



2021 LEGISLATION



OKLAHOMA
Education



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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 **7th Annual Red Banner Book** as a resource to help you stay informed of state education legislation.

New laws that emerge from legislative session each year 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 year was one of the most active legislative sessions in state history, with over 3,220 bills and resolutions filed, of which 583 ultimately became law. While education is always a top policy area, it was a central focus this session as lawmakers prioritized the early passage of H.B. 2078 and S.B. 783, significantly altering the state's school funding formula and student transfer system respectively. Those bills were far from the only sizeable reforms, however, with bills like S.B. 89 requiring all students to receive instruction in health, H.B. 2749 requiring professional development aligned to the science of reading using RSA funding, and S.B. 229 (The Redbud School Funding Act) directing medical marijuana tax revenue to the State Public Common School Building Equalization Fund for distribution to eligible charter schools and school districts for acquiring and improving school buildings.

While last session's budget made cuts to education due to the negative fiscal impacts of COVID-19, a resurgent economy allowed legislators to appropriate over \$3.164 billion for K-12 education in H.B. 2900, a 5.7 percent increase. These funds will be vital as schools continue supporting students and communities amidst the challenges of an ongoing pandemic.

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. I know that COVID-19 seems unyielding, but I have every confidence that the resolve and compassion of our teachers, students, and school communities can weather any storm.

Please remember that the Oklahoma State Department of Education is here to serve you. I hope to hear your questions, concerns and ideas. Never hesitate to get in touch.

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

Joy Hofmeister
State Superintendent of Public Instruction

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H.B. 1014

RE: H.B. 1014
SUBJECT: Public Health

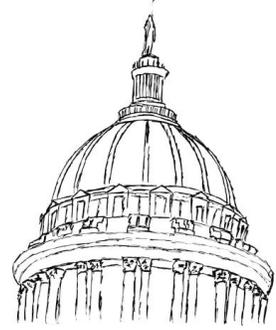
House Bill 1014 becomes effective April 20, 2021. This bill clarifies certain health information that is to be kept confidential and requires schools to exclude individuals with a communicable disease from attendance until isolation or quarantine is complete or permission given by the county or State Department of Health.

Existing law requires all information and records concerning any person who has participated in a public health investigation or who may have a communicable or noncommunicable disease to be exempt from the Open Records Act.

- Section 1(A): Clarifies that this exemption includes information and records created, received, investigated, held or maintained by the State Department of Health, which are to be kept confidential.
 - Allows release of such information under certain circumstances including when in accordance with the Health Insurance Portability and Accountability Act of 1996 and to appropriate state *or federal* agencies for purposes of aiding in the prevention and control of communicable disease.
- Section 2: Clarifies that it is the duty of the parent or guardian and *the school*, rather than the teacher, to exclude a person having a communicable disease from attending a private or public school. Requires the exclusion to continue until the expiration of the period of required isolation or quarantine or until permission has been given by the county health department or the State Department of Health, rather than a local health officer.

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: 63 O.S. § 1-502.2, 1-507
Helpful statutory reference: 63 O.S. § 1-501 through 1-508



H.B. 1018

RE: H.B. 1018
SUBJECT: Schools

House Bill 1018 becomes effective November 1, 2021. This bill repeals the required publication and distribution of the biennial school laws book by OSDE.

- Section 1: Eliminates the requirement that the State Department of Education (OSDE), as directed by the State Superintendent of Public Instruction, compile, publish and distribute a book of school laws currently in force, including court decisions, Attorney General's opinions and other informative matter relating to the school laws every two years to boards of education and other public officials.

NOTE: The Oklahoma State School Boards Association (OSSBA) intends to continue compiling and distributing the School Law Book into the foreseeable future. In addition, the [Oklahoma Supreme Court Network](#) provides a free compilation of all Oklahoma laws, including Title 70 where most of laws relating to public schools are codified.

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: 70 O.S. § 3-107



H.B. 1026

RE: H.B. 1026

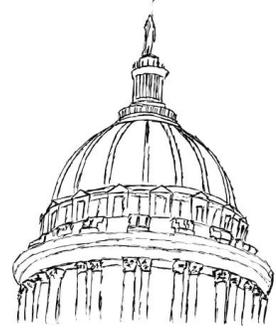
SUBJECT: Council of Law Enforcement Education and Training

House Bill 1026 becomes effective November 1, 2021. This bill allows CLEET to establish and certify additional law enforcement and criminal justice programs at state-supported technology center schools for students age 16 through 19.

- Section 1(A)(2): Authorizes the Council of Law Enforcement Education and Training (CLEET) to establish and certify additional law enforcement and criminal justice programs at state-supported technology center schools operating under the State Board of Career and Technology Education for teaching students age 16 through 19.
 - Requires tuition or fees for law enforcement and criminal justice-related programs to be similar in cost as other vocational and technical education courses and subjects offered at technology center schools as determined by the State Board of Career and Technology Education.

Should you have any questions related to this bill, please contact Ms. Petra Woodard, Executive Director of Academic Counseling, at (405) 522-0031 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 3311.16



H.B. 1046

RE: H.B. 1046
SUBJECT: Schools

House Bill 1046 becomes effective November 1, 2021. This bill requires each school district to post the most recent financial audit on the front page of its website.

- Section 1(B): Requires school districts to post a copy or hyperlink to a copy of the most recent financial audit on the front page of the district's website for ease of public inspection.

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. § 22-108



H.B. 1103

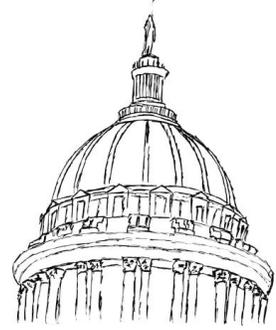
RE: H.B. 1103
SUBJECT: Schools

House Bill 1103 becomes effective November 1, 2021. This bill requires public schools to administer the OPNA survey every two years beginning in the 2022-23 school year, for the purpose of improving student mental health and substance abuse outcomes.

- Section 1(A): Defines the “Oklahoma Prevention Needs Assessment (OPNA) Survey” to mean the biennial mental health prevention survey of public school students in grades six, eight, ten and twelve managed by the Department of Mental Health and Substance Abuse Services (ODMHSAS).
- Section 1(B): Requires public schools, beginning in the 2022-23 school year and then every two years, to administer the OPNA Survey, or an allowable alternative survey, for the purpose of providing direction to schools, districts and communities to effectively improve the lives of students regarding a variety of issues with a focus on alcohol, tobacco, other drug use, mental health, academic failure and violence.
- Section 1(C): Requires ODMHSAS to maintain the OPNA and provide technical assistance to schools in survey administration, reporting, planning and development of mental health prevention and intervention strategies informed by the survey results.
- Section 1(D): Authorizes a school or school district to administer an alternative survey or assessment tool that fulfills the same purpose as the OPNA upon approval of a waiver from ODMHSAS.
- Section 1(E): Requires administering the OPNA to be contingent on the availability of federal funding.
- Section 1(F): Allows the Board of Mental Health and Substance Abuse Services and the State Board of Education to promulgate rules as needed.

Should you have any questions related to this bill, please contact Ms. Shelly Ellis, Deputy Superintendent of Student Support, at (405) 522-3263 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. § 24-157



H.B. 1104

RE: H.B. 1104
SUBJECT: Schools

House Bill 1104 becomes effective August 25, 2021. This bill requires schools to collect student tribal affiliation data alongside other demographic data.

- Section 1(B)(7)(11): Specifies that student demographic data collected and/or reported at the individual student level as part of a student's educational record include tribal affiliation and other data associated with students who have been identified as having American Indian heritage.

NOTE: Students are able to self identify tribal membership for purposes of this bill without providing official documentation as is required for certain federal funds.

Should you have any questions related to this bill, please contact Ms. Jackie White, Executive Director of American Indian Education, at (405) 250-2466 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 3-168



H.B. 1124

RE: H.B. 1124

SUBJECT: Rural broadband

House Bill 1124 becomes effective November 1, 2021. This bill creates the State Broadband Deployment Grant Program, directing the Oklahoma Department of Commerce to issue competitive grants to promote expansion of broadband internet services in the state.

- Section 1(A): Requires the Oklahoma Department of Commerce, with the participation and advice of the Rural Broadband Expansion Council, to develop and establish the State Broadband Deployment Grant Program, which is to include development of a competitive grant initiative to award funding to applicants seeking to expand broadband Internet service in the state.
 - Directs the Department and the Council to look to best practices in other states in developing the program. Directs the Department to administer the Program.
- Section 1(B): Creates the “State Broadband Deployment Grant Program Fund” as a revolving fund within the State Treasury for use by the Department in awarding related grants to applicants selected by the Council.

Should you have any questions related to this bill, please contact Ms. Karen Leonard, Director of Education Technology and Computer Science, at (405) 521-3364 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 17 O.S. § 139.204

Helpful statutory reference: 17 O.S. § 139.202



H.B. 1236

RE: H.B. 1236

SUBJECT: Attorney General

House Bill 1236 becomes effective July 1, 2021. This bill revises the Attorney General's duties to include monitoring various federal actions to determine if they violate the Tenth Amendment of the U.S. Constitution and authorizes the AG and the Legislature to seek an exemption from a federal action or have the action declared unconstitutional.

- Section 1(A)(24): Revises the Attorney General's duties to include monitoring and evaluating any action by the federal government including, but not limited to, Presidential executive orders, federal agency rules or regulations or acts of Congress, to determine if an action violates the Tenth Amendment of the U.S. Constitution (powers reserved to the states).
- Section 2: Creates the State Reserved Powers Protection Unit within Attorney General's Office to monitor and review federal actions for violations of the Tenth Amendment. Requires the Attorney General to determine if the state should seek an exemption from the application of a federal action or have the action declared unconstitutional if the Unit determines that an action infringes on state authority under the Tenth Amendment.
- Section 3(A): Authorizes the Legislature to review any Presidential executive orders, federal agency rules or regulations or acts of Congress, to determine the action's constitutionality. Requires the Attorney General, upon recommendation by the Legislature, to direct the Unit to review a federal action to determine its constitutionality and if the state should seek an exemption from its application or have it declared unconstitutional by a court to prevent, prohibit or enjoin enforcement of the action.
- Section 3(B): Authorizes the Legislature, by majority vote, to seek an exemption from a federal action, or to have it ruled unconstitutional, should the Attorney General decline to pursue these options as recommended by the Legislature.
- Section 3(C): Prohibits, unless stated otherwise by law, the state, county, political subdivision or any other publicly funded organization from implementing, adopting or enforcing a federal action declared unconstitutional by a court as described here including, but not limited to the following:
 - Pandemics or other health emergencies;

- The regulation of natural resources, including oil and natural gas;
- The regulation of the agriculture industry;
- The use of land;
- The regulation of the financial sector as it relates to environmental, social or governance standards;
- The regulation of the constitutional right to keep and bear arms;
- The regulation of education;
- The regulation of interscholastic, intramural or other extracurricular sports sponsored by an institution of higher education, a school district or a charter school; or
- Any other powers reserved by the State of Oklahoma or the people of Oklahoma.

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: 74 O.S. § 18b

New law at: 74 O.S. § 18q, 80 O.S. § 101

Helpful statutory reference: U.S. Const. amend. X



H.B. 1568

RE: H.B. 1568
SUBJECT: Schools

House Bill 1568 becomes effective November 1, 2021. This bill creates Maria's Law, requiring all schools providing health education instruction to include mental health, emphasizing the interrelation between physical and mental well-being, beginning with the 2022-23 school year.

- Section 1(B): Requires the State Board of Education, beginning with the 2022-23 school year, to require all schools, as part of any health education curriculum, to include instruction in mental health, with an emphasis on the interrelation of physical and mental well-being.
- Section 1(C): Requires the Board, in consultation with the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS), to revise the Oklahoma Academic Standards for Health and Physical Education to include a focus on mental health and to develop a list of age-appropriate resources for students in grades k-12.
 - Requires the standards and resources to be available on the State Department of Education (OSDE) website.
- Section 1(D): Authorizes school districts to enter into agreements with nonprofit entities and other community partners to assist with or to provide mental health education to students if these entities are approved by OSDE and ODMHSAS.
- Section 1(E): Requires the Board to promulgate rules for implementation.

NOTE: For purposes of the 2022-23 school year, if a school already has a health curriculum, this bill requires that curriculum to include mental health instruction. If health curriculum is not yet in place, the requirements of this bill will not trigger until S.B. 89 goes into effect in the 2023-2024 school year.

Should you have any questions related to this bill, please contact Ms. Shelly Ellis, Deputy Superintendent of Student Support, at (405) 522-3263 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. § 11-103.9b
Helpful statutory reference: 70 O.S. § 11-103.6



H.B. 1569

RE: H.B. 1569
SUBJECT: Schools

House Bill 1569 becomes effective May 11, 2021. This bill creates the “Oklahoma Play to Learn Act” allowing early childhood educators to employ play-based learning techniques, with school districts providing related professional development.

- Section 1(B): States the Legislature’s intent to focus on the importance of child-centered, play-based learning as the most rigorous and most developmentally appropriate way for children in the early childhood grade levels to learn literacy, science, technology, engineering, art and math academic concepts.
- Section 1(C)(1): Defines “child-directed” to mean interaction in which the child is helped to direct and lead the play in any way the child wishes, unless there is harmful or destructive activity.
- Section 1(C)(2): Defines “domain” to mean a specified sphere of activity or knowledge.
- Section 1(C)(3): Defines “early childhood education” to mean prekindergarten, kindergarten, first grade, second grade and third grade.
- Section 1(C)(4): Defines “play” to mean the spontaneous activity of children.
- Section 1(C)(5): Defines “play-based learning” to mean any learning activities that are performed by a child for self amusement that have behavioral, social and psychomotor rewards and activities that are child-directed, joyful and spontaneous whereby the rewards come from within the individual child.
- Section 1(C)(6): Defines “professional development” to mean any of a wide variety of specialized training, formal education or advanced professional learning intended to help administrators, teachers and other educators improve their professional knowledge, competence, skill and effectiveness.
- Section 1(C)(7): Defines “reading for pleasure” to mean reading that is freely chosen or that readers freely and enthusiastically continue after it is assigned.

- Section 1(C)(8): Defines “socialization” to mean social interaction with others.
- Section 1(D): Allows early childhood instruction, in support of early childhood education standards, to be engaging and foster children’s development and learning in all domains, including physical, social, emotional, cognitive and language. Allows educators to create a learning environment that facilitates child-directed experiences based upon developmentally appropriate early childhood practices and intentional, sustained, play-based learning opportunities, including, but not limited to, movement, creative expression, exploration, socialization, reading for pleasure, art, music and dramatic play.
 - Allows art instruction to adhere to prekindergarten standards for fine arts, which include dance, drama, music and visual arts, as approved by the State Department of Education (OSDE).
 - Allows educators to include unstructured time for the discovery of each child's individual needs, abilities and talents as part of learning opportunities.
- Section 1(E): Allows school districts to provide ongoing early childhood professional development for early childhood educators and administrators in support of play-based learning, which may include existing early childhood professional development programs provided by OSDE.
- Section 1(F): Prohibits school districts from preventing a teacher from employing play-based learning in early childhood education.
 - Directs the State Board of Education to develop rules, subject to legislative approval, establishing guidelines for early childhood professional development.

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. § 11-103.2a



H.B. 1593

RE: H.B. 1593
SUBJECT: Schools

House Bill 1593 becomes effective November 1, 2021. This bill revises the frequency for the professional development requirements for digital teaching and learning standards, student mental health needs, workplace safety, and alcohol and drug abuse.

- Section 1(B): Requires the professional development program for digital teaching and learning standards to be completed within a certified teacher's first year of employment with a school district, and then at a frequency *determined by the local board*.
- Section 2(A): Requires the professional development program for recognizing and addressing the mental health needs of students to be completed within a certified teacher's first year of employment with a school district, and then once *every third academic year*.
- Section 3(C): Requires the professional development program for incorporating workplace safety training into curriculum for seventh-grade through twelfth-grade teachers to be completed within a certified teacher's first year of employment with a school district, and then at a frequency *determined by the local board*.
- Section 4(A)(4): Requires in-service training workshop on alcohol and drug abuse to be completed within a certified teacher's first year of employment with a school district, and then once *every third academic year*.

Should you have any questions related to this bill, please contact Ms. Susan Pinson, Executive Director of Professional Learning, at (405) 522-1835 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 6-192, 6-194.3, 11-103.6j, 1210.229-5



H.B. 1643

RE: H.B. 1643

SUBJECT: Personal identification information

House Bill 1643 becomes effective November 1, 2021. This bill criminalizes “doxing” – using an electronic device to knowingly publish personally identifiable information of a peace officer or public official causing reasonable fear of death or serious bodily injury.

- Section 1(A): Requires any person convicted of using an electronic communication device, with the intent to threaten, intimidate or harass, or facilitate others to do the same, to knowingly publish, post or otherwise make publicly available personally identifiable information of a peace officer or public official (commonly known as “doxing”), placing the officer or official in reasonable fear of death or serious injury to be guilty of a misdemeanor punishable by up to six months imprisonment and/or a fine of up to \$1,000 and up to one year imprisonment and/or a fine of up to \$2,000 for a second or subsequent violation.
- Section 1(B)(1): Defines “Electronic communication” to mean any type of telephonic, electronic or radio communications, or transmission of data, writing, images using electronic devices, including cell phones.
- Section 1(B)(2): Defines “Electronic communication device” to mean any cellular telephone, facsimile, pager, computer or any device capable of electronic communication.
- Section 1(B)(3): Defines “Peace officer” to mean any sheriff, police officer, federal law enforcement officer, tribal law enforcement officer, or any other law enforcement officer whose duty it is to enforce and preserve the public peace.
- Section 1(B)(4): Defines “Personally identifiable information” to mean information which can identify an individual including, but not limited to, name, birth date, place of birth, mother's maiden name, biometric records, Social Security number, official state-or government-issued driver license or identification number, government passport number, employer or taxpayer identification number or any other information that is linked or linkable to an individual, such as medical, educational, financial or employment information.
- Section 1(B)(5): Defines “**Public official**” to mean any person elected or appointed to a state office in the executive, legislative or judicial branch of state government or other political subdivision of the state.

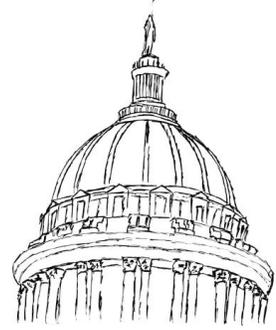
- Section 1(B)(6): Defines “Publish” to mean to circulate, deliver, distribute, disseminate, transmit or otherwise make available to another person.
- Section 2(A): Authorizes all elected county officials and peace officers in addition to law enforcement organizations to request that a county assessor prevent an official’s or officer’s personal information from being made publicly available online, and rather that it be secured within the county assessor’s office to be accessible only by authorized parties.

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: 68 O.S. § 2899.1

New law at: 21 O.S. § 1176

Helpful statutory reference: 21 O.S. § 99, 1172



H.B. 1715

RE: H.B. 1715

SUBJECT: Driver licenses for minors

House Bill 1715 becomes effective April 26, 2021. This bill repeals the requirements that students must pass the 8th grade English Language Arts (ELA) test and provide proof of enrollment to receive their driver license or permit.

- Section 1: Repeals the requirement that any person under the age of 18 demonstrate satisfactory reading ability at the 8th grade reading level, using the ELA statewide student assessment or any alternative reading proficiency test in order to apply for a driver license or permit.
- Section 2: Repeals the requirement that any person under the age of 18 provide proof of school enrollment, or documentation excusing them from this requirement, and proof of successfully passing the 8th grade reading test in order to receive a driver license or permit.

NOTE: This bill was enacted with an emergency clause; and as a result, the repealed sections and all related documentation and reporting ceased to be applicable on the bill's effective date.

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.

Repeals: 47 O.S. § 6-107.3, 70 O.S. § 1210.515

Helpful statutory reference: 70 O.S. § 1210.508



H.B. 1773

RE: H.B. 1773
SUBJECT: Schools

House Bill 1773 becomes effective November 1, 2021. This bill requires teacher candidates to study the background and implementation of MTSS.

- Section 1(A)(2)(c): Requires preservice teacher candidates in early childhood, elementary, secondary, and special education to study the philosophy, overarching framework, components, and implementation of multi-tiered systems of support (MTSS) to address core academic and nonacademic needs of all students. Requires training to use evidence-based assessment, intervention, and data-based decision-making procedures in a tiered system of support to identify students at risk for negative outcomes and include, but not be limited to, the following areas as appropriate by grade band:
 - A structured literacy approach that includes phonological awareness, phonemic awareness, decoding letters into sound and its relationship to printed material, rapid-naming skills, oral fluency, vocabulary and comprehension,
 - An evidence-based approach to mathematics instruction including understanding key mathematical concepts, fluency of basic facts, fluent and flexible use of standard and nonstandard algorithms, and application to solving problems,
 - Applying behavioral sciences to classroom management including instruction on prevention of problematic behaviors, teaching and reinforcing appropriate behaviors, responding to problematic behaviors, and evaluating the effect of on student outcomes, and
 - Identification and impact of trauma on student learning and trauma-informed responsive instruction.
- Section 1(A)(2)(i): Eliminates the requirement that teacher candidates specifically study classroom management skills and trauma-informed responsive instruction.

Should you have any questions related to this bill, please contact Ms. Shelly Ellis, Deputy Superintendent of Student Support, at (405) 522-3263 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 6-185



H.B. 1775

RE: H.B. 1775
SUBJECT: Education

House Bill 1775 becomes effective July 1, 2021. This bill prohibits any employee of a school district from requiring or incorporating as part of a course material related to inherent superiority or inferiority on the basis of race or sex.

- Section 1(A)(1): Prohibits an institution of higher education within The Oklahoma State System of Higher Education from requiring a students to engage in any form of mandatory gender or sexual diversity training or counseling; however, voluntary counseling remains allowable. Prohibits any orientation or requirement that presents any form of race or sex stereotyping or a bias on the basis of race or sex.
- Section 1(A)(2): Requires the Oklahoma State Regents for Higher Education to promulgate rules for implementation, subject to legislative approval.
- Section 1(B): Clarifies that the following provisions do not prohibit teaching of concepts aligned to the Oklahoma Academic Standards.
- Section 1(B)(1): Prohibits any teacher, administrator or other employee of a school district or charter school from requiring or making part of a course the following concepts:
 - one race or sex *is* inherently superior to another race or sex,
 - an individual, by virtue of his or her race or sex, is inherently racist, sexist or oppressive, whether consciously or unconsciously,
 - an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex,
 - members of one race or sex cannot and should not attempt to treat others without respect to race or sex,
 - an individual's moral character is necessarily determined by his or her race or sex,

- an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex,
 - any individual *should* feel discomfort, guilt, anguish or any other form of psychological distress on account of his or her race or sex, or
 - meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race.
- Section 1(B)(2): Requires the State Board of Education to promulgate rules for implementation.

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. § 24-157

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



H.B. 1789

RE: H.B. 1789

SUBJECT: Public buildings and public works

House Bill 1789 becomes effective November 1, 2021. This bill permits local governmental units to create or contract with a purchasing cooperative to achieve better value or contract terms in contracts and allows use of a single newspaper, including a local county newspaper, to meet the notice and publication requirements for purchasing projects.

Existing law allows two or more school districts to enter into an interlocal cooperative agreement for the purpose of forming buying pools and purchasing cooperatives.

- Section 1(G)(3): Authorizes local governmental units, including interlocal cooperatives, to create a purchasing cooperative or contract with a purchasing cooperative to provide leverage in achieving best value or terms in contracts.
 - Authorizes purchasing or interlocal cooperatives to use any single legal newspaper of the state to meet compliance requirements for competitive bidding and bid solicitation; however, bid notices for a project exclusive to a county or group of counties, and not open to all governmental units statewide, are required to be published in a legal newspaper located within the county or counties.
 - Authorizes any local governmental unit or public trust that enters into membership or contracts with a purchasing or interlocal cooperative to enter into purchases or contracts under the terms negotiated by the cooperative.
 - Deems participating local governmental units to be in compliance with bid notices and publication requirements if the purchasing or interlocal cooperative is in compliance.

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: 61 O.S. § 103

Helpful statutory reference: 70 O.S. § 5-117b



H.B. 1796

RE: H.B. 1796
SUBJECT: Teachers

House Bill 1796 becomes effective April 28, 2021. This bill authorizes the State Board of Education, in consultation with OEQA, to grant subject area examination exceptions for initial teacher certification to candidates with an advanced degree in the content area.

- Section 1(F): Authorizes the State Board of Education, in consultation with the Commission for Educational Quality and Accountability (OEQA), to grant an exception to the required subject area examination for *initial* teacher certification, regardless of pathway, in a field not requiring an advanced degree, provided the candidate has an advanced degree in a subject that is substantially comparable to the content assessed on the examination.
 - Requires advanced degrees to be from an institution accredited by a national or regional accrediting agency recognized by the U.S. Department of Education.
 - Requires OEQA to provide the State Board with the necessary information to determine comparability.

NOTE: This exception previously only existed for candidates pursuing the alternative placement teaching certificate as provided by S.B. 1115 (2020).

Should you have any questions related to this bill, please contact Mr. Jeff Smith, Executive Director of Teacher Certification, at (405) 522-3238 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Prospective teacher candidates should contact OEQA directly with questions regarding the eligibility of an advanced degree for this exemption, at (405) 522-5399.

Amendment to: 70 O.S. § 6-187
Helpful statutory reference: 70 O.S. § 6-122.3



H.B. 1801

RE: H.B. 1801
SUBJECT: Schools

House Bill 1801 becomes effective November 1, 2021. This bill expands “Riley’s Rule” to require an Emergency Action Plan for each facility and athletic practices, events or activities held at school district facilities and requires the plan to be rehearsed annually.

- Section 1(B): Requires local school boards, prior to the 2021-2022 school year, to coordinate with emergency medical service providers that serve the area where the district is located in developing an Emergency Action Plan (EAP) that includes *each facility* and athletic *practices*, in addition to other events or activities held at district facilities.
- Section 1(C): Requires the EAP to be posted in each facility, be distributed to all school officials involved in athletic practices, events or activities held at school district facilities, and include:
 - Include maps and directions with appropriate contact information for emergency medical services;
 - Assign a medical administrator who is a current school employee such as a coach, administrator or athletic director;
 - Define responsibilities and personnel on-site, both medical and school officials;
 - Include a list of medical equipment available and location of the nearest automated external defibrillator, if available;
 - Specify documentation actions after any emergency to evaluate for debriefing purposes and to determine if there are necessary changes to the Emergency Action Plan.
- Section 1(D): Requires the EAP to be reviewed, updated and *rehearsed* annually with school officials and local emergency medical service providers.

- Requires the EAP to be updated to reflect any significant change that would affect implementation.

- Section 1(E): Requires districts hosting athletic events or activities where athletes from visiting schools are participating to digitally transmit the EAP to the visiting administrator or coach *or* post it on the school website.

Should you have any questions related to this bill, please contact Mr. Jon Parker, Executive Director of School Safety & Security, at (405) 521-6387 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 27-104



H.B. 1875

RE: H.B. 1875

SUBJECT: Open Records

House Bill 1875 becomes effective May 10, 2021. This bill prohibits an educational agency or institution that is not the primary custodian of student directory information from releasing or selling any student directory information unless otherwise allowed by state or federal law.

Existing law defines student “directory information” to include a student’s name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational institution attended by the student.

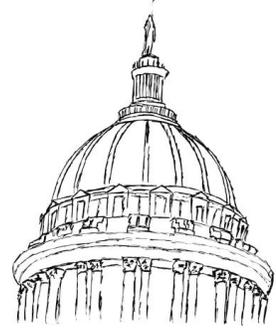
- Section 1(B): Authorizes public education institutions to designate specific information as student “directory information,” which is open for inspection and copying, provided this is done in accordance with FERPA.
- Section 1(C): Creates an exception to the allowable release of directory information which prohibits educational agencies or institutions that are not the primary custodians of student directory information of students attending the educational institution, but which are allowed to access the information for educational purposes, from releasing or selling any or all student directory information unless disclosure is authorized by FERPA or the Student Data Accessibility, Transparency and Accountability Act of 2013.

NOTE: Education institutions are required to provide public notice of information designated as directory information with respect to attending students and allow parents the opportunity to request that any or all of the designated information related to their student not be released without prior consent.

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.16

Helpful statutory reference: 70 O.S. § 3-168, 20 U.S.C. § 1232g; 34 CFR Part 99 (The Family Educational Rights and Privacy Act, i.e., FERPA)



H.B. 1876

RE: H.B. 1876
SUBJECT: Open Records

House Bill 1876 becomes effective May 3, 2021. This bill requires certain personal information of current and former public employees, such as teachers and other school staff, to be kept confidential.

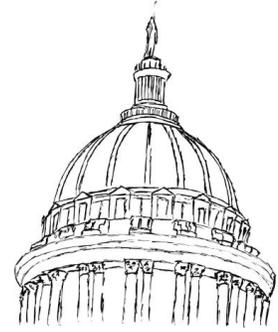
Existing law requires all personnel records maintained by a public body to be available for public inspection and copying unless otherwise exempted by law.

- Section 1(D): Creates an exemption, requiring public bodies to keep confidential the following personal information of current and former employees:
 - Home addresses
 - Home telephone numbers
 - Social Security numbers
 - Private email addresses
 - Private mobile phone numbers

Clarifies that public records created using a private email address or private mobile phone are not exempt from disclosure.

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.7
Helpful statutory reference: 51 O.S. § 24A.1



H.B. 1882

RE: H.B. 1882
SUBJECT: Schools

House Bill 1882 becomes effective November 1, 2021. This bill creates the “Out-of-Schooltime Task Force” to identify ways to increase and improve quality, affordable out-of-school programs in the state and report findings to the Legislature and Governor by December 1, 2022.

- Section 1(A): Creates the “Out-of-Schooltime Task Force” through December 31, 2022 to identify, evaluate and recommend a set of best practices for children, youth and families which will improve and increase the number of quality, affordable out-of-school programs in the state.
- Section 1(B): Designates the 19 members of the task force as follows:
 - One current member of the House of Representatives, appointed by the Speaker of the House of Representatives;
 - One current member of the Senate, appointed by the President Pro Tempore of the Senate;
 - **The State Superintendent of Public Instruction or designee;**
 - The Director of the Department of Human Services or designee;
 - The Commissioner of the Department of Mental Health and Substance Abuse Services or designee;
 - The Executive Director of the Office of Juvenile Affairs or designee;
 - The Commissioner of the State Department of Health or designee;
 - **One member who is a school administrator and one member who is a certified teacher appointed by the State Superintendent of Public Instruction;**
 - One member who is a representative of a tribal nation, appointed by the Speaker;
 - One member who is a representative of a national nonprofit organization made up of local chapters which provide youth development programming during out-of-schooltime hours at a minimum of 75 sites statewide and aggregate statewide outcomes data via a national survey, appointed by the Speaker;
 - One member who is a representative of a national nonprofit organization for youth development, healthy living and social responsibility, appointed by the President Pro Temp;
 - One member who is a representative of a nonprofit statewide after-school network, appointed by the President Pro Temp;

- One member who is a representative of the Governor’s office, appointed by the Governor;
 - Three members who represent out-of-schooltime service providers from different geographic areas of the state, one of which shall be a for-profit licensed child care provider actively providing out-of-schooltime services in the state, appointed by the Governor; and
 - Two members who represent higher education, one from a public research university and one from a public regional university, appointed by the Governor.
- Section 1(C): Requires task force appointments to be made by December 1, 2021 with members serving at the pleasure of the appointing authority. Requires the State Superintendent to call the task force’s first meeting no later than February 1, 2022.
 - Section 1(D): Requires the task force to elect a chair and vice-chair at its first meeting and requires ten members for a quorum needed to conduct meeting business.
 - Section 1(E): Requires the task force to meet at least six times, and prohibits task force members from receiving compensation or reimbursement for travel expenses.
 - Section 1(F): Requires the task force to review existing maps of after-school programs and highlight gaps in access and equity including for Oklahomans with disabilities; engage with and solicit feedback from specific stakeholders; identify and evaluate best practices to improve and increase the number of quality, affordable out-of-school programs; review tools to evaluate success across education, health, substance abuse prevention and workforce readiness outcomes; recommend best practices and evaluation tools including disseminating information to state, tribal and local government agencies including their educational agencies and the public, among others; and explore funding sources to support out of schooltime.
 - Section 1(G): Requires the House of Representatives to provide administrative support to the task force.
 - Section 1(H): Requires the task force to report its findings to the Governor, President Pro Tempore of the Senate and the Speaker of the House of Representatives by December 1, 2022.

Should you have any questions related to this bill, please contact Ms. Petra Woodard, Executive Director of Academic Counseling, at (405) 522-0031 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law not codified



H.B. 1963

RE: H.B. 1963
SUBJECT: Elections

House Bill 1963 becomes effective November 1, 2021. This bill requires the Governor to appoint a local school board member if the board has insufficient membership to attain a quorum and conduct business.

Existing law requires that all school district and technology center board vacancies be appointed by the school board.

- Section 1(F): Requires the Governor to appoint a board member or members to a school district or technology center board if vacancies have resulted in the loss of the majority of members needed to constitute a quorum and conduct business.
 - Requires the Governor to appoint members who meet the same requirements as board-appointed members and only for the remainder of the vacant seat's term.

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: 26 O.S. § 13A-110

Helpful statutory reference: 26 O.S. § 13A-106, Article 6 § 13 of the Oklahoma Constitution



H.B. 1967

RE: H.B. 1967

SUBJECT: Public safety

House Bill 1967 becomes effective November 1, 2021. This bill requires a school bus driver witnessing a vehicle passing a bus while loading or offloading students to report the violation on or before the end of the next business day.

- Section 1(D): Requires a school bus driver witnessing a vehicle overtaking the bus while in the process of loading or offloading students while the red loading signals are in operation to report this traffic violation *on or before the end of the next business day* following the offense, rather than within 24 hours, including the vehicle color, license tag number, and the time and place such violation to local law enforcement.

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: 47 O.S. § 11-705



H.B. 1968

RE: H.B. 1968
SUBJECT: Schools

House Bill 1968 becomes effective April 28, 2021. This bill eliminates the duplicative annual school expenditures report for Gifted and Talented programs due to OSDE by August 1.

- Section 1(D): Repeals the Gifted and Talented (GT) programs expenditure report that was due to OSDE by August 1 of each year.

NOTE: The remaining language in the statute requires districts to report expenditure data for gifted child educational programs in the Oklahoma Cost Accounting System (OCAS). This bill was enacted with an emergency clause; and as a result, the report and all related documentation ceased to be required on the bill's effective date.

Should you have any questions related to this bill, please contact Ms. Ashley Moore, Director of Gifted & Talented Education Program, at (405) 522-0081 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 1210.307
Helpful statutory reference: 70 O.S. § 5-135, 1210.301



H.B. 2030

RE: H.B. 2030
SUBJECT: Schools

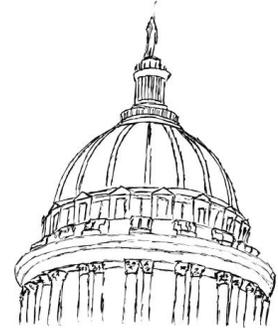
House Bill 2030 becomes effective November 1, 2021. This bill requires students to earn a passing score on the U.S. naturalization test to graduate high school.

- Section 1(A)(8-9): Requires the Oklahoma subject matter standards for history, social studies, and U.S. Government to include the study of important historical documents, including the U.S. Constitution, Declaration of Independence, Emancipation Proclamation, Federalist Papers and other documents with significant history and heritage of the United States. Requires the Oklahoma subject matter standards for U.S. Government to include the structure and relationship between the national, state, county and local governments and simulations of the democratic process.
 - Requires the U.S. naturalization test to be administered beginning with the 2022-23 school year.
- Section 1(F): Requires students to pass the U.S. naturalization test – with a score of 60 out of 100 questions – in order to graduate from an accredited public school beginning with ninth graders in the 2021-22 school year (class of 2025). Requires school districts to offer the naturalization test to students at least once per school year, which may begin as early as eighth grade at the discretion of the school district; provided, any student may retake the exam upon request, and as often as desired, until earning a passing score.
 - Exempts students with disabilities whose individualized education program (IEP) indicates that the student is to be assessed with alternate achievement standards through the Oklahoma Alternate Assessment Program (OAAP) from this graduation requirement.

NOTE: While administering the test is not required until 2022-23, districts may begin doing so earlier in order to provide the graduating class of 2025 ample opportunities to take the exam.

Should you have any questions related to this bill, please contact Ms. Petra Woodard, Executive Director of Academic Counseling, at (405) 522-0031 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 11-103.6
Helpful statutory reference: 70 O.S. § 1210.508-3



H.B. 2078

RE: H.B. 2078

SUBJECT: School funding

House Bill 2078 becomes effective July 1, 2022. This bill revises the calculation of state aid beginning with the 2022-23 school year. It requires the initial allocation be based on the WADM from the preceding school year and the mid-year adjustment be based on the higher of either the current year first nine weeks' WADM or the preceding school year WADM. This change eliminates the provision commonly known as the "Three-Year-High." It also increases the general fund carryover amounts and waives the carryover penalty for certain fiscal years.

- Section 1(A): Requires that each school district have its initial State Aid allocation calculated based on the Weighted Average Daily Membership (WADM) of the preceding school year, rather than the highest of the preceding two years, beginning with the 2022-23 school year. Eliminates an outdated provision that the membership of nonresident, transferred pupils enrolled in online courses be based on the WADM of the preceding school year.
- Section 1(C): For purposes of calculating per pupil revenue in July, directs the district's preceding year's total WADM to be used rather than the district's second preceding year. This calculation is used in the determination of districts having per pupil revenue in excess of 300% of the state average.

NOTE: H.B. 2890 restores use of the second preceding year due to the necessary data not being available in July.

- Section 1(D)(1, 3): Requires each school district's Foundation and Salary Incentive Aid to be calculated by using the higher WADM of either the first nine weeks of the current school year or the previous school year, rather than prior two school years.
- Section 1(G)(1): Increases the amount of general fund collections school districts may carry over from the preceding year before being assessed a penalty. The allowable carryover percentages vary based on a school's total general fund collections as follows:
 - Less than \$1,000,000 / 48% (+8%)
 - \$1,000,000 - \$2,999,999 / 42% (+7%)
 - \$3,000,000 - \$3,999,999 / 36% (+6%)
 - \$4,000,000 - \$4,999,999 / 30% (+5%)
 - \$5,000,000 - \$5,999,999 / 24% (+4%)

- \$6,000,000 - \$7,999,999 / 22% (+4%)
- \$8,000,000 - \$9,999,999 / 19% (+3%)
- \$10,000,000 or more / 17% (+3%)

NOTE: Districts must exceed the allowable amount for two consecutive years before being assessed a penalty.

- Section 1(G)(9): Waives the general fund balance penalty for all districts exceeding the allowable amount in fiscal years 2023 and 2024, meaning penalties will not be assessed in 2024 and 2025.

NOTE: H.B. 2890 further clarifies that the waiver will be valid in fiscal years 2021 through 2024, meaning penalties will not be assessed through 2025.

- Section 2(B): Requires the calculation of weighted membership for Foundation and Salary Incentive Aid to be based on the higher WADM of either the first nine weeks of the current school year or the preceding school year rather than prior two school years.
 - Clarifies that the weighted calculations for a statewide virtual charter school experiencing a significant decline in membership be calculated solely on the first nine weeks of the current school year.
- Section 2(B)(2): Repeals an outdated weighted pupil category calculation provision that only applied in the 1996-97 school year.
- Section 2(B)(3)(c): For purposes of calculating per pupil revenue after the weighted district calculation is applied, directs the district's preceding year's total WADM, to be used rather than the highest WADM of the preceding two years. This calculation is used in the determination of districts having per pupil revenue in excess of 150% of the state average.

NOTE: H.B. 2890 restores use of the second preceding year due to the necessary data not being available at the time of calculation.

- Section 4: Provides that the bill is only effective upon the enactment of Senate Bill 783 of the 1st Session of the 58th Oklahoma Legislature.

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

Amendment to: 70 O.S. § 18-200.1, 18-201.1

Helpful statutory reference: 70 O.S. § 18-112.2, Article X § 9(b, c), 8A(c) of the Oklahoma Constitution



H.B. 2223

RE: H.B. 2223
SUBJECT: Schools

House Bill 2223 becomes effective November 1, 2021. This bill requires OSDE maintain the dyslexia handbook created by the Dyslexia and Education Task Force and published July 1, 2019 by making revisions and additions as recommended by stakeholders every three years.

- Section 1(A): Requires the State Department of Education (OSDE) to maintain the handbook created by the Dyslexia and Education Task Force which includes guidance, technical assistance and training to help schools, students and families implement evidence-based practices for instructing students with characteristics of dyslexia.
- Section 1(B): Requires OSDE to review the handbook and make revisions, as necessary, but at least every three years with stakeholder input including previous members of the Task Force and the Individuals with Disabilities Act (IDEA) Part B State Advisory Panel.
 - Requires previous Task Force members to be consulted when making revisions to the handbook; however, members not available for consultation are to be replaced by an individual meeting the original criteria for appointment.
- Section 1(C): Requires any revisions to include, but not be limited to, information for districts screening k-3 students who have been identified through response-to-intervention as having characteristics of dyslexia as follows:
 - Evidence-based practices specifically for students with characteristics of dyslexia;
 - Characteristics of targeted instruction for dyslexia;
 - Guidance for instructional plans for students with characteristics of dyslexia;
 - Best practices for reading, writing instruction aligned with the science of reading;
 - Guidance for selecting instructional materials that address dyslexia and other reading difficulties;
 - Suggested training programs; and
 - Guidance on dysgraphia and dyscalculia.

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

New law at: 70 O.S. § 1210.517



H.B. 2293

RE: H.B. 2293

SUBJECT: Teachers' Retirement System of Oklahoma

House Bill 2293 becomes effective August 25, 2021. This bill sets a separate federal or grant matching rate for OTRS members who provide service as a part of a summer school program.

- Section 1(B): Creates two contribution rates, set by the OTRS Board of Trustees, to be paid by participating employers as a match, on a pro rata basis, to those contributions of member salaries which are paid by federal funds or externally sponsored agreements such as grants, contracts and cooperative agreements.
 - Defines “participating employers” to include each local school district, or state college or university, or State Board of Education, or State Board of Career and Technology Education, or other state agencies whose employees are members of the Teachers' Retirement System.

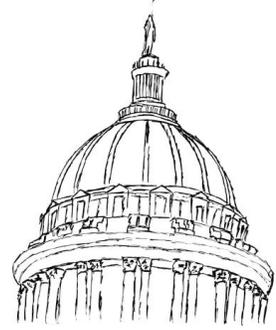
Requires the first rate to be applied to service performed during the regular school year. Requires the second rate to be applied to service performed by members during a summer school program of the participating employer. Allows the second contribution rate to take into consideration whether, or to what extent, such service is likely to add to members' service credit or final average salary, but prohibits it from exceeding one-half of the first rate. Allows the Board actuary to recommend rates using assumptions that apply to the group of those members whose service is subject to the second contribution rate.

- Defines “summer school program” to mean a program offering academic enrichment for Pre-K through grade 12 students during the summer term after the close of the school year and excludes services performed as part of an extended school year program and services performed by staff under a twelve-month contract with the employer. Requires members to be eligible for the second rate only if the member has a separate summer school contract.

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: 70 O.S. § 3-17-108

Helpful statutory reference: 70 O.S. § 1-109.1



H.B. 2318

RE: H.B. 2318
SUBJECT: Children

House Bill 2318 becomes effective November 1, 2021. This bill makes findings of heinous or shocking child abuse or neglect, or failure to protect *any* child from such abuse or neglect legal grounds for the termination of parental rights.

- Section 1(A)(9): Modifies offenses that are grounds for the termination of parental rights to include any findings of heinous or shocking child abuse or neglect against *any* child, rather than only the offending parent's child or child's sibling, or failure to protect *any* child from such abuse or neglect.

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: 10A O.S. § 1-4-904



H.B. 2329

RE: H.B. 2329

SUBJECT: Teacher certification

House Bill 2329 becomes effective July 1, 2021. This bill authorizes the State Board of Education to grant an exception to the required certification exams to deaf teachers who are fluent in ASL and who will be teaching exclusively in settings requiring the use of ASL.

- Section 1(G): Allows the State Board of Education to grant an exception to the requirements for all certification examinations for teacher candidates who are deaf. The term “deaf” is defined to mean a hearing loss so severe that the person cannot process auditory linguistic information with or without accommodation and whose primary language and teaching environment is American Sign Language (ASL). Exceptions may be granted upon:
 - Verification by a licensed audiologist of a hearing loss so severe that the teacher candidate cannot process auditory linguistic information with or without accommodation;
 - Demonstration of fluency in ASL;
 - Demonstration of competency in the subject area of specialization as approved by the Board in lieu of certification examinations; and
 - Sponsorship by a certified deaf education teacher for a mentorship program.
- Section 1(G)(4): Authorizes the Board to promulgate rules and other requirements as necessary to grant the exceptions. Clarifies that applicable teaching environments to qualify for the exception may include ASL immersion programs, the Oklahoma School for the Deaf, and programs for the deaf or other classroom settings in which ASL is the language of instruction.

Should you have any questions related to this bill, please contact Mr. Jeff Smith, Executive Director of Teacher Certification, at (405) 522-3238 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 6-187

Helpful statutory reference: 70 O.S. § 6-122.3



H.B. 2462

RE: H.B. 2462

SUBJECT: State Government

House Bill 2462 becomes effective April 23, 2021. This bill reauthorizes the OSDE to enter into contracts and agreements for expenses necessary to host, or participate in, conferences or training sessions.

- Section 1(O): Authorizes the State Department of Education (OSDE) to enter into contracts and agreements for the payment of food, lodging and other authorized expenses as necessary to host, conduct, sponsor or participate in conferences, meetings or training sessions.
 - Authorizes OSDE to create accounts as necessary for the collection and distribution of funds from sponsors and registration fees related to conferences, meetings or training sessions.
 - Allows OSDE to pay any incurred expenses directly to the contracting agency or business establishment.

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

Amendment to: 74 O.S. § 500.2



H.B. 2465

RE: H.B. 2465

SUBJECT: Motor vehicles

House Bill 2465 becomes effective April 26, 2021. This bill permits DPS to approve school districts, CareerTech, or higher education to be written examination proctors for any original Class A, B, C or D driver permit, license and related endorsements.

- Section 1(C)(2): Authorizes the written portions of driver license exams to be administered by Department of Public Safety (DPS) approved written examination proctors, for purposes of receiving a learner permit.
- Section 2(A)(1): Authorizes DPS-approved written examination proctors to administer written exams for any original Class A, B, C or D driver license and/or related endorsements. Authorizes DPS to approve and enter into agreements with local school districts, the Oklahoma Department of Career and Technology Education, or institutions of higher education to act as approved written examination proctors.

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: 47 O.S. § 6-105, 6-110



H.B. 2515

RE: H.B. 2515

SUBJECT: Crimes and punishments

House Bill 2515 becomes effective November 1, 2021. This bill clarifies that certain crimes of child abuse and neglect apply to any person responsible for a child's health, safety or welfare.

Existing law requires every school employee having reason to believe that a student under age 18 is a victim of abuse/neglect to report the matter immediately to DHS and local law enforcement.

- Section 1(A): Requires *any person* convicted of willfully or maliciously engaging in child abuse to be guilty of a felony, punishable by imprisonment and/or fine as defined by law.
- Section 1(B): Requires *any person responsible for the health, safety or welfare of a child* convicted of willfully or maliciously engaging in enabling child abuse to be punished by imprisonment and/or fine as defined by law.
- Section 1(C): Requires *any person responsible for the health, safety or welfare of a child* convicted of willfully or maliciously engaging in child neglect to be punished by imprisonment and/or fine as defined by law.
- Section 1(E-F): Requires *any person responsible for the health, safety or welfare of a child* convicted of willfully or maliciously engaging in child sexual abuse to be punished by imprisonment and/or fine as defined by law.
- Section 1(H-I): Requires *any person* convicted of willfully or maliciously engaging in child sexual exploitation to be punished by imprisonment and/or fine as defined by law.
- Section 1(J): Requires *any person responsible for the health, safety or welfare of a child* convicted of willfully or maliciously enabling child sexual exploitation to be punished by imprisonment and/or fine as defined by law.
- Section 1(K): Requires *any person* convicted of forcible sodomy, rape, or lewd molestation of a child under age 14 to be punished by death/life imprisonment no parole.
- Section 1(M): Prohibits consent from being used as a defense for any of these crimes.
- Section 1(N): Requires these crimes to apply to children under age 18.

- Section 1(O)(1): Defines “child abuse” to mean:
 - The willful or malicious harm or threatened harm or failure to protect from harm or threatened harm to the health, safety or welfare of a child under 18 years old by a person responsible for a child’s health, safety or welfare, or
 - The act of willfully or maliciously injuring, torturing or maiming a child under 18 years old by any person.
- Section 1(O)(2): Defines “child neglect” to mean willful or malicious neglect of a child under 18 years old by a person responsible for a child’s health, safety or welfare.

NOTE: H.B. 2565 revises the definitions of child neglect and deprivation.

- Section 1(O)(12): Defines “person responsible for a child’s health, safety or welfare” to include, **but not be limited to** the following:
 - The parent of the child,
 - The legal guardian of the child,
 - The custodian of the child,
 - The foster parent of the child,
 - A person 18 years old or older with whom the parent of the child cohabitates, who is at least three years older than the child,
 - Any other person 18 years old or older residing in the home of the child, who is at least three years older than the child,
 - An owner, operator, agent, employee, volunteer of a public or private residential home, institution, facility or day treatment program that the child attended,
 - An owner, operator, agent, employee, volunteer of a child care facility, including out-of-school time programs, that the child attended,
 - An intimate partner of the parent of the child,
 - A person who has voluntarily accepted responsibility for the care or supervision of a child.
- Section 1(O): Defines the following additional terms: child sexual abuse, child sexual exploitation, enabling child abuse, enabling child neglect, enabling child sexual abuse, enabling child sexual exploitation, incest, lewd act or proposal, permit, sexual intercourse, and sodomy.

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. § 843.5, 888, 1111, 1123

Helpful statutory reference: 10 O.S. § 175.20, 402, 10A O.S. § 1-1-105, 70 O.S. § 1210.163



H.B. 2565

RE: H.B. 2565

SUBJECT: Oklahoma Children's Code

House Bill 2565 becomes effective November 1, 2021. This bill excludes certain independent activities of a child from the definition of neglect.

Existing law requires every school employee having reason to believe that a student under the age of 18 is a victim of abuse or neglect to report the matter immediately to the Department of Human Services and local law enforcement.

- Section 1(21): Defines “deprived child” to include that evidence of material, educational or cultural disadvantage as compared to other children is not sufficient to prove that a child is deprived and requires the state to prove that the child is deprived.
- Section 1(49)(a)(1): Defines “neglect” to include the failure or omission to provide supervision or appropriate caretakers to protect the child from harm or threatened harm of which any reasonable and prudent person responsible for the child’s health, safety or welfare would be aware; or special care made necessary for the child’s health and safety by the physical or mental condition of the child.
- Section 1(49)(b): Defines “neglect” to exclude a child who engages in independent activities, except if the person responsible for the child’s health, safety or welfare willfully disregards any harm or threatened harm to the child, given the child’s level of maturity, physical condition or mental abilities. Such independent activities include but are not limited to:
 - traveling to and from school including by walking, running or bicycling,
 - traveling to and from nearby commercial or recreational facilities, engaging in outdoor play,
 - remaining at home unattended for a reasonable amount of time,
 - remaining in a vehicle if the temperature inside the vehicle is not or will not become dangerously hot or cold, or allowable by state law (e.g., if accompanied by a competent person who is at least 12 years old), or
 - engaging in similar activities alone or with other children.

NOTE: H.B. 2515 clarifies that the crimes of child abuse and neglect apply to any person responsible for the health of a child, not only the child's parents, and corresponding punishments.

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: 10A O.S. § 1-1-105

Helpful statutory reference: 10A O.S. § 1-2-101, 70 O.S. § 1210.163



H.B. 2646

RE: H.B. 2646

SUBJECT: Medical Marijuana

House Bill 2646 becomes effective November 1, 2021. This bill clarifies the calculation of the 1,000-foot rule between schools and medical marijuana dispensaries and grandfathers in dispensaries that were compliant with the previous calculation.

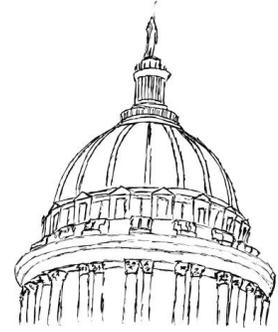
NOTE: S.B. 1033 also amends the 1,000-foot distance rule and took effect May 28, 2021. Due to H.B. 2646 being signed after S.B. 1033 and its effective date being later, the provisions of H.B. 2646 will supersede those of S.B. 1033 in the event there is a conflict.

- Section 5(G): Revises the calculation for the 1,000-foot distance requirement between a medical marijuana dispensary and any public or private school *to be measured from the nearest property line of the school to the nearest perimeter wall of the dispensary's licensed premises*.
 - Creates a grandfather provision for dispensaries that were compliant with the minimum distance at the time of initial licensure prior to this change (i.e., not within 1,000 feet, measured from the dispensary to a school's front entrance) and prohibits a dispensary's license from being nonrenewed or revoked as a result of the new measurement requirements.
 - Exempts existing licensed dispensaries in the event a school is established within 1,000 feet of the business.
 - Excludes 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 instruction.
- Section 28(B)(3)(d): Revises the calculation for the 1,000-foot distance requirement between a *medical marijuana waste disposal facility* and any public or private school to be measured from the nearest property line of the school to the nearest perimeter wall of the waste disposal facility's premises.
 - Exempts existing licensed waste disposal facilities in the event a school is established within 1,000 feet of the business.

NOTE: This summary is not an exhaustive list of every change made by H.B. 2646 and only reflects the sections of the bill most pertinent to 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: 63 O.S. § 425



H.B. 2691

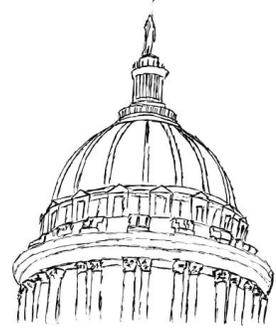
RE: H.B. 2691
SUBJECT: Education

House Bill 2691 becomes effective July 1, 2021. This bill requires OEQA to issue a report detailing factors that contribute to improvements in common education, including high school graduation rates and assessment scores. The bill also requires the report to highlight improvements in higher education, CareerTech and workforce pipeline, and may detail information gaps between the state's education agencies.

- Section 1(A): Requires the Commission for Educational Quality and Accountability (OEQA) to issue a report by October 31, 2021 to the Speaker of the House, the President Pro Tempore of the Senate and the Governor detailing factors in public education that contribute to improvements in the:
 - Common education system including, but not limited to, high school graduation rates and college and career assessment scores;
 - Higher education and career and technology education systems including, but not limited to, timely graduation rates and reduced remediation rates; and
 - State workforce including, but not limited to, career readiness and the ability for new graduates to find in-state employment.
- Section 1(B): Requires OEQA to include recommendations on ways to address information gaps between state entities, such as the State Department of Education, the Oklahoma Department of Career and Technology Education and the Oklahoma State Regents for Higher Education if it finds there is insufficient information available to fulfill these objectives.
- Section 1(C): Authorizes OEQA to contract with private consultants to assist in developing the report.
- Section 1(D): Authorizes OEQA to use any of its available funds to develop the report.

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

New law at: 70 O.S. § 3-116.5



H.B. 2748

RE: H.B. 2748
SUBJECT: Schools

House Bill 2748 becomes effective November 1, 2021. This bill requires the State Board of Education to issue a one-year alternative teacher certificate, renewable for up to three years, to qualifying early childhood or elementary education candidates who declare their intention to earn standard certification within three years.

- Section 1: Requires the State Board of education to issue a one-year alternative teacher certificate, renewable for up to three years, to teach *early childhood education* or *elementary education* to any qualified candidate who:
 - has successfully completed a terminal degree, such as a doctorate of philosophy, a doctorate in education, professional doctorates, a master of fine arts degree or a master of library science degree, from an institution accredited by a national or regional accrediting agency recognized by U.S. Secretary of Education and in consultation with the Oklahoma State Regents for Higher Education, **OR**
 - holds at least a baccalaureate degree from an institution whose accreditation is recognized by the Oklahoma State Regents for Higher Education and has two years of post-degree-completion qualified work experience in a field that corresponds to early childhood education or elementary education; **AND**
 - declares the intention to earn standard certification by means of the early childhood and elementary education alternative certification program within three years **AND**:
 - **within the first year** satisfactorily completes six credit hours in *classroom management* and *reading instruction* from an educator preparation program approved and accredited by the Commission for Educational Quality and Accountability (OEQA), completes required State Department of Education approved training in the *science of reading* and participates in a yearlong mentorship or instructional coaching in reading and classroom management provided by the employing school district prior to the renewal of the provisional certificate for a second year,
 - **within the second year** satisfactorily completes six credit hours in *child development* and *math instruction* from an educator preparation program approved and accredited by OEQA, participates in an additional yearlong

mentorship or instructional coaching in child development and math instruction provided by the employing school district prior to the renewal of the provisional certificate for a third year, **AND**

- successfully completes the general education (OGET) and subject area portions (OSAT) of the required competency examination in the area of specialization for which certification is sought, **AND**

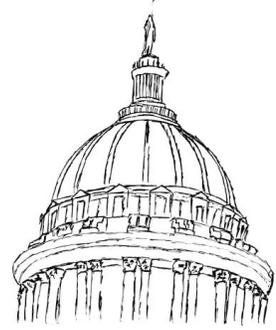
NOTE: H.B. 1796 allows a candidate possessing an advanced degree in a subject substantially comparable to the content assessed on the OSAT to receive a waiver for the test.

- **within the third year** satisfactorily completes six additional credit hours of professional education coursework from an educator preparation program approved and accredited by OEQA, participated in an additional yearlong mentorship or instructional coaching provided by the employing school district, and successfully passed the professional knowledge portions of the required competency examination (OPTE/PPAT) in the area of specialization for which certification is sought.

Should you have any questions related to this bill, please contact Mr. Jeff Smith, Executive Director of Teacher Certification, at (405) 522-3238 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. § 6-122.11

Helpful statutory reference: 70 O.S. § 6-187, 1210.508F



H.B. 2749

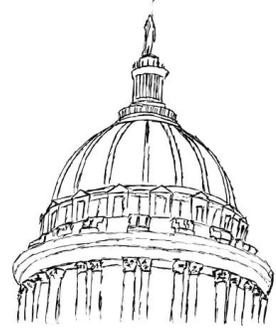
RE: H.B. 2749
SUBJECT: Schools

House Bill 2749 becomes effective August 25, 2021. This bill requires school districts receiving more than \$2,500 in RSA funding to spend a minimum of 10% of these funds on professional development for the science of reading.

- Section 1(B): Requires school districts receiving more than \$2,500 in Reading Sufficiency Act (RSA) funding to spend a minimum of 10% of these funds to provide professional development for teachers teaching prekindergarten through grade five, beginning with the 2022-23 school year.
 - Requires the professional development to include training in the science of how student's learn to read (i.e., science of reading) as well as instructional materials required for implementation.
- Section 1(C): Requires the Department of Education to approve and publish a list of evidence-based professional develop programs that directly address the science of reading by June 30, 2022 for which districts are permitted to use such funds.

Should you have any questions related to this bill, please contact Ms. Melissa Ahlgrim, Director of Reading Sufficiency Act, at (405) 522-1591 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 1210.508D



H.B. 2750

RE: H.B. 2750
SUBJECT: Schools

House Bill 2750 becomes effective July 1, 2021. This bill states legislative intent that colleges and universities grant course credit to students who score a 3 or higher on an AP exam.

- Section 1(C): States the Legislature’s intent that higher education institutions within the Oklahoma State System of Higher Education not require an Advanced Placement (AP) Exam score of more than three for granting course credit for lower division courses; however, institutions may require a score of more than three for granting additional course credit for a lower division course or courses sequenced with the initial lower division course.
 - Requires institutions to have AP Exam credit policies available on campus websites beginning with the 2021-22 fall academic term and every following term. Such policies must be reviewed biennially.
 - Requires the Oklahoma State System of Higher Education to annually report noncompliance to the House Common Education Committee, House Higher Education and Career Tech Committee, and Senate Education Committee beginning December 1, 2021.

Should you have any questions related to this bill, please contact Ms. Petra Woodard, Executive Director of Academic Counseling, at (405) 522-0031 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 3207.1



H.B. 2752

RE: H.B. 2752
SUBJECT: Teachers

House Bill 2752 becomes effective July 1, 2021. This bill requires the OSDE, in coordination with OEQA, to establish a micro-credential program for teachers and teaching candidates to earn micro-credentials in STEM upon the completion of required coursework.

- Section 1(A): Requires the State Department of Education OSDE, in coordination with the Commission for Educational Quality and Accountability (OEQA), to establish a micro-credential program within 120 days of the effective date of this act, which is October 29, for the purpose of permitting any teacher candidate or certified teacher to complete additional coursework and earn micro-credentials in science, technology, engineering and mathematics (STEM) endorsement areas including computer science.
- Section 1(B): Requires OSDE and OEQA to convene a working group including pertinent education stakeholders to determine how any awarded micro-credentials will be used including:
 - To award add-on endorsements to teachers in STEM endorsement areas including computer science;
 - In lieu of the required subject area competency examination (OSAT); and
 - To meet professional development program requirements.
- Section 1(C): Provides that courses offered as part of the micro-credential program may be delivered in person, online or in a blended format.

Should you have any questions related to this bill, please contact Mr. Jeff Smith, Executive Director of Teacher Certification, at (405) 522-3238 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. § 6-212
Helpful statutory reference: 70 O.S. § 6-187, 6-194



H.B. 2862

RE: H.B. 2862

SUBJECT: Competitive bidding contracts

House Bill 2862 becomes effective November 1, 2021. This bill raises the thresholds for competitive bidding requirements for public construction contracts to \$100,000 and construction management trade contracts or subcontracts to \$50,000.

- Section 1(5): Defines “Construction management trade contract or subcontract” to mean any public construction contract exceeding \$50,000 that is awarded as a trade contract in an agency construction management contract or awarded as a subcontract in an at-risk construction management contract.
- Section 1(7): Amends definition of “Public construction contract” or “contract” to mean any contract in excess of \$100,000 (increased from \$50,000), or any construction management trade contracts or subcontracts exceeding \$50,000.
 - Includes awards made by any public agency or political subdivision, such as a school district, for the general purpose of making public improvements or constructing public buildings or for related repairs and maintenance.
- Section 2(A): Requires public construction contracts exceeding \$100,000 (increased from \$50,000) or construction management trade contracts or subcontracts exceeding \$50,000 to be awarded to the lowest bidder, by open competitive bidding after a solicitation for sealed bids.
- Section 2(B): Allows an awarding entity of a public construction contract exceeding \$100,000 (increased from \$50,000) or a construction management trade contract or subcontract exceeding \$50,000 to extend the existing 5 percent bid preference to a local bid deemed to be of economic benefit to the local area or economy.
- Section 2(E): Requires construction contracts in amounts between \$50,000 (increased from \$25,000) and \$100,000 (increased from \$85,000) for the purpose of making improvements or repairs to public school district property, to be awarded to the lowest bidder. Retains school district authority to negotiate construction contracts not exceeding \$25,000 with qualified contractors.

- Section 2(G): Prohibits a public construction contract exceeding \$10,000 (increased from \$5,000) and up to \$100,000 (increased from \$50,000) or construction management trade contracts or subcontracts exceeding \$50,000 from being awarded to any contractor affiliated with a purchasing cooperative unless the contractor and cooperative have fully complied with open competitive bidding and other legal requirements. Prohibits a purchasing cooperative and affiliated contractor from bidding on any such contracts unless each has fully complied with applicable purchasing laws.
- Section 5(2): Requires competitive bidding notice to be sent to one in-state trade or construction publication when the estimated contract cost of a public construction contracts exceeds \$100,000 (increased from \$50,000) or \$50,000 for construction management trade contracts or subcontracts.
- Section 6(A): Requires the bidder on a public construction contract exceeding \$100,000 (increased from \$50,000) or construction management trade contract or subcontract exceeding \$50,000 to accompany the bid with the required cashiers check or letter of credit equivalent to five percent of the total bid amount.
- Section 7(B): Requires the contractor awarded a public construction contract that exceeds \$100,000 (increased from \$50,000) or a construction management trade contract or subcontract exceeding \$50,000 to provide a bond or letter of credit equal to the contract price and related surety within 60 days of the contract being awarded.
- Section 8(A-B): Authorizes the governing body of a political subdivision to negotiate a contract directly with a prospective contractor if the value of a public construction contract does not exceed \$100,000 (increased from \$50,000) or \$50,000 for a construction management trade contracts or subcontracts and no bids were made in a timely manner. Limits the total amount awarded to \$100,000 (increased from \$50,000) or \$50,000 for a construction management trade contracts or subcontracts.
- Section 9(B): Authorizes delegation of authority to a chief administrative officer for emergency contracts to be made in amounts less than \$150,000 (increased from \$75,000) based on a two-thirds majority vote by a political subdivision's governing body.

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: 61 O.S. § 102, 103, 103.5, 103.7, 104, 107, 113, 119.1, 130



H.B. 2890

RE: H.B. 2890

SUBJECT: School funding

House Bill 2890 becomes effective May 21, 2021. This bill waives the general fund balance penalty for all school districts in fiscal years 2021 through 2024, clarifying the intent of the waiver established in H.B. 2078.

- Section 1(G)(9): Creates a general fund balance penalty waiver for fiscal years 2021 through 2024, meaning penalties will not be assessed through 2025.

NOTE: Districts must exceed the allowable amount for two consecutive years before being assessed a penalty. H.B. 2078's waiver would have omitted the waiver for fiscal years 2020 and 2021.

- Section 2(C): Restores use of the second preceding year for purposes of calculating per pupil revenue in July in the determination of districts having per pupil revenue in excess of 300% of the state average due to the necessary data not being available in July.
- Section 3(B)(3)(c): Restores use of the second preceding year for purposes of calculating per pupil revenue after the weighted district calculation is applied in the determination of districts having per pupil revenue in excess of 150% of the state average.

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

Amendment to: 70 O.S. § 18-200.1, 18-201.1



H.B. 2900

RE: H.B. 2900

SUBJECT: General Appropriations

House Bill 2900 becomes effective July 1, 2021. 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 \$3,164,386,184 to the State Board of Education.

- Sections 1-16: Appropriates \$3,164,386,184 to the State Board of Education for Fiscal Year 2022 (FY 22), which is \$171,656,370 *more* than was appropriated in FY 21.
- Financial Support for Public Schools (i.e. funding formula) is appropriated \$2,437,246,699, which is \$136,276,000 *more* than the amount appropriated in FY 21.
 - \$1,471,384,271 from the General Revenue Fund
 - \$875,289,631 from the Education Reform Revolving Fund (i.e. 1017 Fund)
 - \$47,372,299 from the Common Education Technology Fund
 - \$5,225,000 from the Mineral Leasing Fund FY 22
 - \$3,524,406 from the Mineral Leasing Fund FY 20
 - \$26,077,500 from the Oklahoma Education Lottery Trust Fund FY 22
 - \$8,373,592 from the Oklahoma Education Lottery Trust Fund FY 20

NOTE: The increase to the funding formula provides sufficient operational funding to trigger the class size requirements for kindergarten and first grade established by H.B. 1017 (1990).

- Support of Public School Activities is appropriated \$108,919,026 from the General Revenue Fund, which is \$8,000,000 *more* than the amount appropriated in FY 21.
- Textbooks and instructional materials is appropriated \$60,000,000 from the General Revenue Fund, which is \$27,000,000 *more* than the amount appropriated in FY 21.
- Health Benefit Allowance (i.e. Flexible Benefit Allowance/FBA) is appropriated \$535,537,021 from the General Revenue Fund, which is equal to the amount appropriated in FY 21.
 - \$347,081,644 for Certified Employees
 - \$188,455,377 for Support Personnel

- Administrative and Support Functions of the State Department of Education is appropriated \$15,027,640 from the General Revenue Fund, which is equal to the amount appropriated in FY 21.
- School Consolidation Assistance Fund is appropriated \$3,827,899, which is \$190,185 *more* than the amount appropriated in FY 21.
 - \$2,897,500 from the Oklahoma Education Lottery Trust Fund FY 22.
 - \$930,399 from the Oklahoma Education Lottery Trust Fund FY 20.
- Oklahoma Teachers' Retirement System Dedicated Revenue Revolving Fund is appropriated \$3,827,899, which is \$190,185 *more* than the amount appropriated in FY 21.
 - \$2,897,500 from the Oklahoma Education Lottery Trust Fund FY 22.
 - \$930,399 from the Oklahoma Education Lottery Trust Fund FY 20.
- Section 28: Appropriates \$11,764,823 to the Oklahoma State Regents for Higher Education for concurrent enrollment expenditures, which is equal to the amount appropriated in FY 21.
- Section 137: The Education Reform (1017) Revolving Fund is appropriated \$37,500,000 from the Oklahoma Medical Marijuana Authority Revolving Fund, which is \$7,500,000 *more* than the amount appropriated in FY 21.
 - Section 137 became effective May 24.
- Section 138: The Ad Valorem Reimbursement Fund is appropriated \$109,000,000 from the Cash-flow Reserve 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 \$3,000,000 *less* than the amount appropriated FY 21.
 - Section 138 became effective May 24.

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. § 193, 70 O.S. § 3-104.4, 628.13, 18-113.1, 18-113.2



H.B. 2932

RE: H.B. 2932

SUBJECT: Public finance

House Bill 2932 becomes effective May 2, 2021. This bill prohibits any agency or other entity organized within the executive branch from using federal funds in a way that may increase the demand for state-appropriated funds without express authorization of the Legislature.

- Section 1: States the Legislature’s finding that federal funds made available to Oklahoma under the Coronavirus Aid, Relief, and Economic Security Act (CARES) did not allow for direct participation by the Legislature, which is directly responsible for funding many of the agencies which received and used these relief funds.
 - States that the legislative advisory group formed in May 2020, while providing some level of review for agency spending decisions, did not analyze whether the expenditures were in compliance with the CARES Act requirements or a method to prevent such expenditures from causing increases in executive agency budgets for the fiscal year ending June 30, 2021, or future fiscal years.
- Section 2(A): Prohibits, unless expressively authorized by the Legislature, all agencies, boards, commissions, departments, councils, instrumentalities or other entities organized within the executive branch of state government from using allocated federal funds from the CARES Act in a manner that will or will be likely to increase the demand for state-appropriated funds or any other state funds for fiscal year 2021 or future fiscal years.
- Section 2(B): Extends this prohibition to *any federal funds* allocated or made available by an act of Congress or federal rule or directive on or after December 1, 2020.

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: 72 O.S. § 34.501



H.B. 2946

RE: H.B. 2946

SUBJECT: Revenue and taxation

House Bill 2946 becomes effective July 1, 2021. This bill creates a sales tax rebate for the sale, lease, rental, storage, or other use of qualifying broadband equipment by internet providers or subsidiaries if property is directly used for the purpose of establishing or expanding broadband services in underserved or unserved areas.

- Section 1(43): Creates a sales tax exemption for the sale, lease, rental, storage, use or other consumption of qualifying broadband equipment by Internet providers or subsidiaries if the property is directly used or consumed in distributing broadband Internet service.
- Section 2(A): Requires the created sales tax exemption to be administered as a rebate.
- Section 2(B-C): Prohibits a rebate from being approved unless the equipment was purchased to establish or expand broadband services in underserved or unserved areas where high-speed broadband is unavailable and results in a net increase in potential customers served.

NOTE: H.B. 2040 defines “underserved area” to mean an area or region that has Internet service at speeds higher than an unserved area, but lower than high-speed Internet service. It defines “Unserved area” to mean an area or region in which there is not at least one provider of terrestrial broadband service that either offers a connection to the Internet, or is required to provide an Internet connection under the Universal Service Fund or other federal or state grant.

- Section 2(D): Requires qualifying equipment to be purchased and placed into service between January 1, 2022, and December 31, 2023 to qualify for the rebate. Requires annual claims to be filed with the Oklahoma Tax Commission (OTC) by September of the following year.
- Section 2(E): Prohibits supporting or ancillary functions, such as office operations, field operations, marketing, transportation, warehousing, data storage, or similar operations not directly resulting in broadband distribution and property directly used or consumed from qualifying for the rebate.

- Section 2(F): Places a \$42 million cap on the rebate in fiscal year 2022, with \$31.5 million reserved for projects in counties with a population density of less than 100,000 persons per square mile and the remaining \$10.5 million for all other counties.
- Section 2(G): Requires individual rebate payments to be calculated by dividing the total rebate pool amount by the dollar amount of claims received each fiscal year, and paying in full the amount of the claims submitted if the amount of claims are equal to, or less than, the total rebate pool, or a pro rata share if the total exceed the rebate pool.
- Section 2(H): Places a \$42 million cap on the rebate in fiscal year 2023 and every following fiscal year, with allocations to be made using an incentive award formula enacted by the Legislature as recommended by the Rural Broadband Expansion Council. If an incentive award formula is not enacted into law by January 1, 2023, the sales tax exemption will expire on or after January 1, 2024.
- Section 2(I): Requires OTC to develop the necessary forms and documentation for submitting rebate claims.
- Section (J-L): Requires the Oklahoman Department of Commerce and the Council to use OTC information to prepare a report by April 1, 2025 identifying qualifying broadband projects and their impact to the geographic area and the number of potential new customers served.

NOTE: Sales tax collections are a primary revenue source for the Education Reform Revolving (1017) Fund and could be impacted by this rebate.

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. § 1357

New law at: 68 O.S. § 1357.21

Helpful statutory reference: 17 O.S. § 139.102



H.B. 2960

RE: H.B. 2960

SUBJECT: Revenue and taxation

House Bill 2960 becomes effective January 1, 2022. This bill reduces the corporate income tax from 6 percent to 4 percent for all taxable years beginning after December 31, 2021.

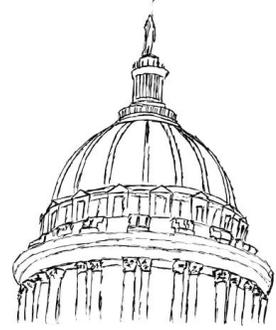
- Section 1(E): Reduces the income tax for domestic corporations from 6 percent to 4 percent for all taxable years beginning after December 31, 2021.
- Section 1(F): Reduces income tax for foreign corporations from 6 percent to 4 percent for all taxable years beginning after December 31, 2021.

NOTE: H.B. 2961 reduces the privilege tax (made in lieu of income tax) for banks from 6 percent to 4 percent for all taxable years beginning after December 31, 2021 and H.B. 2963 reduces the tax rate for companies electing for Pass-Through Entity status from 6 percent to 4 percent. These measures, taken alongside H.B. 2960 are estimated to decrease income tax collections by \$53.9 million and \$110.2 million in fiscal years 2022 and 2023 respectively.

Income tax collections are a primary revenue source for the Education Reform Revolving (1017) Fund and these three bills are expected to have an impact of \$8,893,500 for FY 22.

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. § 2355



H.B. 2962

RE: H.B. 2962

SUBJECT: Revenue and taxation

House Bill 2962 becomes effective January 1, 2022. This bill reduces the individual income tax rate by 0.25 for all taxable years beginning on or after January 1, 2022 and restores refundability of the earned income tax credit (EITC).

- Section 1(C)(1): Reduces the income tax rate by 0.25 across all tax brackets for single individuals and married individuals filing separately for all taxable years beginning after January 1, 2022.
- Section 1(C)(2): Reduces the income tax rate by 0.25 across all tax brackets for married individuals and surviving spouses filing jointly for all taxable years beginning after January 1, 2022.
- Section 2: Restores the refundability of the earned income tax credit (EITC) beginning January 1, 2022 and requires the credit be calculated using the same requirements as the federal earned income tax credit in effect for the 2020 income tax year, other than the 5 percent amount already provided, which will remain constant.

NOTE: The EITC is a tax credit for qualifying low/moderate income individuals and families.

Income tax collections are a primary revenue source for the Education Reform Revolving (1017) Fund and this bill is estimated to decrease allocations by \$6,926,787 for FY 22.

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. § 2355, 2357.43

Helpful statutory reference: 26 U.S.C. § 32



H.J.R. 1046

RE: H.J.R. 1046

SUBJECT: Proposed permanent rules

House Joint Resolution 1046 becomes effective June 11, 2021. This bill is the omnibus joint resolution on administrative rules for the 2021 Legislative Session, approving all agency rules with some exceptions, including the proposed amendment to OAC 210:15-3-173, which updated the Information Literacy standards based on the most recent American Association of School Librarian (AASL) standards.

- Section 1: Approves all proposed permanent rules of Oklahoma state agencies filed on or before April 1, 2021 except:
 - Oklahoma Tourism and Recreation Department, OAC 725:30-4-4;
 - Oklahoma Insurance Department, OAC 365:25-29-8;
 - **Oklahoma State Department of Education, OAC 210:15-3-173;** and
 - Oklahoma Department of Wildlife Conservation, OAC 800:10-1-7, 800:15-1-1, 800:15-1-2, 800:15-1-3, 800:15-1-4, 800:15-1-5, 800:15-3-1, 800:15-3-2, 800:15-3-3, 800:15-3-4, 800:15-3-5, 800:15-5-1, 800:15-5-2, 800:15-5-3 and 800:15-5-4.

NOTE: The disapproval of a rule amendment causes the original version to remain in effect. As a result, the Information Literacy standards revert to those that were adopted in 2007. The resolution approved the revocation of OAC 210:15-3-172 and 210:15-3-172.1, which provided the *overview* and *definitions* for the Information Literacy standards.

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.

Resolution not codified



S.B. 13

RE: S.B. 13
SUBJECT: Teachers

Senate Bill 13 becomes effective July 1, 2021. This bill requires a teacher whose certificate is suspended by the State Board of Education to be placed on suspension while proceedings for revocation or other action are pending.

- Section 1(L): Requires a teacher whose certificate is suspended by the State Board of Education in the interest of health, safety, or welfare of students, to be suspended from their duties by the employing school district while proceedings for revocation or other action are pending before the Board.
 - This requirement does not preclude the initiation of due process procedures under the Teachers Due Process Act of 1990.

NOTE: This change requires a school district to continue to paying a suspended teacher due to their license having been suspended by the State Board.

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: 70 O.S. § 6-101

Helpful statutory reference: 70 O.S. § 3-104, 6-101.20 *et. seq.*, 6-101.29, 75 O.S. § 314, 314.1



S.B. 21

RE: S.B. 21
SUBJECT: Schools

Senate Bill 21 becomes effective July 1, 2021. This bill requires, rather than permits, local boards to provide district-wide suicide awareness training for staff, beginning in the 2021-22 school year and allows districts to provide suicide awareness training to students grade 7-12 beginning in the 2022-23 school year.

- Section 1(A): Requires, rather than allows, school boards to adopt a policy regarding suicide awareness training, that includes staff training and reporting student drug abuse.
- Section 1(B): Requires, rather than allows, school boards to provide district-wide training to all staff every two years that addresses suicide awareness and prevention. Requires the Department of Mental Health and Substance Abuse Services (ODMHSAS) to offer districts cost-free curriculum for staff that addresses suicide awareness and prevention, Requires the course curriculum outline to be posted on the school district website.
- Section 1(B)(1-3): Requires each school district, beginning with the 2021-22 school year to provide:
 - An evidence-based suicide prevention training program;
 - The curriculum made available by ODMHSAS; **or**
 - A suicide prevention training program for staff that addresses suicide awareness and prevention from a list maintained by ODMHSAS. Allows the training program to be combined with any other bullying prevention training provided by the school district.
- Section 1(C): Authorizes school boards, beginning in the 2022-23 school year, to provide training on suicide awareness and prevention to students in grades seven through twelve.

Should you have any questions related to this bill, please contact Mr. Elizabeth Suddath, Executive Director of Prevention Services, at (405) 521-2106 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 24-100.7



S.B. 22

RE: S.B. 22

SUBJECT: Boards of education property

Senate Bill 22 becomes effective July 1, 2021. This bill requires a school board electing to dispose of real or personal property under lease to provide the right of first refusal to purchase the property to the current lessee.

- Section 1(A)(11)(b): Requires a local school board that elects to dispose of real or personal property currently under lease, whether disposal is by public sale, public bid or private sale, to provide the current lessee the right of first refusal to purchase the property.
- Section 1(A)(11)(b)(1): Requires the board to provide notice to the current lessee if it receives a bid or offer in a public sale, public bid or private sale for any real or personal property that it intends to accept which includes the identity of the prospective purchaser, the terms and conditions of the proposed sale and the purchase price to be paid by the prospective purchaser.
- Section 1(A)(11)(b)(2): Allows the lessee 30 days after receiving the notice to inform the board that it will purchase the property on the same terms and conditions as the prospective purchaser, upon which the board is required to transfer the property to the lessee according to the same terms.
 - Allows the lessee to pay the fair market cash value in lieu of a noncash consideration for any portion of the consideration that is not in cash.

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. § 5-117



S.B. 48

RE: S.B. 48

SUBJECT: Student athletes

Senate Bill 48 becomes effective May 28, 2021. This bill creates the Student Athlete Name, Image and Likeness Rights Act and the *Revised* Uniform Athlete Agents Act, which allows student athletes, including those participating in interscholastic sports while in common education, to enter into contracts with athletic agents in order to earn income by use of their name, image and likeness once enrolled in a postsecondary institution.

On a June 21, 2021, the U.S. Supreme Court ruled in *National Collegiate Athletic Association (NCAA) v. Alston*, that longstanding NCAA rules limiting compensation of collegiate student athletes violated established antitrust principles. As a result, the NCAA is expected to revise its rules to accommodate the provisions of this bill and others like it passed in multiple states.

- Section 2(1): Defines “agency contract” to mean an agreement in which a student athlete authorizes a person to negotiate or solicit a professional-sports-services contract or endorsement on their behalf.
- Section 2(2): Defines “athlete agent” to mean an individual, whether or not registered under the Revised Uniform Athlete Agents Act, who:
 - For compensation, directly or indirectly recruits or solicits a student athlete to enter into an agency contract or procures employment or offers, promises, attempts or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization,
 - For compensation or in anticipation of compensation related to a student athlete’s participation in athletics serves the athlete in an advisory capacity on a matter related to finances, business pursuits or career management decisions, or manages the business affairs of the athlete by assisting with bills, payments, contracts, or taxes, or
 - In anticipation of representing a student athlete gives consideration, serves in an advisory capacity, or manages the business affairs of the athlete, **but**
 - *Does not include* an individual who acts solely on behalf of a professional sports team or organization, or who is a licensed, registered or certified professional

providing services customarily provided by members of the profession, unless the individual acts in the manner, as described, of an athlete agent.

- Section 2(3): Defines “athletic director” to mean the individual responsible for administering the overall athletic program of an educational institution or over the athletic programs for male students and separately for female students.
- Section 2(4): Defines “**educational institution**” to mean a public or private elementary school, secondary school, technical or vocational school, community college, college or university;
- Section 2(7): Defines “intercollegiate sport” to mean a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association that promotes or regulates collegiate athletics;
- Section 2(8): Defines “**interscholastic sport**” to mean a sport played between educational institutions that are not community colleges, colleges or universities;
- Section 2(13): Defines “recruit or solicit” to mean attempt to influence a student athlete’s choice of an athlete agent, *or, if the athlete is a minor*, a parent or guardian of the athlete, but does not include giving advice on the selection of a particular agent in a family, coaching or social situation unless there is or anticipated to be an economic benefit, directly or indirectly, from the agent;
- Section 2(17): Defines “**student athlete**” to mean an individual who is eligible to attend an *educational institution* and engages in, is eligible to engage in, or may be eligible in the future to engage in any interscholastic or intercollegiate sport, but *does not* include an individual permanently ineligible to participate in a sport for that sport.
- Section 3: Authorizes the Secretary of State to adopt rules for implementation and to issue subpoenas for material relevant to administration.
- Section 10(C-G): Requires all agency contracts between athlete agents and student athletes to contain the following language in a conspicuous boldface type:

WARNING TO STUDENT ATHLETE

IF YOU SIGN THIS CONTRACT:

1. YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT;

2. IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN (72) HOURS AFTER SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE ENTERED

INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND

3. YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY AS A STUDENT ATHLETE IN YOUR SPORT.

- Allows a parent or guardian of a student athlete who is a minor to void an agency contract that did not include the parent's signature or approval.
- Section 11(B-D): Requires an athlete agent to notify, within 72 hours or before the next scheduled athletic event where the student may participate, whichever is first, the athletic director of the educational institution where the athlete is enrolled or intends to enroll that an agency contract exists or has been entered into.
- Section 11(E): Establishes guidelines for reporting existing athlete agent relationships.
- Section 11(H): Requires an educational institution that becomes aware of a violation by an athlete agent to report it to the Secretary of State and any professional league or players association with which the agent is licensed or registered.
- Section 16: Authorizes educational institutions or student athletes to sue an athlete agency for damages resulting from an agent's act or omission in violation of the act, which adversely affected the institution or athlete.
- Section 22(A): Authorizes student athletes to earn compensation commensurate with market value for the use of their name, image or likeness **while enrolled at a postsecondary institution**, without penalty or resulting limitation on participation.
- Section 23-24: Establishes guidelines for student athletes to obtain professional representation for the purpose of securing compensation for the use of their name, image or likeness.
- Section 25: Requires postsecondary institutions to determine a date on or before July 1, 2023, when they will recognize these requirements.

NOTE: Only the sections and definitions of the bill most relevant to common education are included in this summary with various sections being further condensed.

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: 78 O.S. § 53, 54

Repeals: 70 O.S. § 821.81 through 821.99

New law at: 70 O.S. § 820.1 through 820.26



S.B. 54

RE: S.B. 54
SUBJECT: Schools

Senate Bill 54 becomes effective November 1, 2021. This bill requires OSDE to designate a district or school as a Purple Star Campus if they apply for the designation and agree to provide certain services benefiting military-connected students and their families.

- Section 1(A): Defines “military-connected student” to mean a student enrolled in a public school who is a dependent of a current or former member of the U.S. military, Oklahoma National Guard, or a reserve force of the U.S. military.
- Section 1(B): Requires the State Department of Education (OSDE), beginning with the 2022-23 school year, to designate a school district campus as a Purple Star Campus if it applies and qualifies for the designation.
- Section 1(C): Requires a school district or individual campus to meet the following requirements to qualify as a Purple Star Campus:
 - Designate a school employee as a military liaison to identify enrolled military-connected students; serve as the point of contact; determine appropriate available services; and assist in coordinating relevant campus programs.
 - Maintain an easily accessible web page on the district website that includes resources for military-connected students and their families including information regarding:
 - Relocation to, enrollment at, registration at and transferring records,
 - Academic planning, course sequences and available advanced classes,
 - Counseling and other available support services, and
 - The military liaison and his or her designated duties.
 - Maintain a transition program led by students, where appropriate, that assists military-connected students in transitioning into the campus;
 - Offer professional development for school employees on issues related to military-connected students; and
 - Offer *at least one* of the following initiatives:

- a resolution showing support for military-connected students and their families,
 - recognition of the Month of the Military Child or Military Family Month with relevant events hosted by the campus, or
 - a partnership with a local military installation that provides opportunities for active-duty military members to volunteer at the campus, speak at an assembly or host a field trip.
- Section 1(D): Requires the State Board of Education to promulgate rules for implementation.

Should you have any questions related to this bill, please contact Ms. Shelly Ellis, Deputy Superintendent of Student Support, at (405) 522-3263 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. § 510.3



S.B. 66

RE: S.B. 66

SUBJECT: Insurance premium tax

Senate Bill 66 becomes effective November 1, 2021. This bill exempts surplus line policies sold to school districts from the surplus lines premium tax.

Existing law requires a premium tax to be paid on all surplus lines insurance – property or casualty insurance procured from an insurer not licensed to engage in the insurance business in the state.

- Section 1(K): Exempts surplus line insurance policies sold to school districts from the surplus lines premium tax.

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

Amendment to: 36 O.S. § 1115

Helpful statutory reference: 36 O.S. § 1100.1, 70 O.S. § 1-108



S.B. 68

RE: S.B. 68
SUBJECT: Students

Senate Bill 68 becomes effective July 1, 2021. This bill allows the children of active duty military personnel to pre-enroll in a local school district prior to moving to Oklahoma and be considered in compliance with school residency requirements prior to arrival.

- Section 1(C)(1): Requires a student whose parent or legal guardian is on active military duty and is transferred or pending transfer to an in-state military installation on an official military order to be considered in compliance with all school residency requirements.
- Section 1(C)(2): Requires school districts to accept electronic enrollment applications for students relocating to the state under military orders, which must allow for enrollment in a specific school or program within the district and for course registration.
- Section 1(C)(3): Requires the parent or legal guardian of the pre-enrolling student to provide proof of residence in the school district within ten days of the published arrival date on the official military order. Allows a temporary on-base billeting facility, a purchased or leased home or apartment, or federal government or public-private venture off-base military housing to be used as proof of residence.
- Section 1(D)(1): Defines “active military duty” to mean full-time military duty status in the active uniformed service of the United States including members of the National Guard and Military Reserve on active duty orders.
- Section 1(D)(2): Defines “military installation” to mean a base, camp, post, station, yard, center, homeport facility for any ship or other installation under the jurisdiction of the Department of Defense or the United States Coast Guard.

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. § 8-103.1
Helpful statutory reference: 70 O.S. § 1-113



S.B. 69

RE: S.B. 69

SUBJECT: Statewide virtual charter school students

Senate Bill 69 becomes effective July 1, 2021. This bill allows the children of active duty military personnel to be eligible to pre-enroll in statewide virtual charter schools prior to moving to Oklahoma.

- Section 1(I)(1): Allows a student whose parent or legal guardian is on active military duty and is transferred or pending transfer to an in-state military installation on an official military order to be eligible to enroll in a statewide virtual charter school.
- Section 1(I)(2): Requires statewide virtual charter schools to accept electronic enrollment applications for students relocating to the state under military orders, which must allow for course registration.
- Section 1(I)(3): Requires the parent or legal guardian of the pre-enrolling student to provide proof of residence in the state within ten days of the published arrival date on the official military order. Allows a temporary on-base billeting facility, a purchased or leased home or apartment, or federal government or public-private venture off-base military housing to be used as proof of residence.
- Section 1(I)(4): Requires a student making use of pre-enrollment to be considered a transfer student, subject to the limit of one statewide virtual charter school transfer per school year.
- Section 1(I)(5)(a): Defines “active military duty” to mean full-time military duty status in the active uniformed service of the United States including members of the National Guard and Military Reserve on active duty orders.
- Section 1(I)(5)(b): Defines “military installation” to mean a base, camp, post, station, yard, center, homeport facility for any ship or other installation under the jurisdiction of the Department of Defense or the United States Coast Guard.

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. § 3-145.3
Helpful statutory reference: 70 O.S. § 1-113



S.B. 89

RE: S.B. 89

SUBJECT: Creating the Health Education Act

Senate Bill 89 becomes effective July 1, 2021. This bill creates the Health Education Act, requiring that all preK-12 students receive instruction on the Oklahoma Health Academic Standards beginning in the 2023-24 school year.

- Section 1(A, B): States that the purpose of the “Health Education Act” is to:
 - Ensure students receive instruction in health, particularly at an early age when habits are formed;
 - Support the health and well-being of children that have been affected by traumatic experiences;
 - Improve academic outcomes for students; and
 - Improve the overall health outcomes of Oklahoma’s population.
- Section 1(C): Authorizes the State Board of Education to promulgate rules for implementation.
- Section 2(A): Requires health education to be taught in public schools including but not limited to physical, mental, social and emotional, and intellectual health.
- Section 2(B): Requires the Department of Education (OSDE), by the 2022-23 school year to develop a micro-credential for teachers assigned the responsibility of teaching health education, and develop professional development programs designed to help teachers provide instruction in health education and incorporate the curriculum into existing coursework and instruction where appropriate. Allows the PD to be used to meet existing requirements.
- Section 2(C): Requires school districts to provide instruction addressing all Oklahoma health education subject matter standards by the 2023-24 school year. Allows instruction to be integrated into one or more existing subjects or provided as an addition to existing coursework.

- Section 2(D): Requires teachers assigned to teach health education as a stand-alone course to be certified in physical and health education.
 - Authorizes OSDE to issue a provisional certificate, valid for not more than two years, to individuals assigned to teach a stand-alone health education course while the pursuing certification in this area.
- Section 2(E): Requires the State Textbook Committee to include health and physical education as part of the instructional materials review cycle.
- Section 3: Creates the “Health Education Revolving Fund” to consist of appropriations, gifts, donations and bequests expended for meeting the requirements of health education.
- Section 4(A)(1): Requires the State Board to adopt subject matter standards for health and physical education alongside other required subjects.
- Section 4(A)(3): Requires all students to receive instruction needed to promote healthy and physically active lifestyles.
- Section 4(A)(10): Requires the subject matter standards for health and physical education to include the domains of physical, emotional, social and intellectual health.
 - Requires health literacy to include the ability obtain, process and understand basic health information and services needed to make appropriate health decisions.
 - Requires health to also include the importance of proper nutrition and exercise, mental health and wellness, substance abuse, coping skills for understanding and managing trauma, establishing and maintaining positive relationships and responsible decision making.
 - Requires physical literacy to include the ability to move with competence and confidence in a wide variety of physical activities in multiple environments that benefit the healthy development of the whole person.
- Section 5(C): Requires each school’s Healthy and Fit School Advisory Committee to study and make recommendations to the school principal on implementing the health education requirements.

Should you have any questions related to this bill, please contact Ms. Shana Classen, Director of Health and Physical Education, at (405) 522-1576 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 11-103.6, 24-100a
 New law at: 70 O.S. § 11-103.12, 11-103.13, 11-103.14
 Helpful statutory reference: 70 O.S. § 16-102



S.B. 90

RE: S.B. 90
SUBJECT: Public notices

Senate Bill 90 becomes effective November 1, 2021. This bill states that an affidavit of publication provided by a publisher or authorized employee constitutes proof that a newspaper has published the required notice.

Existing law requires school districts to make certain publications in a local newspaper, such as advertising a bond issue prior to an election.

- Section 1(B): Requires that an affidavit of publication provided by a publisher or authorized employee of a newspaper constitutes conclusive proof that the newspaper has published the notice, advertisement or publication and is incontestable in any state court.

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: 25 O.S. § 108
Helpful statutory reference: 25 O.S. § 106, 70 O.S. § 15-102



S.B. 91

RE: S.B. 91

SUBJECT: Performance-based efficiency contracts

Senate Bill 91 becomes effective November 1, 2021. This bill allows a public entity, including a school district, to consider capital cost avoidance and additional revenue from the contract in the cost savings for performance-based efficiency contracts.

Existing law requires public entities involved in performance-based efficiency contracts to ensure that savings are sufficient to offset annual costs of the contract.

- Section 1(B): Authorizes public entities to consider cost avoidance and additional revenue directly attributed to the contract when calculating annual cost savings for performance-based efficiency contracts.

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

Amendment to: 61 O.S. § 212



S.B. 104

RE: S.B. 104

SUBJECT: Physical Therapy

Senate Bill 104 becomes effective November 1, 2021. This bill authorizes physical therapy sessions to be provided in person or remotely via telehealth to individuals or groups under the Physical Therapy Practice Act.

- Section 1(2): Defines “practice of physical therapy” to include physical therapy services provided in person or remotely, via telehealth, to individuals or groups.
- Section 1(7): Defines “telehealth” to mean the use of electronic information and telecommunications technologies to support long-distance clinical health care, patient and professional health-related education, public health and health administration.
- Section 1(8): Defines “telecommunication” to mean the use of audio, video or other electronic media to deliver health care in real-time or through the use of store-and-forward technology.
- Section 2(1): Directs the State Board of Medical Licensure and Supervision to promulgate rules as needed to implement the provisions of the Physical Therapy Practice Act.

NOTE: These changes apply to school-provided physical therapy.

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: 59 O.S. § 887.2, 887.5



S.B. 121

RE: S.B. 121

SUBJECT: School employees

Senate Bill 121 becomes effective July 1, 2021. This bill requires local school boards to adopt a policy allowing school employees who are lactating to take paid break time to maintain their milk supply and comfort.

- Section 1(A): Requires each local school board to adopt a policy allowing a school district employee who is lactating reasonable paid break time each day to use a designated lactation room for the purpose of maintaining milk supply and comfort.
 - Allows the paid break time to run concurrently with any break time, paid or unpaid, already provided to the employee.
- Section 1(B): Requires school boards to make a reasonable effort to provide a private, secure and sanitary room or other location, other than a toilet stall, where an employee can express her milk or breastfeed her child.

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.

New law at: 70 O.S. § 5-149.3



S.B. 128

RE: S.B. 128

SUBJECT: Creating the Seizure-Safe Schools Act

Senate Bill 128 becomes effective April 26, 2021. This bill creates the Seizure-Safe Schools Act, requiring each school site with a student who has a seizure disorder to have at least one employee who has training to administer seizure medication and recognize and respond to symptoms of seizures by January 1, 2022.

- Section 1(B): Defines “seizure action plan” to mean a written, individualized health plan designed to acknowledge and prepare for the health care needs of a student diagnosed with a seizure disorder.
- Section 1(C): Requires local school boards, beginning January 1, 2022, to ensure at least one school employee at each school site has been trained to:
 - Administer or assist with the self-administration of a seizure rescue medication or prescription to treat seizure disorder symptoms approved by the U.S. Food and Drug Administration; and
 - Recognize the signs and symptoms of seizures and the appropriate steps to be taken to respond to these symptoms.
- Section 1(D): Requires any training programs or guidelines adopted by a state agency to train school personnel in the health care needs of students diagnosed with a seizure disorder to be fully consistent with programs and guidelines developed by the Epilepsy Foundation of America and any successor organization. Allows a school district to use any adequate and appropriate training programs or guidelines to address the required seizure disorder care.
- Section 1(E): Requires a student’s parent or guardian to provide the school with written authorization to administer the medication at school, a written statement from the student’s health care provider, and the prescribed medication in its unopened, sealed package with the label affixed by the dispensing pharmacy intact.
 - Requires the written statement from the student’s health care provider to include:
 - The student’s name,
 - The name and purpose of the medication,
 - The prescribed dosage,

- The route of administration,
 - The frequency that the medication may be administered, and
 - The circumstances under which the medication may be administered;
- Requires the parent or guardian to collaborate with school personnel to create a seizure action plan.
- Section 1(F): Requires the written authorization, written statement and seizure action plan to be kept on file in the office of the school nurse or administrator and to be distributed to any school personnel or volunteers responsible for the student's supervision or care.
- Section 1(G): Requires the written authorization for administering seizure rescue medication to only be effective for the school year in which authorization is granted. Allows the authorization to be renewed each year.
- Section 1(H): Exempts a school site from these requirements if the school does not have an enrolled student who has a seizure disorder.
- Section 1(I): Authorizes the State Board of Education to promulgate rules for the development and implementation of the seizure education program and the procedures for the development and content of seizure action plans.
- Section 1(J)(1): Grants immunity to school district employees from any disciplinary proceeding or civil liability resulting from compliance with these requirements, provided the action did not constitute recklessness or intentional misconduct.
- Section 1(J)(2): Prohibits a school nurse from being held responsible, or subjected to disciplinary action due to actions performed by a volunteer.

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.

New law at: 70 O.S. § 1210.183



S.B. 132

RE: S.B. 132

SUBJECT: Oklahoma Higher Learning Access Program

Senate Bill 132 becomes effective July 1, 2021. This bill amends *Oklahoma's Promise* to allow students to enroll in the program prior to eleventh-grade, instead of prior to tenth grade.

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

- Section 1(A): Requires students in public and private schools, as well as those educated by other means, to be made aware of the opportunity to participate in the *Oklahoma's Promise* scholarship program (i.e., Oklahoma Higher Learning Access Program, OHLAP) annually beginning in grade 5 and through grade 11, changed from grades 5 through 9, as part of the public awareness program created by the State Regents for Higher Education and State Board of Education.
- Section 1(B): Requires every public school district offering instruction for grades 8 through 11, changed from grades 8 through 10, to have a designated OHLAP point of contact – teacher or school counselor – at each school site.
- Section 1(C)(1): Extends the student grade level/age cap for when students may enroll in OHLAP to grade 11/age 16, changed from grade 10/age 15, for public and private school students, and for students educated by other means.
- Section 1(D)(3): Clarifies that students in grades 8 through 11, changed from 8 through 10, who have applied for the program and whose parents' federal adjusted gross income exceeds \$60,000 per year do not meet the "financial need" determination required for program eligibility.

Should you have any questions related to this bill, please contact Ms. Petra Woodard, Executive Director of Academic Counseling, at (405) 522-0031 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. 229

RE: S.B. 229

SUBJECT: Redbud School Funding Act

Senate Bill 229 becomes effective May 28, 2021. This bill creates the Redbud School Funding Act, directing medical marijuana excise tax revenue, and sales tax revenue as needed, to be deposited in the State Public Common School Building Equalization Fund for distribution to eligible charter schools and school districts for acquiring and improving school buildings. The bill also clarifies which revenues charter schools are eligible to receive.

- Section 2(B): Creates a one-time apportionment for fiscal year (FY) 2022 from the 7% *excise tax* on medical marijuana.
- Section 2(C): Includes the redbud school grants as part of the required 75% of excise tax collections that are to be apportioned and spent exclusively in support of public education.

NOTE: Excise tax proceeds from medical marijuana sales are first budgeted for running the Oklahoma Medical Marijuana Authority (OMMA). Any collections exceeding OMMA's operating budget are apportioned to the General Revenue (GR) Fund with 75% required to be expended for common education.

- Section 2(D)(1): Requires the first \$65 million in medical marijuana excise tax collections in FY 2022 to be apportioned as follows:
 - 59.23% (\$38.5 million) to the State Public Common School Building Equalization Fund,
 - 34.62% to the OMMA, and
 - 6.15% to the Department of Health for drug and alcohol rehabilitation programs.
- Section 2(D)(2): Directs any surplus collections beyond the first \$65 million to be apportioned to the GR Fund.
- Section 3(D): Directs *sales tax* revenues, prior to any apportionment to the GR Fund, to be apportioned to the State Public Common School Building Equalization Fund in an amount not exceed the total amount of *medical marijuana sales tax* generated in the preceding fiscal year for administering the redbud school grant program **beginning in FY 2023 and each subsequent fiscal year.**

- Section 4(F): Clarifies that school districts may provide blended instruction opportunities to students and defines “blended instruction” to mean a combination of brick-and-mortar learning and virtual learning environments that includes elements of a student’s control over place, pace and path of learning.
 - Allows a student in blended instruction to work on virtual courses at home or at school in a blended flex lab with at least one unit or set of competencies required to be taken at a physical school building in a traditional classroom setting – the academic equivalent of one hour per day for each instructional day in the school year.

- Section 5(A)(21): Repeals the existing State Public Common School Building Equalization Fund grant program and related guidelines including repealing language that limited charters to only using Fund dollars to acquire buildings where enrolled students attend and the limitation that an eligible district have total assessed property valuation per average daily membership that is less than the state average, has voted the allowable five mill building fund levy, and has at least 50% bonded indebtedness in the last three years.
 - Requires the Board to **annually** disburse monies from the Fund as redbud schools grants to public schools and “eligible charter schools” and to promulgate rules to implement the redbud school grant program.
 - Authorizes the State Department of Education (OSDE) to reserve up to one half of one percent (0.5%) of monies apportioned to the Fund for administration.

- Section 5(B)(1): Creates the formula by which OSDE is to calculate grants awarded through the program as follows:
 - divide the county four-mill levy revenue by four to determine the *nonchargeable county four-mill revenue* (i.e., the value of one mill) for each school district,
 - determine the amount of *new revenue* generated by the five-mill building fund levy for each local school district as reported in the Oklahoma Cost Accounting System (OCAS) for the *preceding fiscal year*,
 - determine each school district’s *nonchargeable millage* by adding the nonchargeable county four-mill and five-mill building fund new revenue,
 - total the *nonchargeable millage* for all districts and divide the total by the state average daily membership (ADM) for the preceding school year. The resulting amount is the statewide nonchargeable millage per student, known as the *baseline local funding per student*,
 - requires all eligible charter schools to be included in these calculations as unique school districts, separate from sponsoring school districts,
 - determine each school district that is below the statewide average *baseline local funding per student* by subtracting the statewide *baseline local funding per*

student from the *average nonchargeable millage* per student for each district to determine the *shortfall* by district, and

- multiply the *shortfall* for each school district by the preceding school year's ADM which results in the *redbud school grant amount* to be awarded to the school district, and bringing all districts and eligible charter schools to the statewide average baseline.
- Section 5(B)(2): Requires redbud school grants in FY 2022 to be apportioned from medical marijuana excise tax. Requires redbud school grants in FY 2023, and each subsequent fiscal year, to be appropriated from the medical marijuana excise tax reserved for common education (i.e., 75% after allocation for OMMA budget). Beginning in FY 2023, if the appropriation is insufficient to fund the grants, an additional apportionment of funds is to be made from medical marijuana sales tax collections.
 - Requires OSDE to promulgate rules to permit a decrease to the *baseline local funding per student*, if the excise and sales tax amounts are insufficient.
- Section 5(B)(3): Defines “eligible charter school,” for the purpose of receiving redbud school grants, to mean a charter school that is sponsored according to the Oklahoma Charter School Act, excluding those sponsored by the Statewide Virtual Charter School Board, and provides in-person or blended instruction (*see* definition of blended instruction above) to no fewer than two-thirds of students as the primary means of instructional service delivery.
- Section 5(B)(4): Requires OSDE to develop a program to acknowledge redbud school grant recipients and include their elected members of the Oklahoma House of Representatives and Oklahoma State Senate.
- Section 5(B)(5): Requires OSDE to dedicate a webpage to listing the annual redbud school grant recipients, amounts awarded to each recipient, and other pertinent information about the Redbud School Funding Act.
- Section 5(B)(6): Requires OSDE to provide the House and Senate Appropriations Committee Chairs an estimate of the upcoming year's redbud school grant allocation annually by February 1.
- Section 6(H)(2): Requires that the approximately \$38.5 million in redbud school grant funding appropriated to the State Board of Education in FY 2022 be included in addition to the appropriation for financial support of public schools (*see* H.B. 2900) for the purpose of calculating whether the threshold is met to trigger class size requirements for kindergarten and first grade as originally established by H.B. 1017 (1990).
- Section 7(A): Repeals the requirement that charter schools be considered sites within the sponsoring district for the purpose of funding. Requires a charter school's student membership *and attendance* be considered separate from that of the sponsoring district for the purpose of calculating funding and enrollment, including calculating Weighted Average Daily Membership (WADM) and State Aid.

- Requires charter schools to receive their state aid allocation, federal funds, and other appropriated revenue directly, rather than from the sponsoring school district.
- Requires the 3% of State Aid administrative fee to be charged by the sponsor rather than retained from the school district allocation.
- Section 7(C): Prohibits charter schools from receiving state-dedicated, local or county revenue unless explicitly authorized by state law; however, they remain eligible for any *other* aid, grants or revenues allowed to other schools. Requires charter schools to be considered local education agencies (LEAs) for funding purposes, regardless of sponsor.
- Section 7(D): Clarifies that a charter school may reserve any unexpended funds to be used for future purposes.
- Section 8: Prohibits the average daily attendance (ADA) for students enrolled in charter schools from being used in calculating distributions to school districts, as allowable under state law, from county 4-mill ad valorem revenue, gross production tax (GPT), motor vehicle tax and state school land earnings.

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: 63 O.S. § 426, 68 O.S. § 1353, 70 O.S. § 1-111, 70 O.S. § 3-104, 70 O.S. § 3-104.4, 70 O.S. § 3-142, 70 O.S. § 10-103.1

Helpful statutory reference: 47 O.S. § 1104, 68 O.S. § 1004, 70 O.S. § 1-109, 3-130, 10-104, 11-103.6, 18-107, 18-200.1, 18-201.1, 615 Article 10 § 9(b), 10, 32 of the Oklahoma Constitution, State Question No. 788



S.B. 252

RE: S.B. 252

SUBJECT: Computer science in schools

Senate Bill 252 becomes effective November 1, 2021. This bill requires all public high schools to offer at least one computer science course to students each year, and middle and elementary schools to offer Computer Science instruction, beginning in the 2024-25 school year.

- Section 1(C)(1): Requires all public high schools and public charter high schools to offer a minimum of one computer science course beginning in the 2024-25 school year.
- Section 1(C)(2): Requires all middle and elementary schools, including charter schools, to *offer instruction* aligned to the Oklahoma Academic Standards for Computer Science beginning in the 2024-25 school year. Allows the instruction to be offered through stand-alone computer science courses or be integrated in other courses.
- Section 1(D): Requires that computer science course or instructional offering:
 - Be aligned to the Oklahoma Academic Standards for Computer Science and current research-based instructional practices;
 - Be of high quality, as defined by the State Board of Education; and
 - Be offered in an in-person setting or as a virtual or distance course option only when a traditional classroom setting is not feasible.
- Section 1(E): Requires the State Department of Education to annually publish a report on its website, beginning June 30, 2025, regarding computer science courses or content offered at each school and district during the previous school year. Requires the report to include the names and course codes of courses offered in each school including a course description, as available.

Should you have any questions related to this bill, please contact Ms. Christine Koerner, Executive Director of STEM Education, at (405) 522-5628 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 11-103.6m



S.B. 261

RE: S.B. 261

SUBJECT: Creating the Oklahoma Student Borrower's Bill of Rights Act

Senate Bill 261 becomes effective November 1, 2021. This bill creates the "Oklahoma Student Borrower's Bill of Rights Act," directing the Oklahoma Attorney General to compose a notice to student loan borrowers of their protection from predatory practices by student loan servicers.

- Section 2(1): Defines "Guarantor" to mean a nonprofit or state organization that works with a lender, servicer, school and the U.S. Department of Education (USDE) to help students successfully repay certain federal student loans;
- Section 2(2): Defines "Student loan borrower" to mean any resident of this state who has received or agreed to pay a student education loan, or any person who shares responsibility for repaying the student education loan;
- Section 2(3): Defines "Student loan servicer" to mean any person, wherever located, responsible for servicing any student education loan to any student loan borrower;
- Section 2(4): Defines "Servicing" to mean receiving any scheduled periodic payments from a student loan borrower, applying the payments of principal, interest and other payments pursuant to the terms of a student education loan, and performing other administrative services for a student education loan.
 - Excludes default aversion efforts provided by state or nonprofit guaranty agencies, as required by their agreement with the USDE under the Higher Education Act of 1965, from the definition of Servicing;
- Section 2(5): Defines "Student education loan" to mean any loan primarily for personal use to finance education or other school-related expenses.
- Section 3(A): Requires the Attorney General to prepare a written statement that includes an "Oklahoma Student Borrower's Bill of Rights" for a student loan borrower who takes out a student education loan that is serviced by a student loan servicer, and make it publicly available and able to be understood by the average student loan borrower.
- Section 3(B): Requires the written statement to include and prohibits student loan servicers from:

- Directly or indirectly employing any scheme, device or artifice to defraud or mislead student loan borrowers;
- Engaging in any unfair or deceptive practice or misrepresenting or omitting any material information including, but not limited to, the amount, nature or terms of any fee or payment due or claimed to be due on a student education loan, the terms and conditions of the loan agreement or the borrower's obligations;
- Obtaining property by fraud or misrepresentation;
- Incorrectly applying or failing to apply student education loan payments to the outstanding balance of a student education loan;
- Providing inaccurate information to a credit bureau, thereby harming a student loan borrower's creditworthiness;
- Failing to report both the favorable and unfavorable payment history of the student loan borrower to a nationally recognized consumer credit bureau at least annually if the student loan servicer regularly does so, except in the case of loan rehabilitation;
- Refusing to communicate with an authorized representative of the student loan borrower who provides a written authorization signed by the borrower, however the servicer may adopt procedures reasonably related to verifying that the representative is in fact authorized to act on behalf of the borrower;
- Making any false statement or misrepresentation by omission of a material fact in connection with any information or reports filed with or conducted by a governmental agency;
- Failing to inform borrowers of the federal income repayment options before offering deferment or forbearance as an option; or
- Informing a student loan borrower if their type of loan does not qualify for loan forgiveness programs.

Should you have any questions related to this bill, please contact Ms. Petra Woodard, Executive Director of Academic Counseling, at (405) 522-0031 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 24 O.S. § 170, 171, 172



S.B. 267

RE: S.B. 267

SUBJECT: Teacher retirement requirements

Senate Bill 267 becomes effective July 1, 2021. This bill allows a retired OTRS member, to return as a classroom teacher with no earnings limitation provided they have been retired for at least one year and have not been employed at the school district.

- Section 1(A)(3): Authorizes *any* retired member of the Oklahoma Teachers' Retirement System (OTRS) to be eligible for reemployment as a classroom teacher in a common or career tech school district without earnings limitations beginning July 1, 2021, provided the member:
 - Was retired as of July 1, 2020,
 - Has been retired and receiving benefits for a minimum of one year, and
 - Has not been employed by any public school during this one-year period.
- This provision continues for a period of three years (until July 1, 2024).

NOTE: This bill extends the prior three-year moratorium on post-retirement employment earnings limitations enacted by S.B. 428 (2017), which expired July 2020. However, the member need not have retired as an active classroom teacher to be eligible.

Should you have any questions related to this bill, please contact Ms. Heather Young, Director of School Personnel Records, at (405) 521-3360 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 17-116.10



S.B. 283

RE: S.B. 283

SUBJECT: Requires persons furnishing alcohol to certain persons to attend a victims impact panel

Senate Bill 283 becomes effective November 1, 2021. This bill requires anyone found guilty of furnishing alcoholic beverages or other controlled substances to persons under the age of 21 to attend a victims impact panel program.

Existing law requires any person convicted of knowingly and willfully permitting an individual under the age of 21 to consume alcohol or other controlled dangerous substance on their property to be guilty of a crime, punishable by certain fines and/or imprisonment based on the type of offense.

- Section 1: Requires a convicted property owner to also attend a victims impact panel program in addition to existing punishments.
- Section 2(B): Requires a person convicted of furnishing alcohol to someone under the age of 21 to attend a victims impact panel program in addition to existing punishments.
- Section 3(H)(3): Defines “Victims impact panel program” to include a program to be attended by persons convicted of furnishing alcohol to or permitting alcohol to be consumed on their property by an individual under the age of 21.

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: 22 O.S. § 991a, 37A O.S. § 6-101, 6-120
Helpful statutory reference: 63 O.S. § 2-101



S.B. 292

RE: S.B. 292

SUBJECT: Higher Education

Senate Bill 292 becomes effective July 1, 2021. This bill creates a task force to study and make recommendations regarding current and future concurrent enrollment needs of the state.

- Section 1(A): Creates a taskforce to study and make recommendations regarding the current and future concurrent enrollment needs of the state and pathways for awarding degrees and certificates through concurrent enrollment.
- Section 1(B): Designates the membership of the 14-member task force to include:
 - Two members of the Senate, appointed by the President Pro Tempore of the Senate, one of whom will serve as co-chair of the task force;
 - Two members of the House of Representatives, appointed by the Speaker of the House, one of whom will serve as co-chair of the task force;
 - **Three district superintendents, appointed by the State Superintendent;**
 - Two presidents each from two-year, comprehensive and regional institutions within The Oklahoma State System of Higher Education or their designees, appointed by the Chancellor of Higher Education; and
 - The Chancellor of Higher Education or a designee.
- Section 1(C): Requires appointments to be made by July 31, which is 30 days from the bill's effective date, and the task force to conduct an organizational meeting by September 1, 2021.
- Section 1(D-H): Outlines administrative and legal guidelines of the task force:
 - A quorum of eight members is required to approve any final action.
 - The task force may meet as often as necessary to perform its duties.
 - The task force is subject to the Oklahoma Open Meeting Act.
 - Members receive no compensation or travel reimbursement.
 - The Oklahoma State Regents and the Senate are required to staff and provide administrative support for the task force.

- Section 1(I): Requires the task force to submit a report of its findings and recommendations to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives by November 30, 2022.

Should you have any questions related to this bill, please contact Ms. Petra Woodard, Executive Director of Academic Counseling, at (405) 522-0031 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. § 628.19

Helpful statutory reference: 25 O.S. § 301-314



S.B. 302

RE: S.B. 302

SUBJECT: School athletic events

Senate Bill 302 becomes effective July 1, 2021. This bill grants visiting teams in all regular high school athletic competitions the same rights to radio broadcast, video stream, and telegraphic play-by-play accounts as the home team beginning in the 2021-22 school year.

- Section 1(A): Requires the visiting team in all regular season high school athletic competitions to have the same rights to radio broadcast, video stream and telegraphic play-by-play accounts as the home team unless otherwise required by a school athletic association policy. Requires the visiting team to have either:
 - A valid agreement to broadcast, video stream and/or provide telegraphic play-by-play accounts between a media organization and the school's board; **or**
 - A curricular program for students that typically provides streaming for the team's home games.
- Section 1(B): Requires these provisions to be in effect for the 2021-22 school year.
- Section 1(C): Requires these provisions to apply to contracts for the rights to radio broadcast, video stream and provide telegraphic play-by-play accounts entered into or renewed on or after July 1, 2021.

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.

New law at: 70 O.S. § 27-105

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



S.B. 317

RE: S.B. 317

SUBJECT: Electricians

Senate Bill 317 becomes effective November 1, 2021. This bill allows a student age 16 or older currently enrolled in a work-ready program to be licensed as a student electrical intern.

- Section 1(A)(12): Defines “student electrical intern” to mean any person 16 years of age or older who complies with the requirements for registration as an electrical apprentice.
- Section 2(B): Requires the Construction Industries Board (CIB) to register and issue a student electrical intern certificate to anyone who is 16 years of age or older, is enrolled in high school and a work-ready or similar program recognized by CIB.
- Section 2(D): Requires student interns to have a national criminal history record check.
- Section 3(C): Requires student intern registration certificates to be issued for one year, at which time the student may reregister.
- Section 4(C): Authorizes the Electrical Hearing Board (comprised of members of the CIB and the Committee of Electrical Examiners) to suspend or revoke student electrical intern licenses for violations of existing ethical or competency standards prescribed to other electrical professionals.
- Section 4(E): Authorizes a state inspector to work directly with a student electrical intern to address a code violation creating an immediate threat to life or health.
- Section 5: Allows only one student electrical intern to work at a given physical job site under the direct supervision by a journeyman or electrical contractor; however, such intern does not count towards the limit of apprentices allowed to work under the supervision of a journeyman or contractor. Prohibits student electrical interns from working on high voltage systems as defined by the National Electrical Code.

Should you have any questions related to this bill, please contact Ms. Petra Woodard, Executive Director of Academic Counseling, at (405) 522-0031 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 59 O.S. § 1682, 1686, 1688, 1689

New law at: 59 O.S. § 1699



S.B. 347

RE: S.B. 347

SUBJECT: Scheduling of elections

Senate Bill 347 becomes effective May 5, 2021. This bill prohibits municipalities and political subdivisions from holding elections on certain dates to account for implementing reapportioned voting precincts following the redistricting process.

- Section 1: Prohibits municipalities and political subdivisions, including school districts, from scheduling a regular or special election with the county election board on the second Tuesday of December 2021, the second Tuesday of January 2022, or the first Tuesday of March 2022 to account for implementing reapportioned voting precincts for the offices of U.S. Representative, State Senator, State Representative and County Commissioner.
- Section 2(B)(6): Authorizes municipalities and political subdivisions, including school districts, to hold special elections on the second Tuesday of June in odd numbered years, in addition to existing authorized dates, to fill a vacancy.

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: 26 O.S. § 3-101

New law not codified



S.B. 403

RE: S.B. 403

SUBJECT: Disturbance, interference or disruption of political subdivision business

Senate Bill 403 becomes effective April 21, 2021. This bill makes it unlawful for any person(s) to interfere with or disrupt the business or public meetings of a political subdivision, such as a school board.

- Section 1(A): Makes it unlawful for any person, alone or in concert with others, to willfully disturb, interfere or disrupt the business of any political subdivision, to include publicly posted meetings, or any agency operations, employee, agent, official or representative of the state or political subdivision.
- Section 1(B): Makes it unlawful for any person who is disturbing the business of a political subdivision or its employees, agent, officials or representatives to refuse to disperse or leave the property after receiving proper notice to leave by a peace officer, sergeant-at-arms, or other security personnel.
 - Existing law defines “disturb, interfere or disrupt” to mean any conduct that is violent, threatening, abusive, obscene, or that jeopardizes the safety of self or others.

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: 21 O.S. § 280



S.B. 609

RE: S.B. 609

SUBJECT: Industry tax

Senate Bill 609 becomes effective November 1, 2021. This bill allows a Tax Increment Financing (TIF) district to be established for 25 years for data processing, hosting and related services establishments and allows those establishments to claim the 5-year manufacturing facility ad valorem exemption for personal property within the establishment for 25 years. It also increases the investment amount required for all other manufacturing facilities exemptions and limits the exemption to the land, buildings, structures and improvements used directly and exclusively in the manufacturing process.

Existing law, under the Local Development Act, allows governing bodies to create incentive or increment districts (i.e., Tax Increment Financing “TIF” district) where investment, development and economic growth is difficult, but possible if incentives with regard to ad valorem, sales or other local taxes are provided.

- Section 1(B)(4): Creates an exemption for incentive or increment districts that are or become wholly or partially comprised of industries operating under the North American Industry Classification System (NAICS) code 518210 (i.e., data processing, hosting and related services) from the requirement that net assessed value of taxable property in the district not exceed certain percentages in relation to the total net assessed value of taxable property within the city, town, county and affected school district.
- Section 2(B): Allows an ad valorem tax incentive or exemption to be granted for a period not to exceed 25 years for data processing, hosting and related services establishments, while all other incentives and exemptions are limited to five years.
- Section 3(A)(1): Requires the written agreement between the governing body and the property owners who have been granted the tax incentive/exemption to include a description of all proposed improvements to the property, rather than just kind, number and location.
- Section 4(B)(1)(d): Defines “manufacturing facility” for purposes of the ad valorem tax exemption to include facilities with an investment cost of \$500,000, rather than \$250,000, or more for construction, acquisition or expansion of assets placed into service in calendar year 2022. Requires the investment amount to increase annually based on the Consumer Price Index-All Urban Consumers (“CPI-U”) to qualify for the exemption in future years.

- Section 4(B)(1)(f): Defines “manufacturing facility” to include facilities engaged in manufacturing, compounding, processing or fabrication of materials into articles of tangible personal property customized to order according to NAICS Sectors 32 and 33 which include specific manufacturing industries like computer and electronic products.
- Section 4(B)(1)(g): Requires any entity applying for an exemption on or after January 1, 2023 to pay new direct jobs an average annualized wage equal to or exceeding that of the Quality Jobs Program Act as determined by the Oklahoma Department of Commerce for that year.
- Section 4(B)(2): Limits “facility” to only the land, buildings, structures and improvements used directly and exclusively in the manufacturing process.
 - After January 1, 2022, defines “facility” to include the land, buildings, structures, improvements, machinery, fixtures, equipment and *other personal property* used directly and exclusively in the manufacturing process for those engaged in manufacturing activities classified as NAICS Manual under Industry Nos. 311111 through 339999 and no others.
- Section 4(C)(5): Allows any computer data processing, data preparation, or information processing services provider to apply for exemptions each year in which new, acquired, or expanded capital improvements are made for assets placed in service not later than December 31, 2021.
 - Allows for establishments primarily engaged in providing infrastructure for hosting or data processing services that have been granted the 5-year manufacturing exemption prior to November 1, 2021 to apply for exemptions for items of eligible *personal property that are located within the improvements to real property* that have been previously exempt from ad valorem taxation as long as the personal property is placed in service prior to December 31, 2036.
- Section 4(G): Requires OTC to use one or more cost, income and expenses, and sales comparison approaches in accordance with the Uniform Standards of Professional Appraisal Practice to estimate the fair cash value for exempted property.

NOTE: The 2017 NAICS manual can be found at https://www.census.gov/eos/www/naics/2017NAICS/2017_NAICS_Manual.pdf.

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

Amendment to: 62 O.S. § 856, 860, 866, 68 O.S. § 2902
 Helpful statutory reference: 62 O.S. § 193, 850-869



S.B. 619

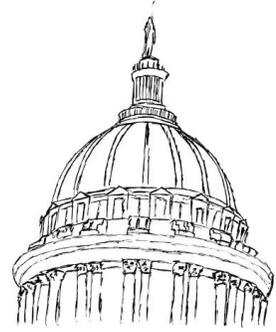
RE: S.B. 619
SUBJECT: Schools

Senate Bill 619 becomes effective July 1, 2021. This bill authorizes school boards to obtain liability insurance coverage to protect students participating in apprenticeship, internship or mentorship programs.

- Section 1(A): Allows sophomore students who are age 16 or older, rather than only juniors and seniors, to participate in apprenticeship, internship or mentorship (AIM) program.
 - Prohibits an apprenticeship, internship or mentorship from replacing any state education requirement unless allowed by rules of the State Board of Education.
- Section 1(C)(1): Allows the governing body of a school to obtain liability insurance coverage to protect a student who participates in an authorized AIM program. Requires the coverage to be obtained from a reliable insurer authorized to do business in this state and not exceed the amount deemed reasonably necessary by the school governing body.
- Section 1(C)(2): Prohibits the school governing body from directly or indirectly charging a student or their parent/legal guardian for the cost of providing insurance coverage.
- Section 1(C)(3): Exempts a school governing body that fails to obtain insurance coverage or a specific amount of coverage from any legal liability.
- Section 1(D): Authorizes the State Board of Education to develop rules to determine if AIMs are eligible for academic credit toward meeting state graduation requirements.

Should you have any questions related to this bill, please contact Ms. Petra Woodard, Executive Director of Academic Counseling, at (405) 522-0031 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 1210.528-1
Helpful statutory reference: 70 O.S. § 11-103.6



S.B. 639

RE: S.B. 639

SUBJECT: Oklahoma Higher Learning Access Program

Senate Bill 639 becomes effective November 1, 2021. This bill requires the Oklahoma State Regents for Higher Education to administer a survey to students receiving the Oklahoma's Promise scholarship who withdraw from institutions of higher education prior to completing a program or degree, and provide a report of the information to the Legislature.

- Section 1(B): Requires the Oklahoma State Regents for Higher Education to administer a survey to students who receive an Oklahoma Higher Learning Access Program (OHLAP/Oklahoma's Promise) award and who withdraw from a higher education institution or a technology center school before completing a degree or certificate program to gather information on the reasons for withdrawal, the barriers to completion of a degree or certificate program and the future plans of the students.
- Section 2: Requires the State Regents to submit an annual report to the President Pro Tempore of the Senate and the Speaker of the House on OHLAP's impact, beginning December 31, 2022, which includes:
 - Year-to-year cohort retention and five-year graduation rates of all students enrolled in institutions within The Oklahoma State System of Higher Education as compared to those receiving OHLAP awards, as well as, the degree programs in which the students are enrolled.
 - Year-to-year cohort retention and five-year graduation rates of students who receive OHLAP awards who are enrolled in private institutions of higher learning, as well as, the degree programs in which the students are enrolled.
 - Certificate attainment rates of all students enrolled in technology center schools as compared to those receiving OHLAP awards, as well as, the career areas in which the students are enrolled.
 - The financial and enrollment impact of OHLAP on two-year and four-year institutions within The Oklahoma State System of Higher Education, private institutions of higher learning, and technology center schools.
 - Data on OHLAP participants who graduate from an institution of higher education within The Oklahoma State System of Higher Education or a private

institution of higher learning or who attain a certificate from a technology center school, including:

- The number of participants who are residents of the state one year after graduation or certificate attainment; and
 - The industry or career area in which the participant is employed.
- Survey data from OHLAP participants who withdraw from a program.

Should you have any questions related to this bill, please contact Ms. Petra Woodard, Executive Director of Academic Counseling, at (405) 522-0031 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 2606

New law at: 70 O.S. § 2607

Helpful statutory reference: 70 O.S. § 2601-2606, 4103



S.B. 642

RE: S.B. 642
SUBJECT: Schools

Senate Bill 642 becomes effective July 1, 2021. This bill requires school districts to offer all students grades 10 through 12 an opportunity to take the ASVAB and consult with a military recruiter beginning in the 2021-22 school year.

- Section 1(A): Requires school districts, including public charter schools, to provide students in grades 10 through 12 the opportunity to take the Armed Services Vocational Aptitude Battery (ASVAB) test and consult with a military recruiter, beginning in the 2021-22 school year.
- Section 1(B): Requires the ASVAB to be scheduled during normal school day hours at a time that limits conflicts with extracurricular activities.
- Section 1(C): Requires schools to provide each 10-12 grade student and his or her parent or legal guardian with the date, time and location of the scheduled ASVAB test.
- Section 1(D): Authorizes schools to meet this requirement with a test other than the ASVAB if the alternative test:
 - Assesses a student's aptitude for success in a career field other than a career field that requires postsecondary education;
 - Is free to administer;
 - Requires minimal training and support of school faculty and staff to administer the test; and
 - Provides the student with a professional interpretation of the test results that allows the student to explore occupations consistent with his or her interests and skills and to develop strategies to attain career goals.

Should you have any questions related to this bill, please contact Ms. Petra Woodard, Executive Director of Academic Counseling, at (405) 522-0031 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. § 1210.508-5



S.B. 658

RE: S.B. 658
SUBJECT: Schools

Senate Bill 658 becomes effective July 1, 2021. This bill prohibits local school boards from requiring COVID-19 vaccination for admittance or attendance, requiring vaccine passports, and from implementing a mask mandate for unvaccinated students. It also prohibits a mask mandate unless the local jurisdiction is subject to a state of emergency declared by the Governor.

- Section 1(E): Requires the State Department of Education (OSDE) to ensure every school district provides the following statement on their website and in any notice or publication provided to parents regarding immunization requests for attendance:

“For school enrollment, a parent or guardian shall provide one of the following:

- 1. Current, up-to-date immunization records; or*
- 2. A completed and signed exemption form.”*

- Section 2(A): Prohibits boards of education for public school districts and technology center districts, public and private universities, the Oklahoma State Regents for Higher Education, the State Board of Education, and the State Board of Career and Technology Education from:
 - Requiring COVID-19 vaccination as a condition of admittance to or attendance of the school or institution;
 - Requiring a vaccine passport as a condition of admittance to or attendance of the school or institution; or
 - Implementing a mask mandate for students who have not been vaccinated against COVID-19.
- Section 2(B): Defines “vaccine passport” to mean documentation that an individual has been vaccinated against COVID-19.
- Section 2(C): Exempts any public or private healthcare setting from these requirements.
- Section 3(A): Allows local school districts and technology center districts to implement a mask mandate only under certain conditions.

- Section 3(A)(1): Allows a school board to mandate wearing of masks or any other medical device only after consultation with the local county or city-county health department and only if the board's area of jurisdiction is under a current state of emergency declared by the Governor.
- Section 3(A)(2): Requires the mandate to explicitly list the purpose for the mandate.
- Section 3(A)(3): Requires the mandate to reference the specific masks or medical devices that would meet the requirements of the mandate.
- Section 3(A)(4): Requires the mandate to be reconsidered at each regularly scheduled board meeting.

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. § 1210.191

New law at: 70 O.S. § 1210.189, 1210.190

Helpful statutory reference: 61 O.S. § 327(A), 70 O.S. § 1210.192, Executive Order 2021-16



S.B. 674

RE: S.B. 674

SUBJECT: Telemedicine

Senate Bill 674 becomes effective January 1, 2022. This bill requires every health benefit plan offered in the state to provide coverage of telemedicine and prohibits an insurer from excluding a service from coverage solely because it is provided through telemedicine and not in-person consultation.

- Section 1(9): Defines “telemedicine” or “telehealth” to mean technology-enabled health and care management and delivery systems that extend capacity and access, which includes:
 - Synchronous mechanisms, which may include live audiovisual interaction between a patient and a health care professional or real-time provider-to-provider consultation through live interactive audiovisual means,
 - Asynchronous mechanisms, which include store and forward transfers, online exchange of health information between a patient and a health care professional and online exchange of health information between health care professionals, but shall not include the use of automated text messages or automated mobile applications that serve as the sole interaction between a patient and a health care professional,
 - Remote patient monitoring,
 - mHealth, and
 - Other electronic means that support clinical health care, professional consultation, patient and professional health-related education, public health and health administration.
- Section 1: Defines the following additional terms: distant site, health benefit plan, health care professional, insurer, mHealth (mobile health), originating site, remote patient monitoring services, and store and forward transfer.
- Section 2(C): Requires any health benefit plan that is offered, issued or renewed in this state by an insurer to provide coverage of health care services provided through telemedicine beginning January 1, 2022.

- Section 2(D): Prohibits an insurer from excluding a service for coverage solely because the service is provided through telemedicine and not through in-person consultation or contact between a health care professional and a patient.
- Section 2(E-K): Requires insurers to treat telemedicine services/claims in an equitable manner with in-person services/claims.
- Section 2(L): Requires the State Department of Health to request a report from the Statewide Health Information Exchange by January 1, 2023 that provides:
 - The number of providers using telehealth, including the location, frequency and specific services for which telehealth is utilized; and
 - The overall cost and cost savings associated with the utilization of telehealth services.

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

Amendment to: 36 O.S. § 6802, 6803



S.B. 683

RE: S.B. 683

SUBJECT: Teachers' retirement

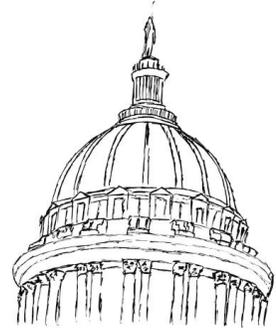
Senate Bill 683 becomes effective July 1, 2021. This bill allows existing full-time support personnel who have been employed for more than one year to make a one-time election to join the Teachers' Retirement System, in addition to, allowing new support personnel to enroll in the System.

- Section 1(B): Authorizes full-time support personnel who are employed for more than a year for the period beginning August 2, 1969 through July 1, 2021 to join the Teachers' Retirement System (TRS). Authorizes all full-time support personnel beginning July 1, 2021 to join TRS upon being hired, provided they work at least 20 hours per week.
- Section 1(C)(1): Requires newly-hired nonclassified optional (i.e., support) employees to make a one-time irrevocable written election to opt out of participation in TRS within 30 days from the initial date of hire. Employees not opting out are deemed to be participants in the system.
- Section 1(C)(2): Clarifies that for employees electing to opt, no employee/employer contributions are to be made to the System.
- Section 1(C)(4): Precludes employees who opt out from future TRS participation; however, a support employee hired for a classified position, such as a certified teacher, is to become a TRS member like all other classified employees. Such employees are not eligible for prior service credit for service while nonclassified and having opted out.
- Section 1(C)(5): Requires nonclassified optional (i.e., support) employees, employed as of July 1, 2021, to make a one-time irrevocable written election to participate in or opt out of TRS within 30 days (i.e., July 30, 2021). Employees not making such an election are deemed to be participants in the system.

Should you have any questions related to this bill, please contact Ms. Heather Young, Director of School Personnel Records, at (405) 521-3360 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 17-103

Helpful statutory reference: 70 O.S. § 17-108.1, 17-116.2



S.B. 738

RE: S.B. 738
SUBJECT: Insurance

Senate Bill 738 becomes effective November 1, 2021. This bill requires the Insurance Commissioner to demand corrective action of educational institution insurers that may be insolvent or engaged in hazardous business practices jeopardizing the public or policy holders.

- Section 1(A-B): Requires Interlocal Entities created for the purpose of insuring educational institutions, such as school districts, to be *certified* insurers.
- Section 1(G): Requires the Insurance Commissioner, should there be substantial reason to believe that an educational institution insurer is insolvent, poses a hazard to the public or policy holders by continuing business, has exceeded its powers, has failed to comply with the law, or if it gives its consent, to notify the insurer and its participating members of the determination; require the insurer to file a plan of action within 30 days of notification; and notify the insurer that it is under continued supervision if necessary.
- Section 1(H): Requires any insurer notified of a deficiency by the Commissioner to comply with the expressed requirements and have up to 90 days, unless otherwise required, to comply if placed under supervision. Allows the Commissioner to initiate judicial or administrative proceedings to place the insurer in conservation, rehabilitation, liquidation or other delinquency proceedings and for supervision to continue until requirements are met or the Commissioner pursues another course of action.
- Section 1(I): Authorizes the Commissioner to assess a fine of up to \$500 per day for an insurer's failure to file the required plan of action within 30 days of the original notice.
- Section 1(J): Authorizes the Commissioner to promulgate rules for implementation.

NOTE: Prior to this change, the Insurance Commissioner could not notify school districts about the financial problems facing an educational insurer, placing policy-holding districts at risk.

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: 36 O.S. § 607.1



S.B. 783

RE: S.B. 783

SUBJECT: Student transfers in schools

Senate Bill 783 becomes effective March 31, 2021. This bill enacts significant reforms to Oklahoma's school transfer statutes, namely, revising the requirements for accepting and denying student transfers, requiring school districts to set and list enrollment capacities on their websites and to report transfer approvals and denials to the OSDE, and creating a process for transfer denial appeal.

- Section 1(A): Requires every school district, beginning January 1, 2022, to accept all student transfers regardless of residency or the time of year, provided the district has sufficient capacity in the requested grade level and school site. Directs transfers to be selected in the order of which applications were received should capacity not be sufficient to enroll all eligible students. Requires local school boards to adopt policies to determine district capacity.
 - Allows a school district to grant a student a one-year, renewable transfer with the possibility of denying continued transfer at year-end due to certain disciplinary or attendance issues.
 - Allows any sibling living in the home of a transferring student to attend the same school district, provided the district has capacity and the sibling does not have a history of certain disciplinary or attendance issues.
 - Allows any foster student living in the home of a transferring student to attend the same district regardless of capacity.
 - Prohibits a student from transferring more than two times per school year, which does not include re-enrollment in the student's resident district. This transfer limit does not apply to children in foster care.
- Section 1(B): Requires local school boards to adopt a policy to determine the number of transfer students the district capacity to accept in each grade level for each school site by January 1, 2022. The policy is required to be listed on the district website and *may* include the following:
 - A basis for denial of a transfer due to acts committed for which the student could have been suspended out-of-school.

- A basis for denial of a transfer due a history of absences. “History of absences” is defined to mean ten or more absences in one semester that are neither excused nor due to illness.
- Section 1(C): Requires local school boards to establish transfer capacities in each grade level for each school site by the first day of January, April, July and October.
- Section 1(D): Requires local school boards to publish the number of transfer students the district has the capacity to accept for each grade level for each school site in a prominent place on the school district website and report that information to the OSDE.
- Section 1(E): Allows a parent to appeal a transfer denial to the receiving school district board of education within 10 days of being notified of the denial. Requires the appeal to be considered at the next regularly scheduled board meeting.
 - Allows a parent to appeal a transfer denial upheld by the district board of education to the State Board of Education within 10 days of being notified of the denial. Requires a notice of appeal to be submitted on a form developed by the State Board to both the denying district’s superintendent and the State Board of Education. Requires the State Board to consider the appeal at its next regularly scheduled meeting, where the parent and a representative from the receiving school district may address the Board.
 - Requires the State Board to promulgate rules to establish the appeals process.
- Section 1(F): Requires local school boards to submit the number of student transfers approved and denied and whether each denial was based on limited capacity, acts for which the student could have been suspended, or a history of absences.
 - Requires the State Department of Education to publish the data on its website and make it available to the Office of Educational Quality and Accountability (OEQA).
- Section 1(G): Requires OEQA to conduct an annual audit of approved and denied transfers for 10% of school districts, selected at random. If the audit reveals inaccurate reporting of capacity levels by a school district, OEQA is required to set the capacity for the school district.
- Section 2(A): Eliminates the provision that transfer applications be filed no later than May 31 and that transfers be approved or denied by the local school board by July 15.
- Section 2(B): Requires district superintendents to file a statement with the State Board and the local district showing the names of students granted transfers to the district, the

students' resident school district and their respective grade level by the first day of January, April, July and October.

- Section 2(C): Eliminates the requirement that a receiving district notify a student's resident school district and parents of a transfer cancellation by July 15.
 - Clarifies that hearing-impaired students wishing to apply for transfer to a district with a deaf education program may do so at any time of year and without the prior approval of the receiving district.
- Section 3(A): Eliminates provisions of the previous open transfer policy.

NOTE: The previous prohibition of accepting or denying a transfer based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude, or athletic ability remains in effect.

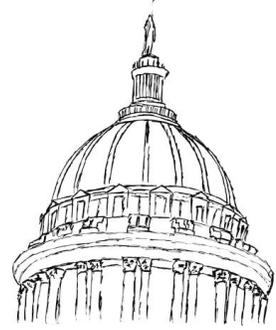
- Section 3(B): Requires districts to accept transfer applications for dependent children of a member of the active uniformed military services on full-time active duty status or a member of the military reserve on active duty orders *regardless* of transfer capacity.
 - Maintains the requirement that eligible students have at least one parent who has a Department of Defense-issued identification card; and at least one parent can provide evidence of active duty status or active duty orders, meaning the parent will be temporarily transferred in compliance with official orders to another location in support of combat, contingency operation or a natural disaster requiring the use of orders for more than 30 consecutive days.
- Section 4: Clarifies that a student may transfer to a district in which a parent or legal guardian is employed as a teacher.
- Section 5: Repeals statute allowing for emergency transfers.
- Section 7: States that the bill is only effective upon the successful passage of House Bill 2078 of the 1st Session of the 58th Oklahoma Legislature.

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, 8-103, 8-103.1, 8-113

Repeals: 70 O.S. § 8-104

Helpful statutory reference: 70 O.S. § 10-105, 24-101.3



S.B. 807

RE: S.B. 807

SUBJECT: School support employees

Senate Bill 807 becomes effective July 1, 2021. This bill requires school support employees to be paid for any time lost when a school district is closed due to an epidemic or order of a health officer.

- Section 1(D)(2): Requires full-time support employees, who have been employed for a minimum of 172 days, to be entitled to pay for any time lost when school is closed due to an epidemic or as ordered by an authorized health officer.

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. § 6-104

Helpful statutory reference: 70 O.S. § 6-101.40



S.B. 913

RE: S.B. 913

SUBJECT: Administrative rules

Senate Bill 913 becomes effective September 1, 2021. This bill enacts comprehensive reforms to the Administrative Procedures Act, namely, by changing the mechanisms for the approval, disapproval, and repeal of administrative rules, and creating the Joint Committee on Administrative Rules.

- Section 1(B): Grants the Legislature the authority to repeal agency administrative rules by joint resolution.
- Section 2(2): Updates the definition of “adopted” to mean an emergency rule that has been approved by the agency, but not approved or disapproved by the Governor; or a permanent rule approved by the agency, not disapproved by the Governor, but not finally approved or disapproved by the Legislature or Governor.
- Section 2(4): Defines “concurrent majority” to mean a majority of members on the Joint Committee on Administrative Rules from both chambers of the Oklahoma Legislature.
- Section 2(23): Defines “technical legal defect” to mean an error that would otherwise invalidate an action by a court of law.
- Section 5: Requires an agency to respond within 30 calendar days, changed from 90 days, after a request by the Governor or Legislature to review a rule for amendment, repeal or redraft.
- Section 6(A)(3): Requires agency websites to provide a link to the Secretary of State’s website where agency rules are published.
- Section 7(B)(3): Requires adopted emergency rules be sent to the chairs of the Joint Committee on Administrative Rules, in addition to the Governor and Legislature, within ten days of adoption.
- Section 7(C)(1): Requires the chairs of the Joint Committee, in addition to the Governor and Legislature, to review submitted emergency rules within 45 days of receipt.

- Section 7(D)(3): Requires the Governor, upon disapproval of an emergency rule, to notify the chairs of the Joint Committee, in addition to the Legislature and Office of Administrative Rules.
- Section 7(E)(1): Requires the Governor, upon approval of an emergency rule, to immediately notify the chairs of the Joint Committee, in addition to the relevant agency, Legislature and the Office of Administrative Rules.
- Section 8(A)(6): Requires agencies to provide a proposed rule change and notice of rulemaking intent (NRI) to the Governor and appropriate cabinet secretary at the time of NRI publication. Allows the Governor or the cabinet secretary to disapprove a proposed rule within 30 days of receipt of the NRI, at which time they must notify the agency in writing of the reasons for disapproval.
- Section 8(B)(4): Requires the NRI to include statutory citations as part of their specific legal authority for the proposed rule.
- Section 8(D)(3): Requires waiver requests for rule impact statements to be made in writing and include the findings and justification for why the impact statement is unnecessary.
- Section 9: Creates an expedited rule repeal process each year beginning February 1, 2022.
- Section 9(B)(1): Requires an expedited rule repeal to be submitted electronically to Legislature and assigned to the Joint Committee.
- Section 9(B)(2): Requires a copy of the rule(s) to be submitted with a statement that the rule is a duplicate, obsolete, no longer enforced, no longer in compliance with state or federal law or regulation, or does not affect substantive rights of the regulated community.
- Section 9(B)(3): Requires the agency to provide notice in the Oklahoma Register.
- Section 9(B)(4): Requires at least ten days for public comment after publication of the NRI and requires agencies to fully consider all written and oral submissions in response.
- Section 9(C): Authorizes the Joint Committee to schedule a hearing on the proposed rule repeal following the public comment period. Requires the rule repeal to be presented to the Legislature for final approval upon concurrent approval by the Joint Committee.

- Requires all requests for expedited repeal to be initiated by May 1. Allows agencies to withdraw an expedited repeal request at any point prior to final legislative adoption.
- Section 10(A): Requires agencies to provide two copies of adopted permanent rules and the rule report to the chairs of the Joint Committee, in addition to the Governor and Legislature within ten days of adoption.
- Section 10(E)(4): Clarifies that the adopted permanent rule report may include a citation to constitutional authority OR statutory authority.
- Section 10(E)(15): Specifies that the Joint Committee may request an agency include any other information in addition to existing requirements in an adopted permanent rule report.
- Section 11: Requires agencies to either initiate rulemaking proceedings or provide a written response and explanation of its failure to do so within 30 days of receiving a request for a rule change from a member of the public, removing the provision that the petition is considered denied by default if the agency has not initiated rulemaking.
- Section 12(A): Requires the Speaker of the House and President Pro Tempore of the Senate to establish the Joint Committee on Administrative Rules.
- Section 12(B): Requires the President Pro Tempore and the Speaker to appoint current Senators and Representatives to the Joint Committee, designating one of their respective appointments as co-chair.
- Section 12(C): Requires a quorum of a majority of Senators and a majority of Representatives to conduct business.
- Section 12(D): Requires the Joint Committee to meet as needed, during Legislative session, and at regular intervals in the interim.
- Section 12(E): Requires the Joint Committee to review **all** adopted agency administrative rules and to recommend by concurrent majority an approval or disapproval of **each** proposed rule to the Legislature. Allows the Joint Committee to recommend an agency amend or further consider a proposed rule.
- Section 12(F): Requires the Joint Committee to approve or disapprove by concurrent majority a repeal of rules under the expedited repeal process before presenting the repealed rules to the Legislature for final approval.

- Section 12(G): Expands the Joint Committee’s duties to include study and investigation that could result in legislation to specifically reduce the burden of administrative rules on the regulated community.
- Section 13(A): Requires the Speaker of the House and President Pro Tempore of the Senate to assign any adopted rules to the Joint Committee to make recommendations to the Legislature.
- Section 13(B): Allows the Legislature to disapprove or approve, in whole or in part, any adopted rule or expedited repeal and may do so at any point during Legislative session after recommendation by the Joint Committee.
- Section 13(E): Repeals the Governor’s authority to approve adopted permanent rules in the absence of a joint resolution by the Legislature.
- Section 14(A): Requires the Legislature to prepare multiple joint resolutions for consideration each session, rather than an omnibus joint resolution.
- Section 14(D): Repeals the process by which an agency could appeal the Legislature’s inaction on a rule to the Governor for approval.
- Section 14(C): Authorizes the Governor to approve or disapprove of administrative rules **not** subject to a joint resolution by publishing a single declaration in The Oklahoma Register by July 17.

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: 75 O.S. § 303a

Amendment to: 75 O.S. § 250.2, 250.3, 250.4a, 250.6, 250.10, 251, 253, 303, 303.1, 305, 307.1, 308, 308.3



S.B. 980

RE: S.B. 980

SUBJECT: Security of Communications Act

Senate Bill 980 becomes effective November 1, 2021. This bill allows law enforcement to use a wiretap for evidence of child sexual exploitation and soliciting sexual conduct or communication with a minor using technology.

- Section 1: Adds the offenses of child sexual exploitation or permitting child sexual exploitation, soliciting sexual conduct or communication with a minor by use of technology, to the list of crimes for which a judge may authorize law enforcement to intercept wire or electronic communications.

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: 13 O.S. § 176.7

Helpful statutory reference: 21 O.S. § 843.5, 1040.13a



S.B. 1031

RE: S.B. 1031

SUBJECT: Oklahoma Open Meeting Act

Senate Bill 1031 took effect on February 10, 2021. This bill extends many of the Open Meeting Act flexibilities for public bodies to hold meetings by teleconference or videoconference put into place last session by S.B. 661 (2020) and that expired Nov. 15, 2020.

- **NEW** - Section 1(C): Renews temporary flexibilities for public bodies to meet via teleconference or video conference until 30 days after the Governor terminates the current state of emergency due to COVID-19 or until February 15, 2022, whichever occurs first.
- Section 1(C)(1): Allows a public body to hold meetings by teleconference or videoconference if each member of the public body is audible or visible to each other and the public.
 - Requires the public body of a virtual charter school approved and sponsored by the Statewide Virtual Charter School Board to maintain a quorum of members for the entire duration of the meeting whether using an in-person site, teleconference, or videoconference or any combination of such sites to achieve a quorum.
 - Requires a meeting held using either teleconference or videoconference to stop if at any time the audio connection is disconnected and then reconvene once the audio connection is restored.

NOTE: The requirement for virtual charter school meetings is a permanent part of the statute.

- Section 1(C)(2): Requires the meeting notice and agenda, as currently required by law, to indicate if the meeting will include teleconferencing or videoconferencing, each public body member appearing remotely and the method of their appearance, and the identity of any members who will be physically present at the meeting site.
- Section 1(C)(3): Prohibits members of public bodies from altering their method of attendance once the meeting notice and agenda are prepared and posted, with the exception that members listed to appear remotely may appear in person.
- Section 1(C)(4): Requires the public be allowed to participate and speak, as allowed by the public body's rules and policies, in a meeting using teleconference or

videoconference in the same manner and to the same extent as the public would be allowed to participate during a typical in-person meeting.

- **NEW** - Section 1(C)(5): Requires any documents or other materials provided to members of a public body or shared electronically between members of a public body during a meeting using teleconference or videoconference, to be made immediately available to the public on the public body's website, if one exists.

NOTE: This subsection was revised to include documents and materials *provided* to members, in addition to those shared between them, as well as requiring materials be posted on the public body's website rather than in the same form as provided to the members.

- Section 1(C)(6): Requires all votes occurring during a meeting utilizing teleconference or videoconference to be recorded by roll call.
- Section 1(D): Permits public bodies to conduct an executive session by teleconference or videoconference so long as each member is audible or visible to one another. The meeting notice and agenda must indicate if the executive session will include teleconferencing or videoconferencing, each public body member appearing remotely and the method of their appearance, and the identity of any members who will be physically present at the meeting site.
- **NEW** - Section 2(A)(9): Extends the exemption for public bodies from the requirement to make a meeting notice available to the public in the public body's principal office or meeting location during normal business hours at least 24 hours prior to the meeting until Feb. 15, 2022, or until 30 days after the expiration of the Governor's COVID-19 state of emergency, whichever occurs first.
- **NEW** - Section 2(A)(14): Prohibits a public body that has provided public notice that a meeting will feature a videoconference option from modifying the method of meeting as described in the public notice. If a code or password is required to access the videoconference meeting, this information must be included in the meeting notice.

NOTE: This is a permanent addition to public notice statute.

Should you have any questions related to this bill, please contact Mr. Brad Clark, at (405) 521-3274 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 25 O.S. § 307.1, 311



S.B. 1033

RE: S.B. 1033

SUBJECT: Medical marijuana

Senate Bill 1033 becomes effective May 28, 2021. This bill clarifies the calculation of the 1,000-foot rule between schools and medical marijuana dispensaries and grandfathers in dispensaries established on or after June 26, 2018.

NOTE: H.B. 2646 also amends the 1,000-foot setback rule and takes effect November 1, 2021. Due to H.B. 2646 being signed after S.B. 1033 and its effective date being later, the provisions of H.B. 2646 will supersede in the event there is a conflict.

- Section 2(G): Revises the calculation for the required 1,000-foot setback distance between a medical marijuana dispensary and any school entrance *to be measured in a straight line from the school door nearest the dispensary and the dispensary's front door.*
- Section 2(G)(1): Creates a grandfather provision for dispensaries licensed on or after June 26, 2018, exempting them from the setback distance requirement if a school was established within 1,000 feet of the dispensary and if the dispensary's property continues to be used in accordance with its original licensed purpose.
- Section 2(G)(2): Prohibits the Oklahoma Medical Marijuana Authority (OMMA) from taking the certain adverse actions against a dispensary due to an error in measuring the required 1,000-foot setback distance or for failure to measure the distance prior to issuing a license on and after June 26, 2018. Grandfathers any such dispensaries into compliance with updated setback provisions, *unless* the local municipal government objects. Prohibits the OMMA from
 - Denying issuance or renewal of a license at that location,
 - Denying transfer of license due to a change in ownership at that location, or
 - Revoking a license due to an error in measurement or failure to measure the setback distance, unless otherwise allowable by law.
- Section 2(G)(3)(a): Defines "school" to mean a public or private preschool or a public or private elementary or secondary school which is primarily used for classroom instruction.
- Section 2(G)(3)(b): Defines "error in measurement" to mean a mistake made by OMMA or a municipality in the setback measurement process where either the distance between a retail marijuana dispensary and a school is miscalculated due to mathematical error or the

method used to measure the setback distance is inconsistent with this law. The setback measurement process is allowed an error in measurement up to and including 500 feet when remeasured after an original license has been issued.

- Section 3(E)(2): Allows a municipal government to object to a dispensary’s initial request for license renewal or transfer upon a determining that the dispensary is violating the 1,000-foot setback distance from a school including the 500 foot “error in measurement” allowance.
- Section 3(E)(3): Authorizes a municipal government to prevent a dispensary from being grandfathered into compliance with the revised setback distance measurement if it provides the following documentation prior to the dispensary’s initial renewal or transfer of a license:
 - A municipal resolution finding that the marijuana dispensary is located within the prohibited setback distance from a school that was openly in existence and that the public generally would have known of the school’s existence and operation in that location prior to the dispensary being licensed.
 - Requires the school in question to have been clearly marked as a school, excluding any undeveloped land or a structure owned by a school that was not openly used and marked as a school site.
 - Documentation of the measured distance from the school to the marijuana dispensary used determining the setback distance, less any allowable error in measurement calculated and remeasured on or after May 28, 2021.
- Section 3(E)(4): Authorizes OMMA to revoke a dispensary license upon receipt of documentation from a municipal government indicating the dispensary is violating the required setback distance from a school including the allowable error in measurement.
- Section 4(58): Defines “school” to mean a public or private preschool or a public or private elementary or secondary school *which is primarily* used for classroom instruction and does not include a homeschool, daycare, or child-care facility.
- Section 5(E): Authorizes the State Department of Health to enter into Memorandums of Understanding (MOUs) with other state agencies for enforcement of medical marijuana laws and regulations.
- Section 12(B)(3)(d): Revises the calculation for the required 1,000-foot setback distance between a *medical marijuana waste disposal facility* and any public or private school to be measured from the nearest school entrance to the nearest front entrance of the waste

disposal facility. Prohibits a facility license from being in jeopardy if a school is established within 1,000 feet of an existing, licensed disposal facility.

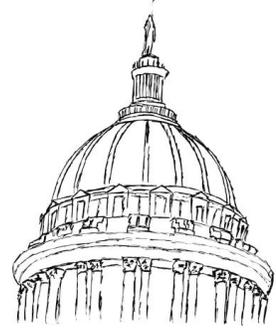
- Section 13(D): Authorizes the Oklahoma Tax Commission (OTC) to assess, collect, and enforce the 7% medical marijuana excise tax.
- Section 14: Requires OTC to charge the Department of Health a service fee equal to 1.5% of all gross collection proceeds for providing collection assistance.

NOTE: This summary is not an exhaustive list of every change made by S.B. 1033 and only reflects the sections of the bill most pertinent to education.

S.B. 229 directs medical marijuana excise tax collections to the State Public Common School Building Equalization Fund for use in awarding redbud grants to school districts.

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, 426, 426.1, 427.2, 427.3, 430
New law at: 63 O.S. § 255.2



S.B. 1037

RE: S.B. 1037

SUBJECT: School building funds

Senate Bill 1037 becomes effective July 1, 2021. This bill allows school district building funds to consist of federal relief monies allocated by the CRRSA and the ARP Act.

Existing law requires the school district building fund to consist of monies from the 5-mill building levy, appropriated funds for capital expenditures, allocations from the Public Common School Building Equalization Fund and donations for capital improvements.

- Section 1: Authorizes school district building funds to consist of federal funding allocated via the Coronavirus Response and Relief Supplemental Appropriation Act of 2021 (CRRSA) and the American Rescue Plan Act of 2021 (ARP).

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

Amendment to: 70 O.S. § 1-118

Helpful statutory reference: Article 10 § 10 of the Oklahoma Constitution



S.B. 1038

RE: S.B. 1038

SUBJECT: Teacher education

Senate Bill 1038 becomes effective July 1, 2021. This bill clarifies that student teachers are eligible to receive compensation from the *beginning* of any teaching internship and eliminates language that could be interpreted as prohibitive of the practice.

- Section 1(6): Defines “student teacher” to clarify that a student teacher enrolled in an institution of higher learning teacher education program is eligible for compensation from the first day of a teacher internship and for up to one full school year.
 - Prohibits student teacher compensation from being considered compensation for purposes of teacher retirement or the minimum salary schedule.
- Section 2(B): Eliminates the requirement that student teachers complete the minimum teacher internship requirement period (60 days) prior to becoming eligible for a paid teacher internship program.

Should you have any questions related to this bill, please contact Ms. Heather Young, Director of School Personnel Records, at (405) 521-3360 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 1-116, 6-186



S.B. 1049/1050

RE: S.B. 1049/1050

SUBJECT: Unregulated/Regulated utilities

Senate Bills 1049 and 1050 become effective April 23, 2021. These bills establish separate mechanisms by which unregulated (1049) and regulated (1050) energy providers can take out loans with the state to help regulate consumer costs incurred during the February 2021 winter storm by lengthening the period over which those costs will be paid.

- Section 2: States the Legislature’s recognition of the significant economic impact of the February 2021 winter storm and resulting unprecedented utility costs that will be passed through to Oklahoma utility customers. States the purpose to provide financing options or bonds to energy providers and thereby allow customers to pay their utility bills at a lower amount and over a longer period.
- Section 3: Defines “extraordinary costs” to mean those incurred during the winter storm (Feb. 7-21), which do not include extreme purchase costs.

Defines “extreme purchase costs” to mean expenses incurred for purchasing fuel and energy at spot or index pricing during the winter storm.

Defines “qualified costs” to mean extreme purchase costs and extraordinary purchase costs.

Defines “unregulated utility” to mean any utility doing business in the state, or any public trust designated for the benefit of a utility or municipality, which is not a regulated by the Oklahoma Corporation Commission (OCC) with respect to its rates, charges and terms and conditions of service.

Defines “regulated utility” to mean any utility which is subject to the regulatory jurisdiction subject to OCC with respect to its rates, charges and terms and conditions of service.

- Section 4-8: Authorizes (unregulated) and requires (regulated) utilities to submit qualified costs associated with the February 2021 winter storm to the Oklahoma Development Finance Authority for unregulated utilities and the Oklahoma Corporation Commission (OCC) for regulated utilities to qualify for alternative financing or bond funding needed to mitigate consumer costs.

- Requires OCC to consider how best to maximize customer savings in administering the bond program.
- Establishes how the Authority and OCC are to calculate financing and bond amounts to be extended to participating utility providers.
- Establishes how financing and bonds will be administered.
- Authorizes (unregulated) and requires (regulated) utilities to pledge their property rights and related taxable income and customer charges as securities to the state, with tax revenue generated by said properties to be prepaid to the utilities in the form of bonds administered by the Authority and OCC.

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

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: 62 O.S. § 695.9, 74 § 5062.8

New law at: 74 O.S. § 9050 through 9059, 9070 through 9081



S.B. 1067

RE: S.B. 1067

SUBJECT: State Department of Education

Senate Bill 1067 becomes effective July 1, 2021. 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 HB 2900 be reserved for the financial support of public schools.
- Section 1(2): Directs \$704,456,047 of the funds appropriated in HB 2900 be appropriated as follows:
 - Certified Employee Health Benefit Allowance - \$347,081,644
 - Support Personnel Health Benefit Allowance - \$188,455,377
 - Teachers' Retirement Credit - \$34,500,000
 - Purchase of Textbooks and Instructional Materials - \$60,000,000
 - Alternative and High Challenge Education - \$12,000,000
 - Education Leadership Oklahoma - \$4,800,000
 - Advanced Placement Incentives - \$1,000,000
 - Reading Sufficiency Act - \$12,000,000
 - Teacher and Leader Effectiveness - \$250,000
 - Required Assessments - \$8,205,685
 - Teach for America - \$2,000,000
 - Teacher Induction Program - \$375,000
 - Street School - \$180,000
 - Ag in the Classroom - \$38,000
 - Imagine Math - \$1,000,000
 - Early Intervention - \$14,400,341
 - School Lunch Matching - \$3,500,000
 - Secure Schools Program - \$2,350,000
 - Early Childhood Initiative - \$12,000,000
 - Oklahoma Arts Institute - \$320,000
- Section 1(3): Directs \$15,027,640 of the funds appropriated in HB 2900 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 \$5,818,494,003 to be budgeted as follows. Requires outcome-based performance measures for each:

- Payroll, Salaries or Wages - \$18,227,387
 - Professional and Personal Services contracts - \$28,696,456
 - Other Operating Funds - \$3,126,828,823
 - Expenditure of Federal Funds - \$2,644,741,337
- Section 5: Directs \$34,500,000 of the funds appropriated for Teachers' Retirement Credit to be transferred to the Teachers' Retirement System.
 - Section 6: Allows 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, and Imagine Math if funds are insufficient to fully fund the Teachers' Retirement Credit.
 - Section 7: Directs \$4,800,000 of the funds appropriated for Education Leadership Oklahoma to be allocated as follows:
 - \$1,500,000 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 \$1,000,000 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 \$12,000,000 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 \$8,205,685 for administering the statewide student assessment system for grades 3-8 and high school.
 - Section 12: Directs \$12,000,000 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 \$375,000 to fund the Teacher Induction Program to support districts in mentoring new teachers and providing instructional coaching.
 - Section 14: Directs \$14,400,341 to Early Intervention to be expended for direct services to eligible infants, toddlers and their families.
 - Section 15: Directs \$12,000,000 to the Early Childhood Initiative for the purpose of funding the early childhood program.

- Section 16: Directs the State Board of Education to prescribe the duties and compensation of employees not prescribed by law that perform duties for the OSDE.
- Section 17: 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 18: Authorizes the State Board of Education to request a transfer of appropriated funds to the appropriate dispensing fund.
- Section 19: 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 20: 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 21(A): Authorizes the State Superintendent to request through OMES that receipt and expenditure of unanticipated federal funds awarded after July 1, 2021 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 21(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 22: Authorizes appropriations made in H.B. 2900, but not including appropriations made for capital outlay purposes, to be budgeted for the fiscal year ending June 30, 2022 or for the fiscal year ending June 30, 2023.

NOTE: Some sections of this bill are duplicated in the general appropriations bill, HB 2900.

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, 6-195, 10-105.4, 13-125, 17-108.2, 17-108.2, 26-103, 1210.508, 1210.568, 1210.703



S.B. 1080

RE: S.B. 1080

SUBJECT: Contribution tax credit

Senate Bill 1080 becomes effective November 1, 2021. This bill makes changes to the Oklahoma Equal Opportunity Education Scholarship by increasing the total annual tax credit cap from \$5 to \$50 million, expanding the program to include public school districts/foundations, and divides the total cap evenly between public and private schools/organizations at \$25 million each.

- Section 1(B)(1): Requires any tax credits for contributions to *eligible scholarship-granting organizations* that were suspended due to the statewide cap having been reached in the year the credit was granted to be added to an individual's subsequent tax credit.
- Section 1(B)(4): Requires participating scholarship-granting and educational improvement grant organizations to submit an audited financial statement and program information every four years to the Oklahoma Tax Commission (OTC), in addition to the Governor and the Legislature, and to post these documents on the organization's website.
- Section 1(C)(1): Requires any tax credits for contributions to *eligible educational-improvement grant organizations* that were suspended due to the statewide cap having been reached in the year the credit was granted to be added to an individual's subsequent tax credit.
- Section 1(D)(1): Creates a tax credit for taxpayers contributing to *eligible public school foundations* or *public school districts* on or after January 1, 2022 of 50% of the total contribution until the total credits claimed reach the annual cap for the taxable year, in which case the credit will be equal to the taxpayer's proportional share of the statewide cap. Requires the credit amount to be:
 - \$1,000 for single individuals,
 - \$2,000 for married individuals filing jointly, and
 - \$100,000 for legal business entities (i.e., general partnerships, LLCs, etc.).
- Section 1(D)(2): Requires a tax credit of 75% of the total contribution if the taxpayer makes a written commitment to contribute the same amount for an additional year. Requires the taxpayer to provide evidence of the commitment to OTC at the time of filing the claim.

- Section 1(D)(3): Authorizes awarded credits to be allocated to the partners, shareholders, members or other equity owners of a partnership and are not limited to the caps for single individuals or married persons filing a joint return.
- Section 1(D)(4): Requires participating public school foundations and public school districts to submit an audited financial statement along with information detailing the benefits, successes or failures of the programs to OTC, the Governor, the President Pro Tempore of the Senate, and the Speaker of the House by December 31, 2022 and then once every four years.
- Section 1(E)(1): Limits the annual statewide tax credit cap for donations to eligible scholarship-granting organizations to \$3.5 million through tax year 2021.
- Section 1(E)(2): Increases the annual statewide tax credit cap for donations to eligible scholarship-granting organizations to \$25 million beginning in tax year 2022.
- Section 1(E)(3): Limits the annual statewide tax credit cap for donations to eligible educational improvement-grant organizations to \$1.5 million through tax year 2021.
- Section 1(E)(4): Sets a \$25 million annual statewide tax credit cap for donations to both eligible educational improvement-grant organizations and public school foundations and public school districts beginning in tax year 2022.
 - Limits the credit amount to \$200,000 per public school district annually.
- Section 1H(10): Amends definition of “eligible public school district” to mean any public school and repeals the prior requirement that an eligible school not be located within a ten mile radius of a qualified school.
- Section 1H(15): Defines “eligible public school foundation” to mean a legally formed nonprofit entity that is exempt from federal income tax as a nonprofit organization or private foundation according to the Internal Revenue Code.
 - Requires each public school foundation to be approved by the local board of education prior to accepting qualifying donations.
- Section 1(I)(1): Requires eligible public school foundations and school districts to submit an annual report by January 10 to OTC with information on each contribution accepted during the tax year and to notify contributors of the annual statewide cap at least once per year.
- Section 1(I)(2)(a): Requires OTC to allocate any amount of unclaimed credits reserved for eligible educational improvement-grant organizations, public school foundations, and public school districts for claims made for contributions to eligible scholarship-granting organizations should these claims exceed the corresponding cap.

- Section 1(I)(2)(b): Requires OTC to allocate any amount of unclaimed credits reserved for eligible scholarship-granting organization for claims made for contributions to eligible educational improvement-grant organizations, public school foundations, and public school districts should these claims exceed the corresponding cap.
- Section 1(I)(2)(c): Requires OTC to allocate any amount of unclaimed credits reserved for eligible educational improvement-grant organizations, public school foundations, and public school districts, due to exceeding the \$200,000 credit cap per school district, for claims made for contributions to improvement-grant organizations and public school foundations.
- Section 1(I)(3): Requires OTC to publish the percentage of the contribution made in the previous year that may be claimed as a credit by contributors by February 15 each year and requires each organization having received donations to inform contributors of this amount.
- Section 1(L)(1): Requires all organizations to submit an application confirming their nonprofit status, as applicable, and a description of proposed innovative educational programs supported by the organization, in order to be qualified to accept contributions.
- Section 1(L)(3): Requires public school foundations and public school districts annually report to OTC and publish on the organization's website the same information as is required for educational improvement-grant organizations.
- Section 1(M): Requires scholarship-granting organizations to report annually, beginning September 1, 2023 for the 2023-24 school year, to OTC:
 - the name and address of the scholarship-granting organization,
 - the names of the qualifying schools that received funding for educational scholarships, the total amount of funds paid to each school and the total number of scholarship recipients enrolled in each school,
 - the total number and dollar amount of contributions received during the previous academic year,
 - the total number and dollar amount of educational scholarships awarded and funded during the previous academic year,
 - the total number, dollar amount and percentage of educational scholarships awarded and funded during the previous academic year disaggregated by:
 - low-income eligible students,
 - students who during the immediately preceding school year attended or who were eligible to attend a public school identified for school improvement by the State Board of Education,
 - eligible special needs students, and
 - students who were first-time recipients of a scholarship including information about the type of public or private school the student was enrolled in during the entire previous academic year,

- the percentage of annual revenue received by the organization from qualifying contributions not expended on scholarships,
 - disaggregated data redacted according to the Student Data Accessibility, Transparency and Accountability Act of 2013, the Family Educational Rights and Privacy Act of 1974 (FERPA), and
 - the percentage of the total amount of education scholarship expenditures spent on low-income eligible students.
-
- Section 1(M)(2): Requires OTC to publish the information submitted in the September 1 report, a list of participating schools, and all other application information, except that which would violate an individual's privacy.
 - Section 1(M)(3): Requires scholarship-granting organizations to annually submit verification to the Tax Commission that the organization continues to meet the criteria to be considered a scholarship-granting organization.
 - Section 1(N): Prohibits the Legislature from using contributions to eligible scholarship-granting organizations, educational-improvement grant organizations, public school foundations or public school districts to reduce the amount appropriated for the financial support of public schools.
 - Section 1(O): Requires OTC, in consultation with the State Department of Education (OSDE) to promulgate rules for implementation including procedures for organizations to register, revocation of eligibility, and for providing notice of total allocated credits.

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: 70 O.S. § 3-168, 20 U.S.C. § 1232g (The Family Educational Rights and Privacy Act, i.e., FERPA), 26 U.S.C. § 501(c)(3), 509(a)



S.B. 1081

RE: S.B. 1081

SUBJECT: Oklahoma Historical Society

Senate Bill 1081 becomes effective July 1, 2021. This bill sets budget limits for the Oklahoma Historical Society, including a grant program for school districts.

- Section 1: Appropriates \$150,000 to the Oklahoma Historical Society to hire a grant writer for Black Towns in Oklahoma.
- Section 2: Appropriates \$150,000 to the Oklahoma Historical Society to provide grants for schools to provide transportation to the Freedom Center & Clara Luper Civil Rights Center, the Greenwood Historic District, and the Oklahoma City National Memorial and Museum.

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

APPENDIX

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

H.B. 1059 – Removes provisions currently allowing commercial learner permit holders to take CDL knowledge and skills tests without training. Authorizes local tag agencies to issue renewals, replacements, change of addresses, and downgrades of REAL ID compliant and non-compliant Class A, B or C licenses, and to review identification documents for REAL ID compliant and non-compliant CDL's, to increase efficiency and convenience. It also allows agents to issue a REAL ID compliant and non-compliant ID card to a customer with an expired or suspended license if they have an existing DPS driver license file, rather than presenting a valid unexpired license. Third Party Examiners (non-DPS CDL examiners) may test anyone with a CDL permit rather than only to their own students. Effective April 21, 2021.

H.B. 2297 – Defines “fixed wireless broadband Internet service provider” and excludes them from the definitions of transmission company and public service corporation for purposes of ad valorem tax. Expected to decrease Ad Valorem revenue to local jurisdictions by \$350,000 in FY 22. Effective November 1, 2021.

H.B. 2780 – Expands the Oklahoma Tax Commission's authority to enforce the collection of delinquent taxes, including those owed to other agencies, which is estimated to increase tax receipts by approximately \$7 million by FY 23, increasing allocations to the Education Reform Revolving (1017) Fund by \$141,780 in FY 22. Effective November 1, 2021.

H.B. 2861 – Authorizes only those having a direct contractual relationship with an at-risk construction manager or a trade contractor under an at-risk construction management contract to act on a payment bond. Effective November 1, 2021.

H.B. 2893 – Restores OK Police Pension and Retirement System, OK Firefighters Pension System, and OK Law Enforcement Employees Retirement System apportionments to levels prior to H.B. 2742 (2020), which redirected funds temporarily to the Education Reform Revolving (1017) Fund. Expected to reduce 1017 Fund revenue by \$45,591,612. Effective July 1, 2021.

H.B. 2894 – Restores OK Teachers' Retirement System apportionments to levels prior to H.B. 2741 (2020), which redirected funds temporarily to the Education Reform Revolving (1017) Fund. Expected to reduce 1017 Fund revenue by \$87,446,788. Effective July 1, 2021.

H.B. 2895 – Restores apportionments to the Rebuilding Oklahoma Access and Driver Safety (ROADS) Fund to \$575m for FY21 and \$590m for FY22 and every year after. Repeals language that would have apportioned \$180 million to the 1017 Fund in FY 22. Effective July 1, 2021.

H.B. 2964 – Exempts trailers and semi-trailers from the motor vehicle sales tax, which is estimated to decrease state sales tax revenue by \$8,023,000 and \$12,034,000 in FY 22 and 23 respectively, and to the 1017 Fund by \$839,206 in FY22. Effective November 1, 2021.

S.B. 838 – Creates the Oklahoma Public Safety Protection District Act allowing municipal governments to create a public safety protection district upon securing a 60% affirmative vote in a special election. Municipalities may levy an annual assessment of up to 5 mills of property tax to maintain local police, fire and jail operations. Effective November 1, 2021.