district. Prohibits the State Regents from taking into consideration revenues derived from any levy imposed by a two-year college when allocating state-appropriations to support the institution.
- Section 11: Prohibits a bond obligation requested by a two-year college from exceeding 25 years.
- Section 12-13: Authorizes an existing bond issue or millage rate to be amended or for the annexation or deannexation of a funding district to be approved by a vote following a petition signed by 10% of eligible voters residing in the district.

Should you have any questions related to this bill, please contact Ms. Renée McWaters, Executive Director of State Aid, at (405) 522-0124 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. § 9001-9012

Helpful statutory reference: 26 O.S. § 12-116; Article 10 § 9, 9B of the Oklahoma Constitution



## H.B. 2627

RE: H.B. 2627

SUBJECT: Revenue and taxation

[House Bill 2627](#) becomes effective November 1, 2022. This bill requires each county assessor to provide an annual report by June 1 listing any tax protests in excess of \$3 million to the CFO of each impacted school district and recipient tax jurisdiction. It requires new documentation and filing requirements for assessors and tax protestors and allows assessors to appoint third-party appraisers.

- Section 1(A): Requires each county assessor to mail an annual report by June 1 listing any ad valorem tax protests with an assessed value exceeding \$3 million to the chief financial officer (CFO) of each impacted school district and recipient tax jurisdiction. Allows the report to be sent via email, at the assessor's discretion, provided the assessor receives a written request to this effect from a school district CFO, school treasurer, or receiving tax jurisdiction.
- Section 1(B): Requires the assessor's June 1 report to include:
  - A list of protests filed with the county assessor at the time of the report;
  - The value under protest for each of the protests filed with the county assessor at the time of the report; and
  - The estimated amount under protest that would otherwise be apportioned to the school district or taxing jurisdiction.
- Section 2(G): Requires the taxpayer filing a protest to also file the Oklahoma Tax Commission's (OTC) prescribed property listing and assessment form. Requires failure to submit this form to result in a presumption in favor of the assessor's initial valuation.
- Section 3: Requires the county assessor to provide a protesting taxpayer a protest timeline including all deadlines and the consequences of failing to meet each deadline. Allows OTC to prescribe a standard schedule for assessors to distribute.
- Section 4(A): Authorizes the county assessor to appoint third-party appraisers to assist in valuation of residential and nonresidential property, provided OTC is consulted for nonresidential property.

- Section 4(C): Prohibits third-party appraisers who assisted with the valuation process from participating in any valuation negotiations, protests to the county assessor or protests to the county board of equalization. Requires contracts for third-party appraisers to be subject to the Oklahoma Open Records Act.
- Section 4(E): Requires all communication between a country assessor and an appraiser, except for a taxpayer's sworn property assessment information, to be subject to the Open Records Act.

Should you have any questions related to this bill, please contact Ms. Renée McWaters, Executive Director of State Aid, at (405) 522-0124 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 68 O.S. § 2826, 2876

New law at: 68 O.S. § 2876.1, 2899.2

Helpful statutory reference: 51 O.S. § 24A.1 et seq., 68 O.S. § 2835



## H.B. 2693

RE: H.B. 2693  
SUBJECT: Schools

[House Bill 2693](#) becomes effective November 1, 2022. This bill creates the Oklahoma Education Commission to research improving the quality of remote learning through infrastructure, open education resources, and professional development.

- Section 1(A): Creates the Oklahoma Education Commission to exist through November 1, 2027.
- Section 1(B): Requires the Commission to have 17 members including:
  - A member of the House of Representatives appointed by the Speaker of the House;
  - A member of the Senate appointed by the President Pro Tempore of the Senate;
  - The Director of the Department of Corrections or designee;
  - The Director of the Oklahoma Department of Libraries or designee;
  - The Executive Director of the Oklahoma Educational Television Authority or designee;
  - Four members with expertise in online and educational innovation appointed by the Chancellor of Higher Education, with one member each representing the Oklahoma State Regents for Higher Education, a higher education research institution, a regional higher education institution, and a community college;
  - Four members with expertise in effective approaches to classroom instruction and learning or educational innovation **appointed by the State Superintendent of Public Instruction**, with one member each representing the State Department of Education (OSDE), a school district administrator, a certified classroom teacher, and a high school student; and
  - Four members with expertise in effective approaches to career and technology education instruction and learning or educational innovation appointed by the Director of the Oklahoma Department of Career and Technology Education, with one member each representing the Department, an administrator of a technology

center school or college, a certified teacher at a technology center school or college, and a student enrolled at a technology school or college.

- Section 1(C): Requires the Commission to hold an organizational meeting by January 30, 2023, which is 90 days after the November 1, 2022 effective date of the bill. Requires the House member to serve as chair and the Senator to serve as vice-chair. Requires a quorum of at least nine members to approve any final action by the Commission.
- Section 1(D): Authorizes the Commission to meet as often as required to perform its duties provided it meets at least quarterly.
- Section 1(E): Requires the Commission to engage stakeholders in research, evaluation and information sharing to conduct a study on how to improve the quality of instruction and learning through distance and remote modalities. Requires the study to include, but not be limited to:
  - Support infrastructure;
  - Open education resources;
  - Compliance with the federal Americans with Disabilities Act (ADA);
  - Professional development; and
  - Modality research.
- Section 1(F): Requires the Commission be subject to the Open Meeting Act and Open Records Act.
- Section 1(G): Prohibits Commission members from receiving compensation or travel reimbursement.
- Section 1(H): Requires the House of Representatives to provide administrative support for the Commission.
- Section 1(I): Requires the Commission to submit a report of its findings and recommendations to the Governor, President Pro Tempore of the Senate, and the Speaker of the House by November 1, 2027.

Should you have any questions related to this bill, please contact Ms. Tiffany Neill, Deputy Superintendent of Curriculum and Instruction, at (405) 522-3521 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. § 14-201

Helpful statutory reference: 25 O.S. § 301 et seq.; 51 O.S. § 24A.1 et seq.; 42 U.S.C. § 12101



## H.B. 2768

RE: H.B. 2768  
SUBJECT: Education

[House Bill 2768](#) becomes effective November 1, 2022. This bill requires the annual dyslexia awareness program to include information and training in dysgraphia beginning in 2023-24.

Existing law requires an annual dyslexia awareness program be offered beginning 2020-21.

- Section 1(F): Requires the annual dyslexia awareness program to include information and training on dysgraphia.
- Section 2(A): Renames the Dyslexia Handbook maintained by the OSDE as the “Dyslexia and Dysgraphia Handbook” beginning January 1, 2024.
- Section 2(B): Adds a speech-language pathologist and an occupational therapist to the list of stakeholders to be consulted while reviewing the handbook. Requires the handbook review team to:
  - Study how to effectively identify students with dysgraphia, identified through possible reading and broad written language scores;
  - Study response-to-intervention process (RTI), as well as other effective research-based approaches in writing, reading and literacy to identify appropriate measures for assisting students with dysgraphia; and
  - Make recommendations for appropriate resources and interventions for students with reading or writing difficulties, including dysgraphia and broad written language disorder, to make schools aware of the significance of dysgraphia.
- Section 2(C): Requires handbook revisions to include information on dysgraphia including evidence-based practices for targeted instruction, instructional plans, instruction aligned with the science of reading and instructional materials.

Should you have any questions related to this bill, please contact Mr. Todd Loftin, Deputy Superintendent of Special Education Services, at (405) 522-3237 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 6-194, § 1210.517



## H.B. 2926

RE: H.B. 2926

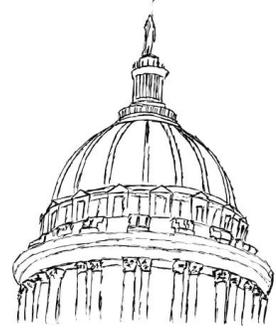
SUBJECT: Higher education

[House Bill 2926](#) becomes effective August 25, 2022. This bill requires state institutions of higher education to publish a link on their website to the Oklahoma State Regents Employment Outcomes Dashboard, providing data on post-graduation employment outcomes.

- Section 1(A): Requires each educational institution within the Oklahoma State System of Higher Education to provide a link on its website to the Oklahoma State Regents Employment Outcomes Dashboard, once it is made available. The dashboard will include, at a minimum:
  - Employment data of graduates from institutions within the State System of Higher Education;
  - Wages and earnings information of graduates employed in Oklahoma upon graduation for each major and degree offered by any institution;
  - Employment outcomes by county and industry code; and
  - A link to the United States Bureau of Labor Statistics Occupational Outlook Handbook.
- Section 1(B): Defines “education institution” to mean any public institution supported wholly or in part by direct legislative appropriations and offering courses of education of any kind beyond or in addition to the twelfth grade, or its equivalent, as such grade is generally understood and accepted in the public school system of Oklahoma, whether called a university, college, junior college, school or academy.

Should you have any questions related to this bill, please contact Ms. Marissa Lightsey, Executive Director of College and Career Readiness, at (405) 522-1918 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. § 3231



## H.B. 3038

RE: H.B. 3038  
SUBJECT: Schools

[House Bill 3038](#) becomes effective May 4, 2022. This bill makes numerous revisions and clarifications to the state's open transfer law, last revised by SB 783 (2021).

- Section 1(A): Clarifies that transferred students may automatically continue to attend the school to which they have transferred after their first year, without need to reapply, subject to discipline and attendance requirements.

Allows a district to adopt a policy to accept any brother or sister of a transfer student regardless of capacity.

Allows a receiving district, at its discretion, to accept a student transfer if the student was a resident student for at least three years prior to moving out of the district regardless of capacity.

- Section 2: *Allows* a district to adopt a policy to accept the transfer of a child whose parent or guardian is a district employee regardless of capacity.

NOTE: Previously, school districts were *required* to accept transfers of children whose parent or guardian was an employed "teacher."

Should you have any questions related to this bill, please contact Mr. Ryan Pieper, Executive Director of Accreditation, at (405) 521-3335 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 8-101.2, §8-113



## **H.B. 3092**

RE: H.B. 3092

SUBJECT: School libraries

[House Bill 3092](#) becomes effective November 1, 2022. This bill requires school library media programs to be reflective of the community standards for the population served.

- Section 1: Recognizes that school library media center resources are finite. As a result, requires school library media programs to be reflective of the community standards for the population served when acquiring an age-appropriate collection of print and non-print materials, multimedia resources, equipment and supplies adequate in quality and quantity to meet the needs of local students.

Should you have any questions related to this bill, please contact Ms. Tiffany Neill, Deputy Superintendent of Curriculum and Instruction, at (405) 522-3521 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. § 11-201



## H.B. 3258

RE: H.B. 3258  
SUBJECT: Sex crimes

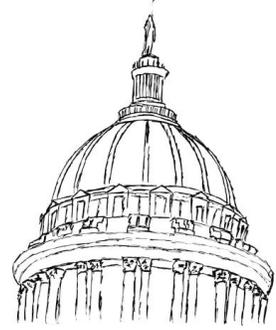
[House Bill 3258](#) becomes effective November 1, 2022. This bill classifies college professors having intimate relationships with concurrently enrolled high school students over the age of consent while enrolled in the professor's course as a sex crime.

Existing law prohibits adult school district employees from having an intimate relationship with any high school student.

- Sections 1-4: Expands the crimes of forcible sodomy (section 1), rape (section 2), rape by instrumentation (section 3) and sexual battery (section 4) to include acts committed upon a secondary school student who is concurrently enrolled at an institution of higher education by an employee of the institution, with each crime constituting a felony.
- Sections 1-4: Defines "Employee of an institution of higher education" to mean faculty, adjunct faculty, instructors, volunteers or employees of a business contracting with an institution of higher education who may exercise institutional authority over the victim.
  - Excludes an enrolled student who is less than three years older than the concurrently enrolled student and who is employed or volunteering for the institution of higher education.

Should you have any questions related to this bill, please contact Mr. Brad Clark, General Counsel, at (405) 522-3274 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 21 O.S. § 888, 1111, 1111.1, 1123



## H.B. 3315

RE: H.B. 3315

SUBJECT: Tobacco products

[House Bill 3315](#) becomes effective November 1, 2022. This bill eliminates the administrative fine for people under 21 who buy tobacco, nicotine or vapor products, instead requiring they complete an education or tobacco use cessation program.

- Section 1(B): Eliminates the \$100-\$200 Alcoholic Beverage Laws Enforcement (ABLE) Commission fine penalizing anyone under the age of 21 for the purchase or possession of a tobacco, nicotine or vapor product. Requires violators to complete an education or tobacco use cessation program approved by the State Department of Health (OSDH) instead.
- Section 1(D): Eliminates authority for cities and towns to enact ordinances prohibiting and penalizing the purchase or possession of tobacco, nicotine or vapor products by a person under the age of 21.

Should you have any questions related to this bill, please contact Ms. Elizabeth Suddath, Deputy Superintendent of Student and School Support, at (405) 521-2106 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 10A O.S. § 2-8-224



## **H.B. 3564**

RE: H.B. 3564  
SUBJECT: Teachers

[House Bill 3564](#) becomes effective July 1, 2022. This bill creates the Oklahoma Future Teacher Scholarship and Employment Incentive Program providing up to \$25,500 in scholarships and incentive payments to prospective teachers over the course of a four-year teacher preparation program and five subsequent years of classroom service.

- Section 1(A): Requires the Oklahoma State Regents for Higher Education to establish and maintain the Oklahoma Future Teacher Scholarship and Employment Incentive Program for a minimum of five years, provided funding is available, to encourage the preparation of k-12 public school teachers at all state public and private institutions of higher education. Awards scholarships to qualified students making satisfactory academic progress toward completion of their degree, renewable for three additional years.

Requires candidates to:

- Graduate from an Oklahoma high school;
- Declare a major in an accredited Oklahoma teacher education program leading to standard certification; and
- Meet higher education admission standards.

Allows scholarships to be used to cover the costs of tuition, general enrollment and other fees, books, materials and services provided by the institution, including room and board. Limits total scholarship awards to \$5,500 as follows:

- \$1,000 per year for the first three years for full-time students with fewer than 90 credit hours earned; and
  - \$2,500 for the final year for full-time students with 90 or more credit hours earned.
- Section 1(B): States the Legislature's intent for the State Regents to create a committee composed of educators, participating institutions, public schools and the OSDE to provide recommendations on improving the program's effectiveness.

- Section 1(C): Requires each scholarship participant, prior to being admitted to the program, to agree to teach in an Oklahoma k-12 public school for a minimum five consecutive years upon graduation and teacher licensure. Disqualifies a scholarship participant from the program for any of the following:
  - Failing to maintain a 2.5 grade point average;
  - Changing to an ineligible (non-teaching) area of study;
  - Failing to meet satisfactory academic progress standards;
  - Withdrawing or otherwise leaving school; or
  - Failing to meet requirements for licensure and certification to teach.
- Section 1(D): Authorizes the State Regents to make annual \$4,000 employment incentive payments for up to five years to program participants who are employed as traditionally certified teachers in Oklahoma k-12 public schools following graduation.
  - Directs payments to be awarded after each consecutive year of satisfactory service as documented by the employing school district, up \$20,000 over five years.
- Section 1(E): Requires the State Regents to ensure the execution of appropriate contracts with eligible program participants. Makes participants failing to provide current district contact information ineligible for incentive payments. Allows the Chancellor to contract with any other appropriate organization for the administration of the Program.
- Section 1(F): Authorizes the Chancellor to reduce the amount of employment incentive payments during any fiscal when there is insufficient funding to cover payments for each participating teacher.
- Section 1(G): Authorizes the State Regents to set aside funds for the full commitment made to an eligible student (up to \$25,500) any time an award is made to the student through the program.
- Section 1(H): Authorizes the State Regents to use funds designated for the Oklahoma Future Teacher Scholarship and Employment Incentive Program for administration.

NOTE: S.B. 1040 appropriates \$17.4 million in FY 23 to the State Regents to administer the program. Anticipated allocations are as follows:

- Scholarships (\$12.3 million)
- Employment Incentive Payments (\$4.6 million)
- Administration (\$450,000)

Should you have any questions related to this bill, please contact Dr. Janet Vinson, Deputy Superintendent of Teacher Recruitment and Retention, at (405) 570-4592 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 698.1

Helpful statutory reference: 70 O.S. § 6-180 *et. seq.*, § 4103



## H.B. 3658

RE: H.B. 3658

SUBJECT: Teacher Certification

[House Bill 3658](#) becomes effective May 5, 2022. This bill eliminates the requirement that teacher candidates pass the Oklahoma General Education Test (OGET) teacher competency examination for all certification pathways.

- Section 1: Eliminates the requirement to pass the general education portion (OGET) for alternatively certified teachers.
- Section 2: Eliminates the requirement to pass the OGET for teachers on the alternative pathway for early childhood education or elementary education.
- Section 3: Eliminates the OGET from the definition of “Competency examination” as used in the Oklahoma Teacher Preparation Act.
- Section 4: Eliminates the authority of the Office of Education Quality and Accountability (OEQA) to adopt a general education competency exam and strikes language related to OEQA’s authority to set a cap on the number of attempts a candidate could make to pass the OGET.
- Section 5: Eliminates OGET-related language pertaining to certification for school psychologists and psychometrists, who were already exempt from the exam.

NOTE: Teacher candidates must still pass the Subject Area (OSAT or PRAXIS) and Professional Education (PPAT) portions of the teacher competency examination to become certified, pursuant to existing requirements.

Should you have any questions related to this bill, please contact Dr. Janet Vinson, Deputy Superintendent of Teacher Recruitment and Retention, at (405) 570-4592 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 6-122.3, 6-122.11, 6-182, 6-187, 6-189.2

Helpful statutory reference: 70 O.S. § 6-180 *et. seq*



## **H.B. 3702**

RE: H.B. 3702  
SUBJECT: Schools

[House Bill 3702](#) becomes effective November 1, 2022. This bill requires public schools, universities, state agencies and public libraries to have technology protection measures for their digital or online library databases that prevent students from viewing or receiving obscene materials or content.

- Section 1(A): Requires public schools, charter and virtual charter schools, universities, state agencies and public libraries that offer digital or online library database resources to k-12 students to ensure resources provided by vendors, persons or entities comply with the library's safety policies and protection measures.
- Section 1(B): Requires safety and protection measures to prohibit and prevent a user from sending, receiving, viewing or downloading obscene materials including child pornography and materials that depict child sexual exploitation, and to filter or block access to these same materials.

NOTE: Obscene materials are defined to mean any representation, performance, depiction or description of sexual conduct in any form or on any medium which are patently offensive, found to appeal to prurient interest in sex as the dominant theme and lack serious literary, artistic, educational, political or scientific purpose according to a reasonable person applying contemporary community standards.

- Section 1(C): Requires a public school, university, state agency or public library to withhold further payments to the provider of digital or online library database resources that fails to comply with required protection measures until verification of compliance.
- Section 1(D): Requires failure by a provider to provide timely verification of compliance to constitute noncompliance and a breach of contract.
- Section 1(E): Requires libraries, including school libraries, to submit an aggregate annual report by December 1 to the Speaker of the House and President Pro Tempore of the Senate detailing any issues related to provider compliance with required technology protection measures.

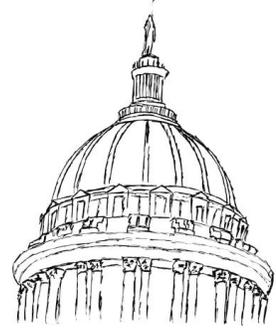
- Section 1(F): Clarifies that employees of a public school, charter or virtual charter school, university, state agency or public library are not exempt from prosecution for *willful* violations of state law prohibiting indecent exposure to obscene materials.

NOTE: School and public libraries are currently required have policies in place to ensure the safety of minors via technology protection measures comply with the federal Children's Internet Protection Act (CIPA).

Should you have any questions related to this bill, please contact Ms. Tiffany Neill, Deputy Superintendent of Curriculum and Instruction, at (405) 522-3521 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. § 11-201

Helpful statutory reference: 21 O.S. §§ 843.5,1021, 1024.1; 20 U.S.C. § 9134



## **H.B. 3823**

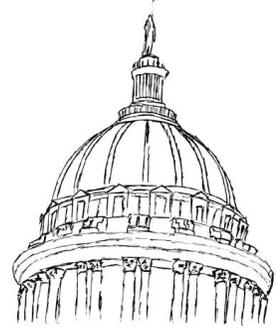
RE: H.B. 3823  
SUBJECT: Schools

[House Bill 3823](#) becomes effective November 1, 2022. This bill allows licensed optometrists and ophthalmologists to perform vision screening for children going into kindergarten, first and third grade for purposes of meeting school vision screening requirements.

- Section 1(A): Authorizes the State Department of Health to include licensed optometrists and ophthalmologists on the statewide registry of personnel authorized to conduct vision screenings for children entering kindergarten, first grade and third grade.
- Section 1(B): Exempts Oklahoma licensed optometrists and ophthalmologists from the vision screening, referral and training standards as recommended by the Infant and Children's Health Advisory Council.

Should you have any questions related to this bill, please contact Mr. Ryan Pieper, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 1210.284  
Helpful statutory reference: 63 O.S. § 1-103a.1



## **H.B. 3872**

RE: H.B. 3872  
SUBJECT: Schools

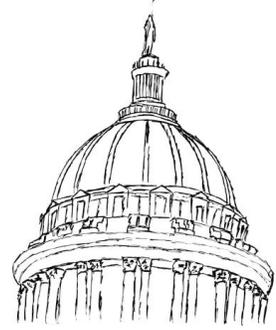
[House Bill 3872](#) becomes effective May 5, 2022. This bill eliminates the requirement that the physical location of charter school services offered by the OJA be in an OJA facility.

- Section 1(A)(7): Eliminates the requirement for an entity contracting with Office of Juvenile Affairs (OJA) to provide group home services in order to apply for charter sponsorship by the State Board of Education.
- Section 2(D): Eliminates the requirement that the physical location of an OJA charter school sponsored by the State Board be where an OJA youth facility is located.

NOTE: This change allows OJA to offer educational services external of their facilities, to include virtual options, for students who remain in custody but have been paroled.

Should you have any questions related to this bill, please contact Mr. Brad Clark, General Counsel, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 3-132, 134



## **H.B. 3888**

RE: H.B. 3888  
SUBJECT: Teachers

[House Bill 3888](#) becomes effective July 1, 2022. This bill establishes contract terms for educators working at the Oklahoma School for the Deaf and the Oklahoma School for the Blind, effective beginning with the 2022-2023 school year.

- Section 1(A): Requires an educator certified by the State Board of Education and hired as a teacher by the Oklahoma School for the Deaf or the Oklahoma School for the Blind to have an employment contract with a term of August 1 to July 31, and a maximum of 1,200 working hours for the duration of the contract.
- Section 1(B): Defines “working hours” to mean instructional time, professional development time, volunteer time or extra duty time which is unpaid. Excludes time spent in stipend positions, paid extra duty, extracurricular activity, athletic coaching time, and volunteer time outside of the school year.
- Section 1(C): Requires teachers employed by the Oklahoma School for the Deaf or Oklahoma School for the Blind to be compensated for using their planning time, lunch period, or other available time to cover for an absent teacher. Sets the amount of compensation by dividing the daily rate of a certified substitute teacher by the number of class periods or hours covered by the teacher.

Should you have any questions related to this bill, please contact Mr. Todd Loftin, Deputy Superintendent of Special Education, at (405) 522-3237 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 1730



## H.B. 3901

RE: H.B. 3901

SUBJECT: Revenue and taxation

[House Bill 3901](#) becomes effective January 1, 2023. This bill requires the Court of Tax Review to hear complaints challenging an order of the county board of equalization when the property valuation exceeds \$3 million.

- Section 1(A): Prohibits the Chief Justice of the Oklahoma Supreme Court from assigning cases for the Court of Tax Review to judicial administrative districts that contain any property that is the subject of the case. Authorizes the presiding judge of a judicial administrative district to appoint qualified active or retired judges to the district's three-judge panel. Requires the panel to render a decision in a case within 12 months of the case being assigned.
- Section 1(B): Expands the jurisdiction and responsibility of the Court of Tax Review to include complaints challenging a county board of equalization's valuation of property that exceeds \$3 million, with a scheduling conference to be held within 20 days of the answer filed by the county assessor.
- Section 2(A): Consistent with the amendments in Section 1(B), authorizes the taxpayer and the county assessor to appeal a county board of equalization's valuation of property that exceeds \$3 million to the Court of Tax Review, with appeals of lesser valued properties to be filed with the district court of the local county.
  - Authorizes the county assessor to request declaratory judgment from the Court of Tax Review when the county board of equalization order is based on a question of constitutionality in appeal where the property value exceeds \$3 million.

Should you have any questions related to this bill, please contact Ms. Renee McWaters, Executive Director of State Aid, at (405) 522-0124 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 68 O.S. § 2877, 2880.1, 2945, 3024



## H.B. 4080

RE: H.B. 4080

SUBJECT: Public buildings and public works

[House Bill 4080](#) becomes effective November 1, 2022. This bill makes comprehensive revisions to the requirements and procedures regulating the bonding, contracting, construction, maintenance and sale of public buildings and works.

- Section 1: Raises the threshold from \$50,000 to \$100,000 in order for certain requirements to be met on contracts for construction or repair of a public or private building, structure or improvement on real property. For such a contract, it is no longer required that the person receiving the award provide an irrevocable letter of credit for the benefit of the state. Furthermore, whereas the law previously required for contracts not exceeding \$50,000, in lieu of a bond or irrevocable letter of credit, a contractor to provide an affidavit for payments of all indebtedness, this requirement is not removed.
- Section 5: Requires all plans and specifications for new public buildings be submitted to the State Fire Marshal or other authority having jurisdiction before the bidding process.
- Section 14: Eliminates exemption from the Public Competitive Bidding Act of 1974 for contracts between a state agency and a school district for the purpose of emergency asbestos abatement.
- Section 16: Requires public agencies, which includes school districts, seeking bids for a public construction contract to provide notice *electronically* (and by previously established means, including publication in a newspaper) to the public and respective bidders.
- Section 17: Requires bid notices for public construction contracts to contain information needed to submit bids electronically.
- Section 18: Requires complete bidding documents for public construction contracts to be broadly available to the public at least 20 days prior to the date for opening bids, while eliminating the specific requirement to have the documents on file in the awarding public agency's main office.

- Section 20: Prohibits any bid received after the time set for opening bids from being opened or considered by the public agency, eliminating the prohibition that bids submitted within 96 hours prior to bid opening not be considered.
- Section 21: Prohibits electronic bids from being viewable prior to the time listed for opening bid documents. Allows electronic bids to be opened in public in the same way as paper bids or be published on the public agency website at time of bid opening.
- Section 24: Requires the retainage amount for public construction contracts to be lowered to 2.5% from 5% once the awarding agency determines that the project is at least 50% complete.
- Section 27: Allows the Office of Management and Enterprise Services (OMES) Risk Management Administrator to declare an emergency exemption from the Public Competitive Bidding Act of 1974 on behalf of a public agency when an insurable loss has occurred that would lead to more economic loss or additional property damage if not addressed promptly.
- Section 29: Eliminates requirement that OMES create a master plan for the utilization and construction of state buildings, capital improvements, and utilization of land owned by the State.
- Section 39: Requires OMES to publish notices of land leases and sales of oil/gas mineral leases on a state website in addition to newspaper publication and directs all royalties, bonuses and rental from said leases or sales to be credited to the Maintenance of State Buildings Revolving Fund, rather than the General Revenue Fund.
- Section 51: Repeals requirement that state agencies and governmental bodies purchase of American-made products over foreign-made products with certain exemptions.

NOTE: Only the sections of these bills most relevant to k-12 education are included in this summary with some sections being condensed.

Should you have any questions related to this bill, please contact Mr. Tom Bogdanowicz, Chief of Operations, at (405) 522-2034 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 61 O.S. §§ 1, 4, 6, 11, 12, 60, 61, 62, 62.2, 63, 65, 84, 102, 103.4, 103.7, 104, 105, 106, 107, 109, 110, 112, 113, 113.1, 119.1, 121, 130, 202, 204, 207.2, 208, 208.1, 208.2, 209, 210, 211, 212, 308, 309, 311, 312, 316, 317, 323, 324, 326, 327, 327.1, 330.1,

Repeals: 61 O.S. § 8, 9, 10, 51, 103.8, 203, 315

Helpful statutory reference: 61 O.S. § 101 *et seq.*



## H.B. 4106

RE: H.B. 4106  
SUBJECT: Schools

[House Bill 4106](#) becomes effective July 1, 2022. This bill requires each public school district to maintain a protocol for responding to students in mental health crisis and requires districts to provide written notification to parents regarding their right to opt their student out of the OPNA student survey.

- Section 1(A): Requires each public school district to maintain a protocol for responding to students in mental health crisis with the goal of preventing suicide, self-harm, and harm to others.
- Section 1(A)(1): Requires the protocol to be developed, maintained and implemented in partnership with one or more local mental health treatment providers certified by the Department of Mental Health and Substance Abuse Services (ODMHSAS). Requires at least one of the partnering providers to have:
  - the ability to serve all school-aged children regardless of insurance status, and
  - the ability and certification to provide mental health crisis services in the region where students attend school.
- Section 1(A)(2): Requires any state certified Community Mental Health Center or Community Behavioral Health Center to serve as a school partner upon request by a school district located within the center’s state-designated service area.
- Section 1(B): Requires the district’s protocol to include, but not be limited to, the following:
  - A definition of “mental health crisis” involving potential for harm to self or others;
  - A process for how school staff can identify a mental health crisis;
  - An outline of non-punitive steps to safeguard student health and safety in response to a mental health crisis;

- A list of local treatment providers and resources to support students and families in mental health crisis and ensure appropriate treatment referrals;
  - A process for notifying and involving parents or guardians during an actual or potential mental health crisis; and
  - A process for how to protect student privacy.
- Section 1(C): Requires each district to inform the parent or legal guardian of any student under the age of 18 identified as being at risk of or in a mental health crisis and to offer treatment referral information from the district protocol. Requires the parent or guardian to consent to any subsequent action taken by the school as part of the protocol, with the sole exception of immediate and life-threatening danger to self or others.
  - Section 1(D): Requires all protocols to comply with the privacy requirements of the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and Family Educational Rights and Privacy Act (FERPA).
  - Section 1(E): Requires school administrators, teachers, support employees and school-based mental health providers to be given ready access to and regular training on the protocol.
  - Section 1(F): Requires each local school board to have a signed working agreement with each identified mental health provider outlining all obligations under the protocol and a strategy for regularly reviewing its effectiveness using anonymous, nonidentifiable data.
  - Section 1(G): Requires each school district and partnering mental health provider to conduct a joint review of the protocol and related working agreements every two years and consider any updates to better meet student needs. Requires districts and providers to include information collected from the Oklahoma Prevention Needs Assessment (OPNA) survey, or an approved alternative survey, as part of the review process.
  - Section 1(H): Requires each school district to submit the latest protocol and working agreements to the State Department of Education (OSDE), which must then share these documents with ODMHSAS. Authorizes OSDE and ODMHSAS to require revisions to submitted protocols and agreements to ensure compliance with applicable laws, regulations and established evidence-based practices.
  - Section 1(I): Requires OSDE and ODMHSAS to provide technical assistance to school districts and partnering providers by providing:
    - An optional template protocol which satisfies all requirements;
    - An optional template working agreement for schools and provider partners;

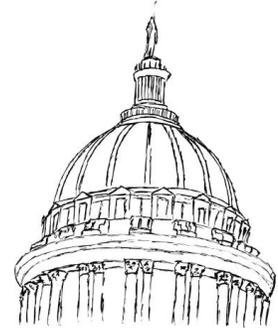
- School districts with lists of local public and private treatment providers eligible to serve as partners;
  - Information on any available mental health crisis phone line;
  - Information on evidence-based practices for meeting the mental health needs of students; and
  - Ongoing assistance and consultation as requested by a school district.
- Section 1(J): Authorizes the State Board of Education and the ODMHSAS Board to promulgate rules as necessary to ensure compliance with the bill's requirements.
  - Section 1(K): Prohibits the bill from being construed to expand or reduce the civil liability of a school or school employee.
  - Section 2(E): Requires each school district superintendent to provide prior written notice to the parents or guardians of all students in grades 6, 8, 10 and 12 prior to administering the OPNA survey or approved alternative survey. Requires the notice to inform the parents and legal guardians that they may opt their student out of the survey or assessment tool by providing written notice to the school district.
  - Section 2(F): Requires ODMHSAS to submit the OPNA survey to the President Pro Tempore of the Senate, the Speaker of the House, and the chairs of the education and public health committees prior to administering the survey to students.

Should you have any questions related to this bill, please contact Ms. Elizabeth Suddath, Assistant Deputy Superintendent of Student Support, at (405) 521-2106 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 24-158

New law at: 70 O.S. § 24-159

Helpful statutory reference: 43A O.S. § 3-302, 70 O.S. § 3-168, 3-169, Health Insurance Portability and Accountability Act (HIPAA) of 1996, Family Educational Rights and Privacy Act (FERPA)



## H.B. 4388

RE: H.B. 4388  
SUBJECT: Teachers

[House Bill 4388](#) becomes effective July 1, 2022. This bill directs net lottery proceeds exceeding \$65 million to be deposited into the Teacher Empowerment Revolving Fund to be used as a state match for school districts providing salary increases for teachers designated to receive advanced, lead and master teaching certificates, beginning with the 2022-23 school year.

- Section 1(D)(1): Requires the first \$65 million of funds from the Oklahoma Education Lottery Trust Fund to be distributed according to a previously established formula. This formula is 45% for common education, 45% for higher education and CareerTech, 5% for the School Consolidation Assistance Fund and 5% for the Teachers' Retirement System Dedicated Revolving Fund.
- Section 1(D)(2): Directs remaining net proceeds (after the distribution of the first \$65 million, provided above) be deposited into the new Teacher Empowerment Revolving Fund as a match for school districts providing salary increases for designated advanced, lead and master teachers.

NOTE: Annual net proceeds appropriated from the Oklahoma Education Lottery Trust Fund for FY 2023 are projected to be \$57 million, \$8 million less than the \$65 million threshold for funds to be deposited to the Teacher Empowerment Revolving Fund. *See* S.B. 1040.

- Section 2: Creates the "Teacher Empowerment Revolving Fund" within the State Department of Education (OSDE) for the purpose of providing state matching funds to districts to fund advanced, lead and master certificate holders on a first-come, first-served basis until remaining cash is exhausted for a given school year.
- Section 3(I)(1): Authorizes the State Board of Education to establish new advanced, lead and master teaching certificates requiring each to have a minimum salary increase to be paid by the employing school district. The *minimum* salary increases for each level are \$3,000 (Advanced), \$5,000 (Lead) and \$10,000 (Master), with a maximum increase of \$40,000. Requires the minimum salary increase paid by the district to be matched with state lottery funds.
- Section 3(I)(2): Requires a designated teacher who works in a district with 40% or more students who are economically disadvantaged *or* who works in a district with fewer than

1,000 students to receive a *one-time* stipend of \$1,500 (Advanced), \$2,500 (Lead) or \$5,000 (Master).

- Section 3(I)(3): Authorizes school districts to identify and designate the highest quality teachers for advanced, lead and master certificates, provided *no more than 10%* may be designated in a given school year. Requires participating districts to submit designation plans to the OSDE for evaluation and approval, preserving local control and flexibility for districts in determining how to evaluate teachers and assign designations. At a minimum, requires designation systems to include teacher observation, out-of-classroom time and student performance.  
Allows districts to incorporate additional factors, including:
  - Student surveys,
  - teacher leadership responsibilities,
  - teacher mentorship responsibilities,
  - family surveys,
  - demonstration of district core values,
  - teacher peer surveys, and
  - contributions to the broader school community.
- Section 3(I)(3)(a): Requires the teacher observation component of a district's designation system to be based on the district's selected Teacher and Leader Effectiveness Evaluation System (TLE) evaluation tool *or* an alternate evidence-based method of evaluation. Prohibits alternate evaluations from replacing the requirements of the TLE system.
- Section 3(I)(3)(b): Requires the out-of-classroom component to allow for professional growth opportunities while staying in the classroom. Directs the allotment and management of out-of-classroom time to be determined by the district and submitted to the OSDE as part of the designation plan.
- Section 3(I)(3)(c): Allows the student performance component, as determined by the district, to include, but not be limited to, pre- and post-tests, summative or formative, and portfolios. Requires the district application to contain evidence of the validity and reliability of selected measures.
- Section 3(I)(4): Requires the state to match the amount a participating district chooses to pay a designated teacher above base pay, up to \$40,000 per teacher.
- Section 3(I)(5): Exempts teachers with lead, advanced or master certificates from participating in annual TLE evaluations.
- Section 3(I)(6): Authorizes school districts to designate teachers for advanced, lead or master certificates twice per year, once prior to the beginning of the school year and once prior to the beginning of the second semester.

- Requires the OSDE to place all teachers with designations into professional development cohorts and provide additional training opportunities.
- Section 3(I)(7): Requires the OSDE to review and validate district designation system plans every two years following initial approval.
- Section 3(I)(8): Requires the OSDE to annually report the school districts participating in the program, the number of advanced, lead and master certificates awarded, and the amount of state match funding that was distributed to teachers.
- Section 3(J): Requires the State Board of Education to adopt rules to implement a renewal schedule and associated fees for advanced, lead and master teaching certificates. Requires the rules to provide a mechanism for a teacher no longer meeting the requirements of a designated certificate to apply for a standard teaching certificate.
- Section 3(K)(1-3): Requires the terms of contracts for teachers with advanced, lead or master certificates to include:
  - 5, 10 or 15 additional days, respectively, to be used to strengthen instructional leadership; and
  - an annual salary increase of at least \$3,000, \$5,000, or \$10,000, respectively, *or* the district's daily rate of pay, whichever is higher, in addition to the base pay guaranteed by the minimum salary schedule.
    - Requires the increase to be paid as regular annual compensation directly to teachers by districts.

NOTE: Districts may pay this increase through extra duty assignment, special salary table, additional contract days or any other method as approved by local boards of education.

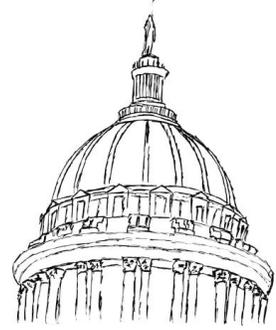
- Section 3(L): Requires the OSDE, beginning in 2022-23, to make advanced, lead, and master teaching certificates available to any person recommended by his or her school district who meets the eligibility criteria outlined in the districts' designation system.
- Section 3(M): Requires funding necessary to administer the program be drawn from the Teacher Empowerment Revolving Fund and should funding be insufficient, the OSDE is exempted from the administrative requirements of the program.

Should you have any questions related to this bill, please contact Dr. Janet Vinson, Deputy Superintendent of Teacher Recruitment and Retention, at (405) 570-4592 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 3A O.S. § 713, 70 O.S. § 6-190

New law at: 70 O.S. § 6-190.2

Helpful statutory reference: 70 O.S. § 6-101.6, 18-109.5, 18-114.14



## **H.B. 4451**

RE: H.B. 4451

SUBJECT: Revenue and taxation

[House Bill 4451](#) becomes effective March 14, 2022. This bill waives the payroll eligibility requirement for tax year 2021 for manufacturing facilities receiving the five-year ad valorem tax exemption.

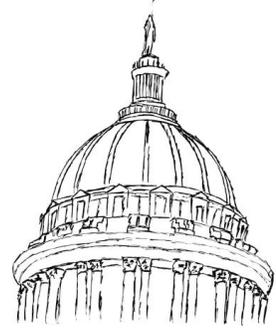
- Section 1(C)(9): Waives the payroll eligibility requirement for the 2021 tax year, which is based in part on the 2020 calendar year payroll reported to the Oklahoma Employment Security Commission, for manufacturing facilities that otherwise qualify for the five-year ad valorem exemption. Allows facilities to continue to receive the exemption for the five-year period if all other requirements are met.

NOTE: The Ad Valorem Reimbursement Fund is used, in part, to reimburse counties for school districts that claim a loss of revenue due to exemptions of ad valorem taxes. This change is expected to result in an additional \$8,500,000 in 2022 claims against the Ad Valorem Reimbursement Fund.

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 68 O.S. § 2902

Helpful statutory reference: 62 O.S. § 193, Article 10 § 6B of the Oklahoma Constitution



## H.B. 4452

RE: H.B. 4452  
SUBJECT: Public finance

[House Bill 4452](#) becomes effective July 1, 2022. This bill makes all transfers to the OTRS Dedicated Revenue Revolving Fund for reducing the unfunded liability of the system subject to Legislative authorization.

Existing law requires sales tax, use tax and income tax funds deposited to the credit of Oklahoma Teachers' Retirement System (OTRS) Dedicated Revenue Revolving Fund to be used for reducing the unfunded liability of the system.

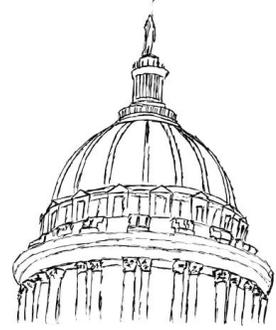
- Section 1(B): Prohibits the State Department of Education (OSDE) from transferring any funds to the OTRS Dedicated Revenue Revolving Fund exceeding the amount authorized by the Legislature for that fiscal year.

NOTE: S.B. 1040 appropriates \$401,906,190 to OSDE to be transferred to the OTRS Dedicated Revenue Revolving Fund for FY 2023. As a result, these funds are required to be certified by the State Board of Equalization.

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 62 O.S. § 34.93

Helpful statutory reference: 68 O.S. § 1353, 1403, 2352, Article 10 § 23 of the Oklahoma Constitution



## H.B. 4465

RE: H.B. 4465  
SUBJECT: Education

[House Bill 4465](#) becomes effective July 1, 2022. This bill sets budgetary expenditure limits for the State Board of Education.

- Section 1(1): Directs \$2,437,246,699 of the funds appropriated in SB 1040 be reserved for the financial support of public schools.
- Section 1(2): Directs \$716,513,855 of the funds appropriated in SB 1040 be appropriated as follows:
  - Certified Employee Health Benefit Allowance - \$359,193,470
  - Support Personnel Health Benefit Allowance - \$194,211,359
  - Teachers' Retirement Credit - \$35,000,000
  - Purchase of Textbooks and Instructional Materials - \$45,190,000
  - Alternative and High Challenge Education - \$14,000,000
  - Education Leadership Oklahoma - \$4,300,000
  - Advanced Placement Incentives - \$1,500,000
  - Reading Sufficiency Act - \$13,000,000
  - Required Assessments - \$9,205,685
  - Teach for America - \$2,000,000
  - Street School - \$180,000
  - Ag in the Classroom - \$38,000
  - Imagine Math - \$1,000,000
  - Imagine Reading - \$1,000,000
  - Oklahoma Arts Institute - \$320,000
  - Early Intervention SoonerStart - \$16,225,341
  - Secure Schools Program - \$2,350,000
  - Great Expectations - \$500,000
  - Child ID - \$500,000
  - Academic Standards Implementation - \$300,000
  - Teacher Leadership and Effectiveness - \$250,000
  - Student Information Security - \$500,000
  - ACT Work Keys - \$250,000
  - Early Childhood Initiative - \$12,000,000
  - School Lunch Matching - \$3,500,000

- Section 1(3): Directs \$19,145,366 of the funds appropriated in SB 1040 be reserved for Administrative and Support Functions of the Department of Education (OSDE).
- Section 2: Sets the total expenditure limit for the State Board of Education at \$5,142,469,072 to be budgeted as follows. Requires outcome-based performance measures for each:
  - Payroll, Salaries or Wages - \$21,532,290
  - Professional and Personal Services Contracts - \$27,083,585
  - Other Operating Funds - \$3,215,841,664
  - Expenditure of Federal Funds - \$1,878,011,533
- Section 3: Directs \$4,226,799 of the funds appropriated in SB 1040 be transferred to the School Consolidation Assistance Fund.
- Sections 4: Directs \$4,226,799 of the funds appropriated in SB 1040 for the Teachers' Retirement System Dedicated Revolving Fund be transferred to the Teachers' Retirement System of Oklahoma (OTRS).
- Sections 5: Directs \$35,000,000 of the funds appropriated in SB 1040 for the Teachers' Retirement Credit be transferred to the OTRS.
- Section 6: Allows the OSDE to reduce in equal proportions funds for Education Leadership Oklahoma, Advanced Placement, Reading Sufficiency, Teacher/Leader Effectiveness, Alternative and High Challenge Education, Required Assessments, Ag in the Classroom, Imagine Math, Imagine Reading, ACT Work Keys, Child ID and Oklahoma Arts Institute if funds are insufficient to fully fund the Teachers' Retirement Credit.
- Section 7: Directs \$4,300,000 of the funds appropriated for Education Leadership Oklahoma to be allocated as follows:
  - \$1,000,000 to the Oklahoma National Board Certification Revolving Fund; and
  - \$3,300,000 to the Oklahoma School Psychologist, Speech-Language Pathologist, and Audiologist National Certification Revolving Fund.
- Section 8: Directs \$1,500,000 for Advanced Placement Teacher Training and Test Fee Assistance for students in financial need, to expand professional development, and for grants for districts to start new AP programs.
- Section 9: Directs \$13,000,000 to be expended according to state law for the Reading Sufficiency Act.
- Section 10: Directs \$250,000 for Teacher and Leader Effectiveness programs to improve the effectiveness of teachers and leaders in public schools.

- Section 11: Directs \$9,205,685 for administering the statewide student assessment system for grades 3-12.
- Section 12: Directs \$14,000,000 to Alternative and High Challenge Education for the purpose of operating the statewide system of alternative education programs and for encouraging school districts to participate in innovative alternative education programs.
- Section 13: Directs \$16,225,341 to Early Intervention SoonerStart to be expended for direct services to eligible infants, toddlers and their families.
- Section 14: Directs \$12,000,000 to the Early Childhood Initiative for the purpose of funding the early childhood program.
- Section 15: Directs \$300,000 to Academic Standards Implementation for the purpose of funding implementation of academic standards.
- Section 16: Requires state aid funds to be reduced or withheld by the State Board of Education in an amount necessary to ensure compliance with the law.
- Section 17: Authorizes the State Board of Education to request a transfer of appropriated funds to the appropriate dispensing fund.
- Section 18: Authorizes the State Superintendent to request through the Office of Management and Enterprise Services (OMES) the early transfer by the Oklahoma Tax Commission of tax collections to the Education Reform Revolving (1017) Fund for the purpose of early allocation to alleviate cash-flow problems.
- Section 19: Directs a proportionate reduction in funds for each school district that qualifies, excluding Financial Support of Public Schools, should the funds appropriated not be sufficient to fully fund the provisions of the bill.
- Section 20(A): Authorizes the State Superintendent to request through OMES that receipt and expenditure of unanticipated federal funds awarded after July 1, 2022 be exempt from the budget limitations. Requires the request be made in writing to the House and Senate Appropriations Committee chairs. Directs the House and Senate to notify OMES if the request does not comply with legislative intent within 12 days of receipt.
- Section 20(B): Directs OMES to approve the exemption request unless the House and Senate object as described in subsection A of this section. Requires OMES to give written notice of approval or disapproval to the agency, the Governor and the Appropriations Committee chairs of the House and Senate within 18 days of receipt.
- Section 21: Authorizes appropriations made in SB 1040, but not including appropriations made for capital outlay purposes, to be budgeted for the fiscal year ending June 30, 2023 or for the fiscal year ending June 30, 2024.

- Section 22: Directs the State Board of Education to prescribe the duties and compensation of employees not prescribed by law that perform duties for the OSDE.

NOTE: Some sections of this bill are duplicated in the general appropriations bill, SB 1040.

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Helpful statutory reference: 70 O.S. § 6-101.16, 6-204.2, 6-206.1, 10-105.4, 11-103.6 13-125, 17-108.2, 26-103, 1210.508, 1210.568, 1210.703



## S.B. 2

RE: S.B. 2

SUBJECT: Creating the Save Women's Sports Act

[Senate Bill 2](#) becomes effective March 30, 2022. This bill creates the “Save Women’s Sports Act,” prohibiting biological male students from playing on school and collegiate athletic teams designated for females. It also requires parents and guardians of students competing in school sports to sign an affidavit prior to the beginning of each school year acknowledging the biological sex of the student at birth.

- Section 1(B)(1): Defines “school” to mean a public school district, public charter school or an institution within The Oklahoma State System of Higher Education;
- Section 1(B)(2): Defines “school athletic association” to mean any private organization or association which charges the school or school district a membership fee, retains a portion of revenue generated by the interscholastic activities or contests of the member schools, and provides the coordination, supervision and regulation of the interscholastic activities and contests of the member schools;
- Section 1(B)(3): Defines “intercollegiate association” to mean a national association that sets eligibility requirements for participation in sports at the collegiate level and that provides the coordination, supervision and regulation of the intercollegiate competitions.
- Section 1(C): Requires school-sponsored athletic teams to be based on biological sex and expressly designated as one of the following:
  - “Males”, “men” or “boys”;
  - “Females”, “women” or “girls”;
  - “Coed” or “mixed”.
- Section 1(D): Requires the parent or legal guardian of a student competing on a school athletic team to *annually*, prior to the beginning of the school year, sign an affidavit acknowledging the biological sex of the student *at birth*. Directs students aged 18 or older to personally sign the affidavit. The affiant is required to notify the school within 30 days of any change to the student’s biological sex.
- Section 1(E)(1): Prohibits students of the male sex from participating on athletic teams designated for “females”, “women”, or “girls”.

- Section 1(E)(2): Grants a cause for legal action to any student who is deprived of an athletic opportunity or suffers any harm as a result of a school allowing male students to compete on a female-designated athletic team. Allows the aggrieved student to seek injunctive relief, damages and any other relief permitted by law against the school.
- Section 1(E)(3): Grants cause for legal action to any student who is retaliated against by a school, school athletic association or intercollegiate association after reporting a violation to a school representative, school athletic association or intercollegiate association or to any state or federal agency with oversight of state schools. Allows the aggrieved student to seek injunctive relief, damages and any other relief permitted by law against the school, school athletic association or intercollegiate association.
- Section 1(F)(1): Prohibits the State Board of Education, the Oklahoma State Regents for Higher Education and any state school athletic association or intercollegiate association from entertaining a complaint, opening an investigation or taking any other adverse action against a school that maintains female-designated athletic teams.
- Section 1(F)(2): Grants cause for legal action to any school that suffers harm from any of the above adverse actions and allows the school to seek injunctive relief, damages and any other relief permitted by law against the entity that took an adverse action against the school.
- Section 1(G): Creates a two-year statute of limitations for pursuing legal action after the date of alleged harm stemming from a violation. Entitles prevailing claimants to monetary damages including for any psychological, emotional and physical harm suffered, reasonable attorney fees and costs and any other appropriate relief permitted by law.

NOTE: S.B. 1100 (2022) prohibits birth certificates from having a sex designation other than “male” or “female.”

Should you have any questions related to this bill, please contact Mr. Ryan Pieper, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. § 27-106

Helpful statutory reference: 70 O.S. § 27-102



## S.B. 615

RE: S.B. 615  
SUBJECT: Schools

Senate Bill 615 becomes effective May 25, 2022. This bill requires public schools to designate multiple occupancy restrooms or changing areas for the exclusive use of the male or female sex and to provide a single-occupancy restroom or changing room for those that do not comply with these designations based on the individual's original birth certificate.

- Section 1(A)(1): Defines “sex” to mean the physical condition of being male or female based on genetics and physiology, as identified on the individual’s original birth certificate.
- Section 1(A)(2): Defines “multiple occupancy restroom or changing area” to mean an area in a public/charter school building designed or designated to be used by more than one individual at a time, where individuals may be in various stages of undress in the presence of other individuals, including but is not limited to a school restroom, locker room, changing room or shower room.
- Section 1(B): Requires each public school serving students in grades preK-12 to require every multiple occupancy restroom or changing area to be designated either:
  - For the exclusive use of the male sex; *or*
  - For the exclusive use of the female sex.
- Section 1(C): Requires each public/charter school to provide a reasonable accommodation to any individual who does not wish to use the restroom matching the sex on their original birth certificate by providing access to a single-occupancy restroom or changing room.
- Section 1(D): Authorizes entrance to multiple occupancy restrooms or changing areas by individuals of the non-designated sex for custodial, maintenance or inspection purposes or to render emergency medical assistance.
- Section 1(E): Requires each board of education to adopt a policy outlining disciplinary actions for an individual who refuses to use their designated restroom or changing room. Prohibits any board of education from adopting a contrary policy.

- Section 1(F): Requires the State Board of Education, upon finding a school is noncompliant, to decrease the school district's state funding by five percent for the following fiscal year.
- Section 1(G): Creates a cause of action for a parent or guardian of an enrolled student based on the school's noncompliance with either the requirement to ensure restroom/changing room use based on designation *or* the requirement to provide a single-occupancy restroom/changing room.
- Section 1(G): Requires the State Board to promulgate rules for implementation.

NOTE: S.B. 1100 (2022) prohibits birth certificates from having a sex designation other than "male" or "female."

Should you have any questions related to this bill, please contact Mr. Brad Clark, General Counsel, at (405) 522-3274 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. § 1-125



## S.B. 626

RE: S.B. 626

SUBJECT: Mental health of students

[Senate Bill 626](#) becomes effective July 1, 2022. This bill allows the parent/guardian of a student to disclose prior to enrollment whether the student received inpatient or emergency outpatient mental health services in the previous 24 months, beginning in 2023-24, which triggers a required meeting with the district, parent(s)/guardian(s) and mental healthcare provider.

- Section 1(A): Allows, beginning in the 2023-24 school year, the parent or guardian of a student enrolling in his or her resident district to disclose prior to enrollment if the student received inpatient or emergency outpatient mental health services from a mental health facility in the previous 24 months.
- Section 1(B): Requires, upon disclosure and prior to enrollment, school personnel designated by the district, which may include members of the individualized education program (IEP) team, to meet with the parent/guardian and representatives of the mental health facility to determine if the student needs any special accommodations, including but not limited to an IEP or Section 504 Plan. Allows the meeting to be held in-person, via teleconference or videoconference.
- Section 1(C): Requires the parental disclosure and subsequent handling of the student's personal health and education records to comply with the Family Educational Rights and Privacy Act of 1974 (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- Section 1(D): Requires the State Board of Education to promulgate rules for implementation.
- Section 2(D): Requires mental health facilities to inform the parent or guardian of a minor being discharged after inpatient mental health treatment of the importance of disclosing the minor's mental health needs, including the facility's discharge plan, to his or her resident school district. Allows the facility to disclose the discharge plan in whole or in part.

NOTE: Existing law requires a discharge plan to be prepared prior to a minor being discharged from inpatient treatment. Requires discharge plans to include:

- The services required to meet the needs of the minor for treatment, education, housing, and physical care and safety;
- Identification of the public or private agencies that will be involved in providing treatment and support to the minor;
- Information regarding medication which should be prescribed to the minor; and
- An appointment for follow-up outpatient treatment and medication management.

Should you have any questions related to this bill, please contact Ms. Elizabeth Suddath, Assistant Deputy Superintendent of Student Support, at (405) 521-2106 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 43 O.S. § 5-513

New law at: 70 O.S. § 3-169

Helpful statutory reference: 43A O.S. § 5-502, 70 O.S. § 1-113, Individuals with Disabilities Education Act (IDEA), Rehabilitation Act of 1973 (Section 504 Plans), Family Educational Rights and Privacy Act of 1974 (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA)



## S.B. 924

RE: S.B. 924

SUBJECT: State data sharing

[Senate Bill 924](#) becomes effective November 1, 2022. This bill requires state agencies in possession of state data to comply with all statutory obligations in managing data by responding to open records requests, reporting and responding to data breaches, and any other obligations when hosting, accessing, storing, collecting or processing data.

- Section 1(A): Defines “state data” to mean all data files hosted, procured, owned, processed, secured, stored or created by this state or its state agencies, while in the course of state business and shall include any and all data not otherwise prohibited from such classification or required to be kept confidential by state or federal law. Such data shall be the property of this state unless prohibited by law.
- Section 1(B): Requires state agencies to comply with their statutory data management obligations including responding to open records requests, reporting and responding to data breaches and any other statutory obligations required when hosting, accessing, storing, collecting or processing state data.
- Section 1(C): Authorizes the state Chief Information Officer (CIO) to establish standards and criteria for sharing state data between agencies and to deny agency requests to share data if the stated purpose does not meet these standards. Authorizes agencies to decline requests to share state data if the data requested is otherwise privileged, required to be kept confidential or prohibited from being shared by state or federal law.
- Section 1(E): Clarifies that a state agency’s statutory responsibility to protect data and to comply with requirements of the Oklahoma Open Records Act or applicable state or federal law that supersedes these provisions.

Should you have any questions related to this bill, please contact Mr. Erik Friend, Executive Director of Data and Information Systems, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 62 O.S. § 34.210

Helpful statutory reference: 51 O.S. § 24A.1 *et seq.*



## S.B. 970

RE: S.B. 970

SUBJECT: Oklahoma Open Records Act

[Senate Bill 970](#) becomes effective May 20, 2022. This bill amends the Open Records Act to exempt any portion of any document or information provided to an agency or a political subdivision, including a school district, to obtain a license that also contains an applicant's personal contact information.

Existing law created by H.B. 1876 (2021) requires certain personal information (i.e., phone numbers, emails and physical addresses) of public employees, including school staff, be kept confidential.

- Section 1(1)(i): Exempts from the definition of “record” under the Open Records Act any portion of any document or information provided to an agency or political subdivision *to obtain licensure* that contains an applicant's personal address, personal phone number, personal electronic mail address or other contact information.
  - Does not exempt lists of persons licensed, the existence of a license of a person, or a business or commercial address, or other business or commercial information disclosable under state law submitted with an application for licensure.
- Section 2(A): Allows a public body, at its discretion, to keep personnel records relating to internal personnel investigations or where disclosure would constitute a clearly unwarranted invasion of personal privacy confidential.

Should you have any questions related to this bill, please contact Mr. Brad Clark, General Counsel, at (405) 522-3274 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 51 O.S. § 24A.3, 24A.7, 24A.10



## S.B. 1040

RE: S.B. 1040

SUBJECT: General appropriations

[Senate Bill 1040](#) becomes effective July 1, 2022. This bill is the general appropriations (GA) bill and makes appropriations to the various agencies of the executive, legislative and judicial branches of state government. It appropriates \$3,181,359,518 to the State Board of Education.

- Sections 1-16: Appropriates \$3,181,359,518 to the State Board of Education for Fiscal Year 2023 (FY 23), which is \$16,973,334 *more* than was appropriated in FY 22.
- Financial Support for Public Schools (i.e., funding formula) is appropriated \$2,437,246,699, which is *equal* to the amount appropriated in FY 22.
  - \$1,457,068,668 from the General Revenue Fund
  - \$890,120,375 from the Education Reform Revolving Fund (i.e. 1017 Fund)
  - \$47,025,701 from the Common Education Technology Fund
  - \$4,750,000 from the Mineral Leasing Fund FY 23
  - \$240,763 from the Mineral Leasing Fund FY 21
  - \$25,650,000 from the Oklahoma Education Lottery Trust Fund FY 23
  - \$12,391,192 from the Oklahoma Education Lottery Trust Fund FY 21
- Support of Public School Activities is appropriated \$117,919,026 from the General Revenue Fund, which is \$9,000,000 *more* than the amount appropriated in FY 22.
- Textbooks and instructional materials is appropriated \$45,190,000 from the General Revenue Fund, which is \$14,810,000 *less* than the amount appropriated in FY 22.
- Health Benefit Allowance (i.e., Flexible Benefit Allowance/FBA) is appropriated \$553,404,829 from the General Revenue Fund, which is \$17,867,808 *more* than the amount appropriated in FY 22.
  - \$359,193,470 for Certified Employees
  - \$194,211,359 for Support Personnel
- Administrative and Support Functions of the State Department of Education is appropriated \$19,145,366 from the General Revenue Fund, which is \$4,117,726 *more* than the amount appropriated in FY 22.

- School Consolidation Assistance Fund is appropriated \$4,226,799, which is \$398,900 *more* than the amount appropriated in FY 22.
  - \$2,850,000 from the Oklahoma Education Lottery Trust Fund FY 23.
  - \$1,376,799 from the Oklahoma Education Lottery Trust Fund FY 21.
- Oklahoma Teachers' Retirement System Dedicated Revenue Revolving Fund is appropriated \$4,226,799, which is \$398,900 *more* than the amount appropriated in FY 22.
  - \$2,850,000 from the Oklahoma Education Lottery Trust Fund FY 23.
  - \$1,376,799 from the Oklahoma Education Lottery Trust Fund FY 21.
- Section 17: Authorizes the State Board of Education to transfer \$401,906,190 from the Teachers' Retirement System Dedicated Revenue Revolving Fund to the Teachers' Retirement System of Oklahoma (OTRS) for the purpose of reducing the unfunded liability of the system.

NOTE: H.B. 4452 (2022) makes all transfers from the Oklahoma Teachers' Retirement System Dedicated Revenue Revolving Fund subject to Legislative authorization, requiring the fund to be certified by the State Board of Equalization.

- Section 28: The Oklahoma State Regents for Higher Education is appropriated \$15,764,823 for concurrent enrollment expenditures, which is \$4,000,000 *more* than the amount appropriated in FY 22.
- Section 143: The Ad Valorem Reimbursement Fund is appropriated \$95,283,174 from the General Revenue Fund for the for the purpose of reimbursing counties for school districts that claim a loss of revenue due to exemptions of certain ad valorem taxes, which is \$13,716,826 *less* than the amount appropriated FY 22.
  - Section 143 becomes effective May 27.

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Helpful statutory reference: 62 O.S. § 34.93, 193, 70 O.S. § 628.13, Article 10 § 23 of the Oklahoma Constitution



## **S.B. 1119**

RE: S.B. 1119  
SUBJECT: Teachers

[Senate Bill 1119](#) becomes effective July 1, 2022. This bill repeals the 270-clock-hour limitation on the amount of time adjunct teachers may teach per semester and designates them as support staff.

Existing law requires adjunct teachers to be persons with “distinguished qualifications” in a given field, as determined by local boards of education.

- Section 1(G): Eliminates the requirement that adjunct teachers be limited to 270 clock hours of classroom instruction per semester (i.e., three hours per day in a typical school calendar). Prohibits a person employed as an adjunct teacher who does not hold a teaching certificate from being considered a “teacher” as defined in statute.

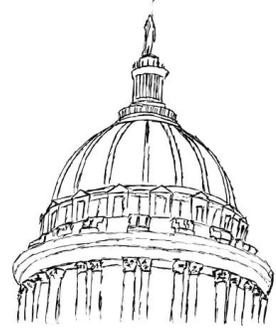
NOTE: As a result of this change, an adjunct teacher may work full time and is exempt from teacher-specific benefits and requirements such as the state minimum salary schedule, automatic step increases in pay and annual Teacher and Leader Effectiveness (TLE) evaluations.

- Section 2(4): Includes adjunct teachers in the definition of “Nonclassified optional personnel” for the purposes of the Teachers’ Retirement System.

Should you have any questions related to this bill, please contact Dr. Janet Vinson, Deputy Superintendent of Teacher Recruitment and Retention, at (405) 570-4592 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 6-122.3, 17-101

Helpful statutory reference: 70 O.S. § 6-101.16, 18-114.14, 17-103, 26-103



## **S.B. 1147**

RE: S.B. 1147

SUBJECT: Curriculum standards in schools

[Senate Bill 1147](#) becomes effective July 1, 2022. This bill authorizes the State Board of Education to develop rules allowing courses on aviation to count as core academic credit toward meeting graduation requirements.

- Section 1(E): Authorizes the State Board of Education to develop rules to determine if courses on aviation are eligible for non-elective academic credit toward meeting graduation requirements for both the college preparatory/work ready curriculum units and the core curriculum units.

Should you have any questions related to this bill, please contact Ms. Tiffany Neill, Deputy Superintendent of Curriculum and Instruction, at (405) 522-3521 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 11-103.6



## **S.B. 1190**

RE: S.B. 1190

SUBJECT: Career and technology education

[Senate Bill 1190](#) becomes effective July 1, 2022. This bill allows CareerTech to establish courses in the area of hydrogen energy.

- Section 1(A): Authorizes the State Board of Career and Technology Education to establish courses in the area of hydrogen energy. The course may include but are not limited to the following topics:
  - Hydrogen energy basics;
  - Hydrogen energy-related equipment manufacturing and maintenance;
  - Hydrogen energy infrastructure; and
  - Hydrogen energy safety.
- Section 1(B): Allows the State Board of Career and Technology Education to consult the Oklahoma Department of Commerce and the Department of Labor in establishing courses that meet the state's workforce needs in the hydrogen energy sector.

Should you have any questions related to this bill, please contact Ms. Jenna Jones, Executive Director of School Counseling, at (405) 306-2797 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. § 14-136



## **S.B. 1238**

RE: S.B. 1238

SUBJECT: Revenue and taxation

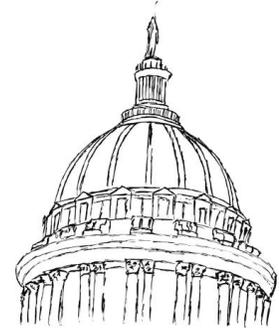
[Senate Bill 1238](#) becomes effective July 1, 2022. This bill allows a transfer student to be eligible for enrollment in a full-time virtual education program offered by the receiving school district.

- Section 1(F): Allows a student transferring from the student's resident district to another district to be eligible to enroll in a full-time virtual education program offered by the receiving district.
  - Requires transfers to remain subject to the one-year waiting period following the date of transfer for eligibility to compete in school sports.
  - Requires each school district with a full-time virtual education program to adopt a policy to determine the number of transfer students the program has the capacity to accept at each grade level in addition to the existing transfer capacity policy for traditional classrooms according to the Open Transfer Act.
- Section 2(A): Repeals language that prohibited districts from offering full time virtual education to nonresident students.

Should you have any questions related to this bill, please contact Mr. Ryan Pieper, executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 1-111, 3-145.5

Helpful statutory reference: 70 O.S. § 8-101.2, 8-103.2



## **S.B. 1307**

RE: S.B. 1307

SUBJECT: Student Identification Cards

[Senate Bill 1307](#) becomes effective November 1, 2022. This bill requires school districts that issue identification cards to students in grades seven through twelve to include the National Suicide Prevention Lifeline on each card beginning July 1, 2023.

- Section 1(A): Requires school districts and charter schools serving students in grades 7-12 that issue student identification cards to have the National Suicide Prevention Lifeline number printed on either side of the card. Allows schools to also to have the Crisis Text Line printed on either side of the card.
- Section 1(B): Expresses the Legislature’s intent that the state’s institutions of higher education include the following numbers on student identification cards:
  - The National Suicide Prevention Lifeline;
  - The Crisis Text Line; and
  - The campus police or security telephone number or the local nonemergency telephone number if the prior two are not available.
- Section 1(C): Authorizes school districts, charter schools, and universities with an existing supply of non-compliant unissued student identification cards as of July 1, 2023, to use the remaining supply until it is depleted.
- Section 1(D): Applies these requirements only to cards issued for the first time to a student and to cards issued as replacements.

NOTE: The National Suicide Prevention Lifeline is accessible by calling or texting (988); The Crisis Text Line is accessible by texting “HOME” to (741741).

Should you have any questions related to this bill, please contact Ms. Elizabeth Suddath, Deputy Superintendent of Student Support, at (405) 522-2106 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. § 24-100.10



## S.B. 1410

RE: S.B. 1410

SUBJECT: Emergency energy availability plans

[Senate Bill 1410](#) becomes effective November 1, 2022. This bill creates the “Oklahoma Emergency Energy Availability Act of 2022,” requiring state agencies, school districts, universities and municipalities that either have or choose to develop an energy policy to include an emergency energy plan detailing sources of energy during a state of emergency.

- Section 1(B)(1): Defines “energy policy” to mean any policy or commitment pertaining to the sourcing of electrical power generation, energy conservation methods, or energy development.
- Section 1(B)(2): Defines “energy source” to mean any source used to generate electric power including but not limited to biomass, coal, hydroelectricity, natural gas, hydrogen, nuclear, oil, solar, water and wind.
- Section 1(C)(1): Requires, beginning November 1, 2022, any agency, department, bureau, system of higher education, school district, township or municipality *that has an existing energy policy or that chooses* to develop an energy policy to develop an emergency energy plan detailing methods or sources of energy during a state of emergency.
- Section 1(C)(2): Prohibits energy plans from sourcing energy from a single source and requires plans to include policies for the acquisition of electrical power generated from a minimum of three (3) distinct sources.

Should you have any questions related to this bill, please contact Mr. Ryan Pieper, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 74 O.S. § 9060



## S.B. 1418

RE: S.B. 1418

SUBJECT: Creating the Oklahoma National Guard Educational Assistance Act

[Senate Bill 1418](#) becomes effective July 1, 2022. This bill creates the Oklahoma National Guard (Guard) Educational Assistance Act to provide tuition assistance to Guard members enrolled in state colleges and universities.

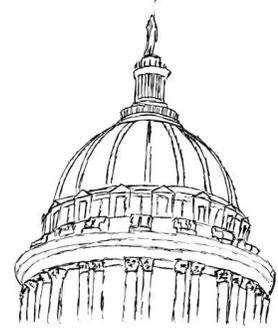
- Section 1(B)(2): Defines “eligible Guard member” to mean a current member of the Oklahoma National Guard in good standing who has a high school diploma or who has completed General Educational Development (GED) requirements and who has secured admission to and enrolled in an Oklahoma educational institution.
- Section 1(C): Creates the Oklahoma National Guard Educational Assistance Program to assist eligible Guard members who enroll in an Oklahoma educational institution. Requires the amount of assistance to be equal to the total of resident tuition and fees for enrolled courses, not to exceed a maximum of 18 credit hours per semester, subject to the availability of funds.
  - Caps total assistance for undergraduate programs at 120 credit hours towards an associate’s and/or a baccalaureate degree. Caps total assistance for graduate programs at 40 credit hours towards a master’s degree if undergraduate programs are fully funded first. Excludes courses taken above the number required to complete and undergraduate or graduate program.
  - Requires assistance be granted without limitation other than the amount of funds available.
- Section 1(D): Requires tuition assistance to be allocated to colleges or universities from the Oklahoma National Guard Educational Assistance Revolving Fund.
- Section 1(E): Requires a Guard member to have at least one year remaining on their enlistment contract at the beginning of any semester; agree in writing to complete their current service obligation in the Guard; and agree in writing to serve actively in good standing with the Guard for not less than 24 months after completion.
- Section 1(F): Requires a Guard member to maintain good academic standing and satisfactory academic progress; meet retention and degree completion requirements;

maintain a minimum GPA of 2.0 on a 4.0 scale; and maintain satisfactory participation in the Guard.

- Section 1(G): Requires a Guard member seeking assistance to apply using a form prescribed by the Oklahoma Military Department's Educational Service Office. Requires the member's Commander or their designee to confirm a member's standing and eligibility to the enrolling educational institution.
- Section 1(H): Authorizes a member's Commander to deny an application for assistance due to failure to maintain satisfactory academic or military performance.
- Section 1(I): Requires a Guard member who has received program assistance and who later fails to maintain satisfactory participation in the Guard to repay a portion of the awarded amount.
- Section 1(J): Allows guard members who fail to maintain satisfactory participation in the Guard due to hardship circumstances to request a waiver from the duty to repay.
- Section 1(K): Requires the State Regents for Higher Education to provide annual notification to the Adjutant General by July 1 of the amount of funding available for the program.
- Section 1(L): Requires the State Regents to promulgate rules for implementation, including deadlines to apply. Authorizes the Adjutant General to promulgate regulations as needed.
- Section 2: Creates the Oklahoma National Guard Educational Assistance Revolving Fund to receive all monies appropriated to the State Regents of Higher Education for the purpose of providing tuition assistance to Guard members.

Should you have any questions related to this bill, please contact Ms. Jenna Jones, Executive Director of School Counseling, at (405) 306-2797 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. § 3231



## **S.B. 1511**

RE: S.B. 1511

SUBJECT: Medical marijuana commercial grower requirements

[Senate Bill 1511](#) becomes effective March 30, 2022. This bill prohibits a medical marijuana commercial grower from being located within 1,000 feet of any public or private school mirroring the requirements for medical marijuana dispensaries.

- Section 1(G)(2): Prohibits a medical marijuana commercial grower facility from being located within 1,000 feet of any public or private school as measured between the nearest property line of the school and the commercial grower.
  - Prohibits commercial growers from adjoining to or sharing a physical address with a school.
  - Creates a grandfather provision for commercial growers that were licensed prior to the enactment of the bill, exempting them from the required 1,000-foot setback distance and physical address-sharing prohibition. Allows a commercial grower to continue operation of a public or private school is established within 1,000 feet of an existing grower.
  - Exempts from being included as “a school” for distancing purposes, school property not used for classroom instruction on core curriculum, such as an administrative building, athletic facility, ballpark, field or stadium, unless the property is located on the same campus as a building used for classroom instruction.

NOTE: S.B. 1726 (2022) includes CareerTech schools within the 1,000-foot-rule for marijuana facilities, including commercial growers as outlined above.

Should you have any questions related to this bill, please contact Mr. Brad Clark, General Counsel, at (405) 522-3274 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 63 O.S. § 425



## **S.B. 1520**

RE: S.B. 1520

SUBJECT: Public buildings and public works

[Senate Bill 1520](#) becomes effective November 1, 2022. This bill requires the retainage amount for a public construction contract to be reduced from the maximum of five percent (5%) to two and one-half percent (2.5%) any time a contractor has completed more than fifty percent (50%) of the work with satisfactory progress.

- Section 1(A): Requires the retainage amount for public construction contract to be reduced from the maximum of 5% to 2.5% of the amount earned to date any time a contractor has completed more than 50% of the total contract amount and there is a determination that satisfactory progress is being made.
- Section 2(B): Extends the above provision to subcontracts.

Should you have any questions related to this bill, please contact Mr. Tom Bogdanowicz, Chief of Operations, at (405) 522-2034 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 61 O.S. § 113.1



## S.B. 1579

RE: S.B. 1579

SUBJECT: School employees

[Senate Bill 1579](#) becomes effective August 25, 2022. This bill allows a school board to approve a request from a district employee for a leave of absence to serve in an employee association leadership position. Prohibits employees using leave of absence from receiving pay and other benefits of regular employment until returning from leave.

- Section 1(A): Allows a local school board to approve a school district employee's request for a leave of absence to hold office as an officer, director, trustee or agent of a national, statewide or school district employee association, specifying definitive beginning and end dates. Requires the requesting employee to provide the district superintendent with proof of election and term of office, including but not limited to certification of the election date and results.
- Section 1(B): Requires the leave of absence to be without pay. Requires the employee to be ineligible to maintain any district benefits regardless of whether the benefit is paid by the employee or the association for which the employee is serving as an officer.
- Section 1(C): Requires the district to maintain the employee's position, such that the employee may return to their former position or comparable position. Prohibits the employee, during the term, from advancement on the minimum salary schedule; accruing sick, personal business, or personal leave; or accumulating service credit with the Oklahoma Teachers' Retirement System (OTRS).
- Section 1(D): Prohibits a district from providing office space for an employee on an approved leave of absence.
- Section 1(E): Requires a school board to no longer recognize any national, statewide or school district employee association that serves as an employee organization at the district should the association fail to comply with these requirements.

Should you have any questions related to this bill, please contact Mr. Ryan Pieper, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. § 2358

Helpful statutory reference: 70 O.S. § 5-141, 509.2



## **S.B. 1631**

RE: S.B. 1631

SUBJECT: Mentor teacher training

[Senate Bill 1631](#) becomes effective July 1, 2022. This bill requires Commission for Educational Quality and Accountability (OEQA) to establish a two-year mentor teacher pilot program to train one mentor teacher from each school district.

- Section 1(A): Requires OEQA to establish a two-year mentor teacher pilot program to improve teacher retention.
  - Existing law defines “mentor teacher” to mean any current or former classroom teacher who has been appointed to provide guidance, support, coaching and assistance to an inductee employed by the school district.
- Section 1(B): Requires OEQA to provide mentor teachers with coaching tools to guide, support and assist public school teachers for one year with classroom management, curriculum, differentiation of instruction and other pedagogical techniques, with a goal of training one mentor teacher from each district over the two-year pilot period. Requires mentor teachers to have taught for at least five years.
- Section 1(C): Requires mentor teachers to be given a one-time \$3,000 stipend upon completion of the training pilot program, subject to the availability of funds.
- Section 1(D): Requires OEQA to surveys to teachers placed under a mentor teacher at the beginning and end of the program. Requires OEQA to create a standardized form to measure a teacher’s mentorship experience.
- Section 1(E): Requires OEQA to submit a report by July 1, 2026 to the Senate Pro Tempore, Speaker of the House and education committee chairs, which includes aggregate survey data and recommendations for continuing or expanding the program.
- Section 1(F): Requires OEQA to promulgate rules to implement the bill’s provisions.

Should you have any questions related to this bill, please contact Dr. Janet Vinson, Deputy Superintendent of Teacher Recruitment and Retention, at (405) 522-9595 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. § 3-116.6

Helpful statutory reference: 70 O.S. § 6-182



## S.B. 1659

RE: S.B. 1659

SUBJECT: Tax credits

[Senate Bill 1659](#) becomes effective November 1, 2022. This bill changes the date for grant organizations to submit audited financial statements and other required information in order to participate in the Equal Opportunity Scholarship program to April 30, 2024 rather than December 31, 2022.

Existing law requires scholarship-granting organizations, educational improvement grant organizations and public school foundations/districts under the Equal Opportunity Scholarship program to submit a report including an audited financial statement along with information detailing the benefits, successes or failures of the program, and to make the financial statement publicly available on their websites.

- Section 1(B)(4): Changes the date for scholarship-granting organizations (for private schools) and educational improvement organizations (for public schools) participating in the Equal Opportunity Scholarship program to submit the initial report on program-related information, including audited finances, from December 31, 2022 to April 30, 2024.
  - Requires subsequent reports to be made every two years, rather than every four and requires them to be submitted electronically. Requires the report to also be submitted to the chairs and vice-chairs of the Senate and House education committees.
- Section 1(D)(4): Changes the date for public school foundations and public school districts participating in the Equal Opportunity Scholarship program to submit the initial report from December 31, 2022 to April 30, 2024, with subsequent reporting every four years.

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 68 O.S. § 2357.206

Helpful statutory reference: 68 O.S. § 2357.206 *et. seq*



## S.B. 1671

RE: S.B. 1671

SUBJECT: School curriculum

[Senate Bill 1671](#) becomes effective July 1, 2022. This bill requires Holocaust education to be taught to all students in grades 6-12 beginning in the 2022-23 school year.

- Section 1(A): Requires the State Department of Education (OSDE), in consultation with experts in Holocaust education, to develop and make available to public schools resources related to Holocaust education for grade-appropriate instruction of students in grades six through twelve.
- Section 1(B): Requires Holocaust education to be taught to public school students in grades 6-12, *as prescribed in the Oklahoma Academic Standards*, beginning in the 2022-23 school year. Allows for Holocaust education to be integrated into one or more existing courses of study and requires the material be taught in a manner that:
  - Generates an understanding of the causes, course, and effects of the Holocaust;
  - Develops dialogue with students on the ramifications of bullying, bigotry, stereotyping and discrimination; and
  - Encourages tolerance of diversity and reverence for human dignity for all citizens in a pluralistic society.
- Section 1(C): Requires the OSDE, in consultation with experts, to develop and implement high quality professional learning opportunities for Holocaust education teachers.
- Defines “Holocaust” to mean the systematic, state-sponsored persecution and attempted annihilation of Jews and other groups by the Nazi regime in Germany from 1933 to 1945, which resulted in the murder of approximately six million Jews and five million other individuals.

Should you have any questions related to this bill, please contact Ms. Brenda Chapman, Director of Social Studies, at (405) 522-3523 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. § 11-103.6o

Helpful statutory reference: 70 O.S. § 11-103.6a



## **S.B. 1673**

RE: S.B. 1673

SUBJECT: Oklahoma Higher Learning Access Program

[Senate Bill 1673](#) becomes effective July 1, 2022. This bill creates tiered income qualifications for Oklahoma Higher Learning Access Program (OHLAP), also known as *Oklahoma's Promise*, beginning in 2022-23.

Existing law creates the OHLAP scholarship designed to support students in financial need who wish to pursue higher education or advanced career-technology opportunities.

- Section 1(D)(4): Creates tiered federal adjusted gross income caps for public and private school students in grades 8-12 and homeschooled students aged 13-16 applying for OHLAP scholarships beginning in the 2022-23 school year as follows:
  - \$60,000 per year for parent(s) with 2 or fewer dependents;
  - \$70,000 per year for parent(s) with 3-4 dependents; and
  - \$80,000 per year for parent(s) with 5 or more dependents.

NOTE: The prior income cap was \$60,000 regardless of family size.

Should you have any questions related to this bill, please contact Ms. Jenna Jones, Executive Director of School Counseling, at (405) 743-5524 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 2605

Helpful statutory reference: 70 O.S. § 2602, 2603



## **S.B. 1726**

RE: S.B. 1726

SUBJECT: Medical marijuana

[Senate Bill 1726](#) becomes effective May 20, 2022. This bill includes technology center schools (CareerTechs) in the definition of “schools” as it pertains to the 1,000-foot-rule of distancing between schools and marijuana facilities.

- Section 1(58): Revises the definition of “school” as used in the Oklahoma Medical Marijuana and Patient Protection Act to include technology center schools.
- Section 3(B)(3)(d): Prohibits medical marijuana disposal facilities from being located within 1,000 feet of a school, which now includes technology center schools.

NOTE: Portions of this bill, not summarized here, mirror S.B. 1511 (2022) which expanded the 1,000-foot-rule to include medical marijuana commercial growers.

Should you have any questions related to this bill, please contact Mr. Brad Clark, General Counsel, at (405) 522-3274 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 63 O.S. § 425, 427.2, 430

## APPENDIX

**Please see below a list of additional bills that may be of interest.**

**H.B. 3208** – Directs the Oklahoma Medical Marijuana Authority (OMMA) to establish a two-year moratorium on new business licenses to medical marijuana dispensaries, processors and commercial growers beginning August 1, 2022, which can be terminated once all licensing reviews, inspections and investigations have been completed. Effective August 25, 2021.

**H.B. 3363** – Establishes the Oklahoma Broadband Expansion Council, Governing Board and Office and requires them to create a *State Broadband Plan* that details a path to achieve broadband service for 95% of the state’s population by June 30, 2028. Requires state agencies, school districts, career techs, universities and other state or local entities to provide the Broadband Office with relevant information upon request. Effective May, 6, 2022.

**H.B. 3419** – Transfers all powers, duties, responsibilities and employees of DPS’s Driver License Services Division and the Tax Commission’s Motor Services Division to the newly created Service Oklahoma Division within OMES. Effective May 19, 2022.

**H.B. 4455** – Creates the Large-scale Economic Activity and Development (“LEAD”) Act, establishing a 10-year investment rebate program for the cost of qualified capital expenditures. Requires a company to invest a minimum of \$3.6 billion and create at least 4,000 new jobs within five years to qualify for the rebate. Directs approximately \$700 million in state revenues to fund the program. April 25, 2022.

**S.B. 1280** – Removes the requirements for the Governor to choose appointees for the Oklahoma Partnership for School Readiness Board from a list of candidates submitted by an existing private-sector school readiness initiative and an association representing the licensed child care industry. The Board is tasked with promoting school readiness to support community-based efforts to increase the number of children who are ready to succeed by the time they enter school. The Board also serves as the state’s Early Childhood Advisory Council. Effective July 1, 2022.

**S.B. 1337** – Requires the Oklahoma Health Care Authority (OHCA) to enter into capitated contracts with “contracted entities” for the delivery of Medicaid services – where OHCA pays a fixed, per-member-per-month rate. Directs OHCA to issue requests for proposals no later than January 1, 2023. Requires OHCA to award no less than three statewide capitated contracts to provide comprehensive integrated health services including medical, behavioral health and pharmacy services and no less than two contracts for dental coverage. Requires OHCA to establish requirements prohibiting contracted entities from excluding essential community providers and providers who receive directed payments, as necessary. Requires contracted entities to have a shared governance structure that includes local Oklahoma providers, community providers and representatives from the state’s hospitals. Importantly, school-based services reimbursed through Medicaid will be included in the contracts. OHCA recently announced the program will be known as SoonerSelect. Effective November 1, 2022.

**S.B. 1345** – Authorizes employers, including school districts, to pay employee wages via direct deposit, or payroll card account if an employee does not consent. Effective November 1, 2022.