



# 2020 LEGISLATION



**OKLAHOMA**  
STATE DEPARTMENT of EDUCATION





2020 LEGISLATION

JOY HOFMEISTER

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

Dear Educator:

The Oklahoma State Department of Education is pleased to provide to you the **6<sup>th</sup> 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 presented the Oklahoma Legislature with significant challenges, namely a drastic downturn in the economy and, of course, the impact of the COVID-19 pandemic. Facing a revenue shortfall, legislative leaders made the difficult decision to reduce appropriations to many sectors of state government, including common education, for fiscal year 2021. Like everything else, COVID-19 impacted legislative proceedings and ultimately resulted in a condensed session that saw far fewer new laws than most years.

However, there were notable pieces of legislation that passed including reforms to the operations of the statewide virtual charter schools in H.B. 2905 and S.B. 212, improvements to the state textbook adoption process in H.B. 3466, and the realization of a cost of living adjustment (COLA) for the state's retirees in H.B. 3350.

Thank you for your continued service to the children of Oklahoma during these very challenging times.

Joy Hofmeister  
State Superintendent of Public Instruction

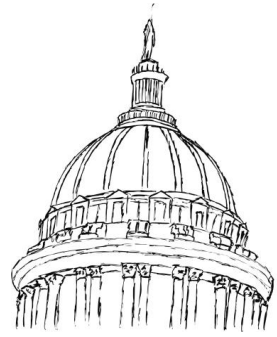


## SUBJECT INDEX

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

<b>Accountability, Assessments, Student Info</b>	<b>Children, Families, Students</b>	<b>Funding, Budget</b>	<b>Professional Development</b>	<b>Special Education</b>
H.B. 2804	S.B. 1423	H.B. 2741	H.B. 2804	H.B. 1230
	S.B. 1803	H.B. 2742		S.B. 1436
<b>Certification, Retirement</b>		H.B. 2743	<b>School Boards</b>	
H.B. 3142	<b>Counseling/ Trauma- Informed</b>	H.B. 3870	H.B. 3400	<b>State Dept. of Education</b>
H.B. 3350		H.B. 3916	H.B. 3613	H.B. 1230
S.B. 1115	H.B. 4138	H.B. 3964	S.B. 661	H.B. 3819
S.B. 1125	H.B. 4140	H.B. 4153	S.B. 1198	H.B. 4025
S.B. 1436	<b>Curriculum</b>	S.B. 212	S.B. 1946	S.B. 661
	H.B. 3400	S.B. 617	<b>School Sites</b>	S.B. 1422
<b>Charter Schools</b>	H.B. 3466	S.B. 1053	H.B. 1230	S.B. 1803
H.B. 2905		S.B. 1921	H.B. 3369	S.B. 1877
H.B. 3369	<b>Employment, Personnel, Compensation</b>	S.B. 1922	H.B. 2504	S.B. 1925
S.B. 212		S.B. 1925	H.B. 2905	
	H.B. 3398			
	H.B. 3613			
	S.B. 1115			





## **H.B. 1230**

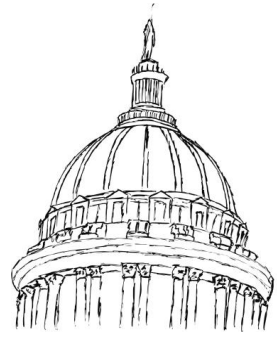
RE: H.B. 1230  
SUBJECT: Education

House Bill 1230 becomes effective August 27, 2020. This bill requires the OSDE to post on its website information regarding the Lindsey Nicole Henry Scholarships, including all materials submitted by a private school in its application, the school's annual compliance statement and an annual report of various data points.

- Section 1(H)(1): Requires the State Department of Education (OSDE) to post on its website a list of accrediting associations approved by the State Board of Education under which private schools wishing to participate in the Lindsey Nicole Henry Scholarship program may be accredited.
- Section 1(H)(2): Requires the OSDE to publish on its website all information and materials submitted by a private school with its application upon program approval.
- Section 1(J)(7): Requires the OSDE to post on its website the annual compliance statement for each participating private school.
- Section 1(O): Requires the OSDE to provide on its website an annual report on the Lindsey Nicole Henry Scholarships for Students with Disabilities Program. Requires the report to include but not be limited to the following information:
  - Total number and amount of scholarships awarded and reported for each participating private school; total number of scholarships denied; total number and amount of scholarship payments suspended for each participating private school; and data on participating students, disaggregated by years of participation in the program, grade level, economically disadvantaged status, racial and ethnic groups and disability category.

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

Amendment to: 70 O.S. § 13-101.2



## **H.B. 2504**

RE: H.B. 2504

SUBJECT: Ad valorem taxation

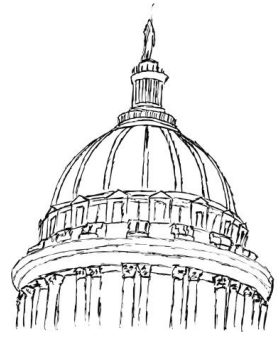
House Bill 2504 becomes effective January 1, 2021. This bill extends the property tax exemption granted to churches to include property owned by a church that allows its premises to be used by a preK-12 school.

Existing law provides an exemption to ad valorem tax for all property used exclusively and directly for fraternal or religious purposes.

- Section 1(7): Extends the exemption based on religious purposes to include real property owned by a church that allows the property to be used by another entity so long as the entity is not required to pay rent, not required to execute a formal lease agreement for occupancy of the church premises, and uses the property to instruct children from any or all grades preK-12, including religious instruction consistent with the church's doctrines.
  - Allows the church to require reimbursement for utility expenses, janitorial services or similar expenses from the entity.

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: 68 O.S. § 2887



## **H.B. 2741**

RE: H.B. 2741

SUBJECT: Revenue and taxation

House Bill 2741 becomes effective September 1, 2020. This bill reduces the apportionment schedules of the sales, use, individual and corporate income taxes for Fiscal Years 2021 and 2022 to the Teachers' Retirement System and apportions those funds to the 1017 Fund.

- Section 1(A): Modifies the apportionment of sales tax for the following fiscal years:
  - Temporarily reduces the apportionment to the General Revenue (GR) Fund from FY 23 through FY 27.
  - Temporarily reduces apportionment to Teachers' Retirement System Dedicated Revenue Revolving Fund from September 1, 2020 through June 30, 2022.
  - Adds a temporary apportionment to the Education Reform Revolving Fund of the State Department of Education.
    - For FY 21, beginning September 1, 2020 through June 30, 2021: 11.96%
    - For FY 22: 11.71%
- Section 2(A): Modifies the apportionment of use tax for the following fiscal years:
  - Temporarily reduces the apportionment to the General Revenue (GR) Fund from FY 23 through FY 27.
  - Temporarily reduces apportionment to Teachers' Retirement System Dedicated Revenue Revolving Fund from September 1, 2020 through June 30, 2022.
  - Adds a temporary apportionment to the Education Reform Revolving Fund of the State Department of Education.
    - For FY 21, beginning September 1, 2020 through June 30, 2021: 11.96%
    - For FY 22: 11.71%
- Section 3: Adds the Education Reform Revolving Fund to the list of funds eligible to receive income tax revenue.

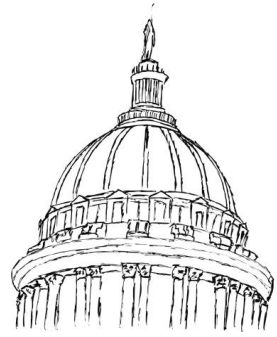
- Section 3(1): Modifies the apportionment of individual income tax for the following fiscal years:
  - Temporarily reduces the apportionment to the General Revenue (GR) Fund from FY 23 through FY 27.
  - Temporarily reduces apportionment to Teachers' Retirement System Dedicated Revenue Revolving Fund from September 1, 2020 through June 30, 2022.
  - Adds a temporary apportionment to the Education Reform Revolving Fund of the State Department of Education.
    - For FY 21, beginning September 1, 2020 through June 30, 2021: 9.84%
    - For FY 22: 9.59%
- Section 3(2): Modifies apportionment of corporate income tax for the following fiscal years:
  - Temporarily reduces the apportionment to the General Revenue (GR) Fund from FY 23 through FY 27.
  - Temporarily reduces apportionment to Teachers' Retirement System Dedicated Revenue Revolving Fund from September 1, 2020 through June 30, 2022.
  - Adds a temporary apportionment to the Education Reform Revolving Fund of the State Department of Education.
    - For FY 21, beginning September 1, 2020 through June 30, 2021: 18%
    - For FY 22: 17.5%
- Section 1(A)(6), Section 2(A)(6), Section 3(3): Eliminates provisions that prevented apportionments to the Teachers' Retirement System Dedicated Revenue Revolving Fund from being reduced below the State Board of Equalization's initial revenue baseline for the fund.

NOTE: Anticipated FY 21 additional revenue to the H.B. 1017 Fund is estimated at \$73,154,862.

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. § 1353, 1403, 2352

Helpful statutory reference: 62 O.S. § 34.89, 34.93, 68 O.S. § 2355.1B



## H.B. 2742

RE: H.B. 2742

SUBJECT: Insurance premium tax

House Bill 2742 becomes effective September 1, 2020. This bill reduces the apportionment schedules of the insurance premium and medical liability trust taxes for Fiscal Years 2021 and 2022 to certain retirement systems and apportions those funds to the Education Reform Revolving Fund.

- Section 1(B): Modifies the apportionment of the insurance premium tax and fee for the following fiscal years:
  - Temporarily reduces the apportionment to the Oklahoma Firefighters Pension and Retirement Fund from September 1, 2020 through June 30, 2022.
  - Temporarily reduces the apportionment to the Oklahoma Police Pension and Retirement System from September 1, 2020 through June 30, 2022.
  - Temporarily reduces the apportionment to the Law Enforcement Retirement Fund from September 1, 2020 through June 30, 2022.
  - Adds a temporary apportionment to the Education Reform Revolving (“H.B. 1017”) Fund of the State Department of Education:
    - For FY 21, beginning September 1, 2020 through June 30, 2021: 30%
    - For FY 22: 25%
- Section 1(D): Modifies the apportionment of the medical professional liability trusts tax and fee and any remaining insurance premium tax funds for the following fiscal years:
  - Temporarily reduces the apportionment to the Oklahoma Firefighters Pension and Retirement Fund from September 1, 2020 through June 30, 2022 and then temporarily increases the apportionment for five years beginning with FY 23.
  - Temporarily reduces the apportionment to the Oklahoma Police Pension and Retirement System from September 1, 2020 through June 30, 2022 and then temporarily increases the apportionment for five years beginning with FY 23.
  - Temporarily reduces the apportionment to the Law Enforcement Retirement Fund from September 1, 2020 through June 30, 2022 and then temporarily increases the apportionment for five years beginning with FY 23.

- Adds a temporary apportionment to the Education Reform Revolving (“H.B. 1017”) Fund of the State Department of Education:
  - FY 21, beginning September 1, 2020 through June 30, 2021: 16.5%
  - FY 22: 13.75%
- Section 1(D)(5): Requires the following amounts from the premium tax be allocated annually to the pension funds in addition to previously listed apportionments for five years beginning with FY 23:
  - Oklahoma Firefighters Pension and Retirement Fund: \$81,250
  - Oklahoma Police Pension and Retirement System: \$32,500
  - Oklahoma Law Enforcement Retirement Fund: \$11,250
- Section 1(F): Includes the Education Reform Revolving Fund in the existing list of funds receiving insurance premium tax revenue whose revenue is protected from any reductions due to insurance premium tax credits.

NOTE: Anticipated FY 21 additional revenue to the H.B. 1017 Fund is estimated at \$38,815,000.

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: 36 O.S. § 312.1

Helpful statutory reference: 36 O.S. § 624 and 2204, 62 O.S. § 34.89



## **H.B. 2743**

RE: H.B. 2743

SUBJECT: Apportionments

House Bill 2743 becomes effective July 1, 2020. This bill directs \$180 million from the ROADS Fund to be deposited into the Education Reform Revolving Fund for Fiscal Years 21 and 22.

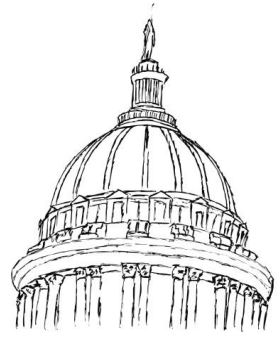
- Section 1(B)(3): Requires that \$180,000,000 of the amount that would otherwise be apportioned to the Rebuilding Oklahoma Access and Driver Safety (ROADS) Fund be deposited to the Education Reform Revolving (“H.B. 1017”) Fund of the State Department of Education for FY 21 and FY 22.

NOTE: H.B. 2744 authorizes the Oklahoma Capitol Improvement Authority to issue \$200 million in bonds for the Oklahoma Transportation Commission Construction Work Plan.

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: 69 O.S. § 1521

Helpful statutory reference: 62 O.S. § 34.89



## **H.B. 2804**

RE: H.B. 2804

SUBJECT: Dyslexia Screening

House Bill 2804 becomes effective November 1, 2020. This bill requires schools to screen any K-3 student not meeting Reading Sufficiency Act (RSA) benchmarks on the beginning of year screener for dyslexia starting in 2022-2023.

- Section 1(A): Requires any student grades K-3 not meeting grade-level targets in reading after the beginning-of-year assessment required under the RSA to be screened for dyslexia beginning with the 2022-23 school year. Dyslexia screening may also be requested by the student's parent or guardian, teacher, counselor, speech-language pathologist or school psychologist.
- Section 1(B): Requires the State Board of Education to develop dyslexia screening policies by July 1, 2021.
- Section 1(C): Requires the Board to adopt a list of approved dyslexia screening tools that are developmentally appropriate for students.
- Section 1(D): Requires all screening to be conducted according to SBE policies as well as the Oklahoma Dyslexia Handbook and other information related to universal dyslexia screening of kindergarten students.
- Section 1(E): Requires school districts to provide the State Department of Education with the following data starting June 30, 2023:
  - The number of students by grade level K-3 who were screened for dyslexia in a school year;
  - The number of students by grade level K-3 who were newly identified as having characteristics of dyslexia in a school year;
  - The process or tools used to evaluate student progress;
  - The number of trained school system personnel or licensed professionals used to administer the qualified dyslexia screening tool;
  - The number of students K-3 who were participating in interventions both within and outside of the school setting and
  - The programs used by districts for intervention within the school setting.

- Section 1(F): Requires the Department to make an annual report based on district data, providing it to the Governor and the Legislature in addition to making it available on the Department's website by December 31, 2023.
- Section 1(G): Requires the Department to provide training on the best practices for screening for dyslexia by the 2021-2022 school year, contingent on the availability of 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.

New law at: 70 O.S. § 1210.520

Helpful Statutory Reference: 70 O.S. § 1210.508C, 6-194(F)



## **H.B. 2905**

RE: H.B. 2905

SUBJECT: Virtual charter schools

House Bill 2905 becomes effective July 1, 2020. This bill creates the Virtual Charter School Reform and Transparency Act of 2020, and includes changes to enrollment, attendance, truancy and transfer policies for virtual charter schools.

- Section 2(B): Specifies that the geographic boundaries of virtual charter schools sponsored by the Statewide Virtual Charter School Board are the borders of the state, with the exception of the provisions of subsection H of this section.
- Section 2(H)(1): Requires a public school student wishing to enroll in a statewide virtual charter school to be considered a transfer student from their resident school district, beginning in the 2021-22 school year. Requires a virtual charter school to pre-enroll any student whose parent has expressed intent to enroll and the OSDE to initiate a transfer form to be completed by the receiving virtual charter school. Requires the virtual charter school to complete the transfer form before the student can begin instructional activities. Requires the resident school district to transmit the student's records within three school days of receiving notice that a student has transferred to a virtual charter school.
- Section 2(H)(2): Requires the OSDE to notify the Legislature and Governor if it determines that existing information technology infrastructure for processing student transfers to virtual charter schools is inadequate beginning in 2021-22 and that one additional school year is required for implementation.
- Section 2(H)(3): Allows a public school student to transfer to one statewide virtual charter school at any time during a school year. After one statewide virtual charter school transfer during a school year, no public school student is permitted to transfer to any other statewide virtual charter school without an agreement between the resident school district and the receiving virtual charter school.
  - Allows a student to have a grace period of 15 school days from the first day of enrollment in a virtual charter school to withdraw without academic penalty and maintain the option of one virtual charter school transfer without the concurrence of both districts during that same school year.
  - Prohibits a statewide virtual charter school student that has used their one allowable transfer per year from transferring to another district or other statewide virtual charter school without first notifying their resident district and initiating a new transfer, at which point the virtual charter school transfer is cancelled.

Requires the virtual charter school to transmit the student's records to the student's new school district within three school days.

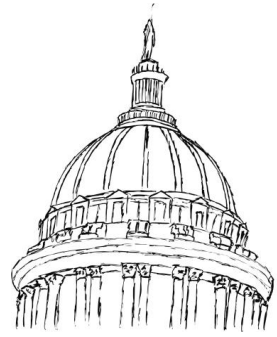
- Allows students enrolled in a virtual charter school to remain enrolled for consecutive years without submitting a transfer. Allows any student enrolled in a virtual charter school the year prior to the implementation of the transfer requirements to remain enrolled without submitting a transfer.
- Defines “school year” to mean July 1 through the following June 30.
- Defines “parent” to mean the parent of the student or person having custody of the student, and which is used for residency purposes.
- Section 2(I): Prohibits a virtual charter school from 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.
- Section 3(B): Requires the governing body of each virtual charter school to adopt an attendance policy by July 1, 2020 that designates the first date of attendance and membership as the first date the student completes an instructional activity.
  - Increases the number of instructional activities required to be completed in order for students to be counted in attendance for a quarter from 40 to 72 for those districts using completion of instructional activities as the means to count student attendance.
- Section 3(C): Amends the definition of “instructional activities” to include instructional meetings *with a teacher*, completed assignments that are used to record a grade for a student that is factored into the student's grade for the semester during which the assignment is completed, testing, school-sanctioned field trips, and orientation.
  - Eliminates online logins to curriculum, offline activities, meetings *with staff or service providers* via teleconference, videoconference, email, text or phone from the definition.
- Section 3(D): Requires each statewide virtual charter school to require students to participate in orientation, to notify the parent or legal guardian of the requirement, and require the student orientation to occur prior to completing any other instructional activity. Requires the Statewide Virtual Charter School Board to promulgate rules to develop orientation materials.
- Section 3(E): Requires any student who is behind pace and does not complete an instructional activity for a fifteen-school-day-period be withdrawn for truancy. Requires the virtual charter school to notify the parent or legal guardian of a student who has been withdrawn for truancy or is approaching truancy.

- Section 3(F): Requires a student who is reported for truancy twice in the same school year to be withdrawn and prohibited from enrolling in the same virtual charter school for the remainder of the school year.
- Section 3(G): Requires the governing body of each statewide virtual charter school to develop, adopt and post on the school's website a policy regarding consequences for a student's failure to attend school and complete instructional activities. Requires the policy to state, at a minimum, that if a student fails to consistently attend school and complete instructional activities after receiving a notification and reasonable intervention strategies have been implemented, the student shall be subject to certain consequences including withdrawal from the school for truancy.
- Section 3(H): Requires a statewide virtual charter school that withdraws a student for truancy to immediately provide written notice to the student's resident district of the disenrollment.
- Section 3(I): Prohibits the above truancy and disenrollment provisions from going into effect until the technology infrastructure to support the transfer of virtual charter school students is fully implemented.
- Section 4(2): Amends the definition of "Average Daily Membership" (ADM) to require a pupil enrolled in a statewide virtual charter school who is behind pace and has not completed an instructional activity for a fifteen-school-day-period, without excuse, be taken off the roll beginning the sixteenth day and thereafter not be considered in the virtual charter school's average daily membership calculation until the pupil is reinstated on the roll of the virtual charter school.

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, 3-145.8, 18-107

Helpful statutory reference: 70 O.S. § 1-113, 10-105



## H.B. 3142

RE: H.B. 3142  
SUBJECT: Schools

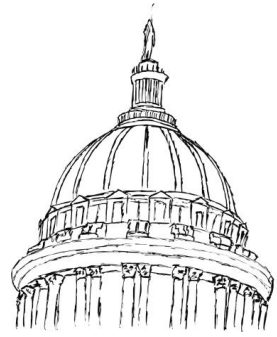
House Bill 3142 becomes effective November 1, 2020. This bill allows principal and superintendent candidates who completed a master's degree program in education prior to July 1, 2005 to be exempt from the current requirements of a master's degree program in education administration.

Existing law requires school principal and superintendent candidates to complete a master's degree program *in education administration*.

- Section 1(B)(2): Exempts school principal candidates who completed a master's degree program *in education* prior to July 1, 2005 from the education administration program requirement so long as the completed program included competencies substantially equal to those currently required.
  - Education administration program competencies for principals place an emphasis on curriculum, instruction and building-level leadership skills.
- Section 1(C)(2): Exempts school superintendent candidates who completed a master's degree program in education prior to July 1, 2005 from the education administration program requirement so long as the completed program included competencies substantially equal to those currently required.
  - Education administration program competencies for superintendents place an emphasis on the following district-level leadership skills: instructional leadership; organizational leadership, including education finance, education law, and risk management; collaborative and community leadership and ethical leadership.

Should you have any questions related to this bill, please contact Mr. Jeff Smith, Executive Director of Teacher Certification at, (405) 521-3337 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 6-189



## **H.B. 3350**

RE: H.B. 3350

SUBJECT: Public retirement systems

House Bill 3350 becomes effective July 1, 2020. This bill institutes a Cost of Living Adjustment (COLA) for members of the Teachers' Retirement System (OTRS) and other state retirees.

- Section 1(1)(g): Amends the definition of “non-fiscal retirement bill” to include a bill that provides a cost-of-living benefit increase.

NOTE: This amendment exempts H.B. 3350 from the requirement that any retirement bill having a fiscal impact be introduced in an odd-numbered year, but not heard until the following even-numbered year.

- Section 6(A): Provides a cost-of-living increase to any person receiving benefits from the Teachers' Retirement System of Oklahoma as of June 30, 2019 and who continues to receive benefits on or after July 1, 2020 in the following amount:
  - 0% if the person has been retired for less than two (2) years as of July 1, 2020.
  - 2% if the person has been retired for at least two (2) years but less than five years as of July 1, 2020.
  - 4% if the person has been retired for five years or more as of July 1, 2020.
- Section 6(B): Provides the same benefit to annuitants whose benefits commenced prior to July 1, 2020 and who continue to receive benefits on or after July 1, 2020.

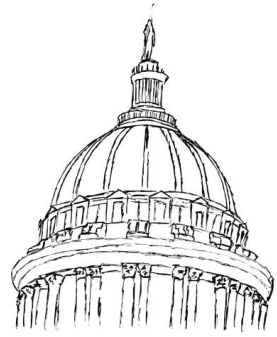
NOTE: Other sections of this bill provide the same benefit to members of other Oklahoma pensions systems, including firefighters, police, justices and judges, law enforcement and public employees.

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: 70 O.S. § 17-116.22

Amendment to: 62 O.S. § 3103

Helpful statutory references: 70 O.S. § 17-105(3), 62 O.S. § 3107



## **H.B. 3369**

RE: H.B. 3369

SUBJECT: Charter schools

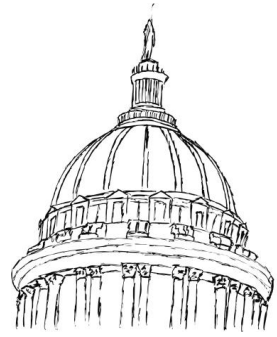
House Bill 3369 becomes effective November 1, 2020. This bill reduces the allowable fee for sponsors of charter schools from 5% of State Aid to 3% and creates a fund to assist sponsoring districts with covering the costs incurred by a closing charter school.

- Section 1(A): Allows a school district to retain up to 3%, reduced from 5%, of a sponsored charter school's State Aid allocation as a fee for administrative services. Allows a technology center school board, a higher education institution, the State Board of Education, or a federally recognized Indian tribe that sponsors a charter school or the Statewide Virtual Charter School Board, for statewide virtual charter schools, to charge a fee for administrative services of not more than 3%, reduced from 5%.
  - Prohibits a charter school sponsor from retaining any additional State Aid or from charging the charter school any additional fee except for additional services rendered. Requires the sponsor to provide the OSDE with financial records documenting any state funds retained for the previous year.
- Section 1(F): Requires each charter school to pay an amount equal to \$5 per student based on average daily membership (ADM) to the Charter School Closure Reimbursement Revolving Fund within 30 days of the first nine weeks of the school year. Suspends payments for the upcoming school year if the Fund has a balance of \$1,000,000 or more on July 1.
- Section 1(G): Creates the Charter School Closure Reimbursement Revolving Fund for the purpose of reimbursing charter school sponsors for costs incurred due to the closure of a charter school. Allows the Department of Education to promulgate rules regarding sponsor eligibility for reimbursement.

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. § 3-142

Helpful statutory reference: 70 O.S. § 18-107



## H.B. 3398

RE: H.B. 3398

SUBJECT: Education criminal history record checks

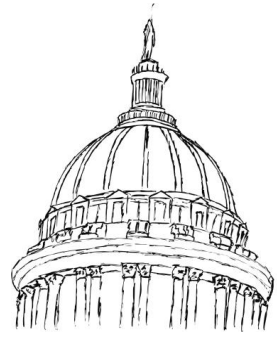
House Bill 3398 becomes effective May 19, 2020. This bill requires a one-time criminal and national background check for school employees with no criminal background check on file by July 1, 2022.

- Section 1(G)(1): Requires any teacher currently employed by an Oklahoma school district who does not have an Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation (OSBI), as well as a national criminal history record check, on file with the employing district to complete both checks upon renewal of his or her Standard Teaching Certificate.
- Section 1(G)(2): Requires any other person employed by an Oklahoma school district who does not have an Oklahoma criminal history record check from the OSBI, as well as a national criminal history record check, on file with his or her employing district to complete both checks by July 1, 2022.
- Section 1(G)(3): Requires any teacher eligible to retire from the Teachers' Retirement System of Oklahoma who does not have an Oklahoma criminal history record check from the OSBI, as well as a national criminal history record check, on file with the employing district to complete the checks by July 1, 2022 *or* upon renewal of his or her Standard Teaching Certificate, *whichever comes first*.
- Section 2(B): Prohibits local boards of education from contracting with any teacher lacking a completed Oklahoma criminal history record check from the OSBI, as well as a national criminal history record check.

Should you have any questions related to this bill, please contact Mr. Jeff Smith, Executive Director of Teacher Certification, at (405) 521-3337 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 5-142, 6-101

Helpful statutory reference: 70 O.S. § 1-116, 6-154.1, 74 O.S. § 150.9



## **H.B. 3400**

RE: H.B. 3400

SUBJECT: Education

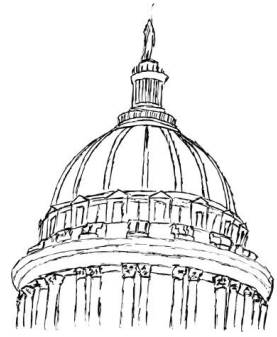
House Bill 3400 becomes effective November 1, 2020. This bill requires all public high schools to offer a minimum of four advanced placement courses to students by 2024-2025.

- Section 1(A): Requires all public high schools to offer a minimum of four advanced placement courses beginning with the 2024-2025 school year via the following means:
- Section 1(B): Allows local board of education to ensure the offerings are made available and may do so through a school site or sites within the district; a career and technology institution within the district; a program offered by the Statewide Virtual Charter School Board or one of its vendors; or a school site or sites in another school district.
- Section 1(C): Requires the Statewide Virtual Charter School Board (OSVCSB) to maintain an online learning platform to provide quality online courses that are aligned with the subject matter standards adopted by the State Board of Education. Requires the courses to emphasize science, technology, engineering, math (STEM), foreign language and advanced placement and be available to all Oklahoma school districts.
- Section 1(D): Requires the Department of Education (OSDE) to provide information on AP courses to local school boards to distribute to students and parents, including preparing students for postsecondary-level coursework, enabling access to postsecondary opportunities and helping them qualify for scholarships and financial aid.
- Section 1(E): Requires OSDE to post advanced placement offerings by district on its website.

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. § 1210.704

Helpful statutory reference: 70 O.S. § 11-103.6, 1210.702



## **H.B. 3466**

RE: H.B. 3466  
SUBJECT: Textbooks

House Bill 3466 becomes effective November 1, 2020. This bill makes several changes to the State Textbook Committee's structure and review process, requires the use of a three-tiered review rubric as well as providing additional support staff and resources through the State Department of Education.

- Section 1: Revises the composition of the State Textbook Committee beginning April 1, 2021, to include 13 members the majority of which will continue to be classroom teachers. Twelve members to be appointed by the Governor with the advice and consent of the Senate including two members from each congressional district and two non-teacher lay citizens from the state at large with at least one child attending a public school in Oklahoma.
  - Designates the State Superintendent of Public Instruction, or a designee, to serve as the thirteenth member and as Chair of the Committee.
  - Requires the State Department of Education (OSDE) to provide administrative services, including a secretary, to the Committee.
  - Requires the State Textbook Committee to be subject to the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.
  - Requires the Committee to meet at the call of the State Superintendent to select a vice-chair for the year.
- Section 2(A): Eliminates the requirement that the Committee meet at the State Capitol and clarifies that textbooks will be selected for grades PreK-12.
- Section 2(D): Defines “list of textbooks” or “the list” to mean the official textbook list required by the Oklahoma Constitution, including the textbooks and other instructional materials selected by the State Textbook Committee for use in Oklahoma public schools.
- Section 2(E): Requires the OSDE, in coordination with the State Textbook Committee, to approve an application process to annually select review teams of subject matter experts for each subject area under review to assist the Committee. Requires team members to have specific expertise in the subject areas being reviewed. Requires review teams to consist of at least 12 members or more as deemed necessary. Subject to the availability of

OSDE funds, allows review team members to be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act.

- Section 2(F): Requires the Committee to select textbooks for each subject that are aligned with the subject matter standards adopted by the State Board of Education to the greatest extent possible. Directs the Committee, in consultation with OSDE, to adopt a rubric to be used by the review teams for evaluating submitted textbooks. Requires the rubric to contain a three-tiered rating system with the following labels:
  - Exemplifies Quality,
  - Approaching Quality, or
  - Not Representing Quality.

Requires the rubric to include, but not be limited to, criteria for alignment to subject matter standards such that all standards are present and treated with the appropriate depth to support students in learning the standards, as well as usability for teacher planning, learning, assessment and differentiated instruction. Allows the Committee, in consultation with the review teams, to include additional subject-specific criteria. Requires the rubric to score each criterion individually, including score justification, and provide an overall recommendation for the rating.

- Section 2(G): Requires review teams to review all materials according to the rubric adopted and submit the review and recommended rating to the Committee. Requires the Committee to consider, but not to accept, the review team's recommended rating. Allows the Committee to request the review teams to supply additional information in support of their recommendations or allows the Committee to provide its own justification utilizing the adopted rubric.
- Section 2(H): Requires the Committee to verify that the review process was conducted in a scrupulous and fair manner prior to adopting a final rating for each textbook and including it on the textbook list. Requires the completed rubric for each evaluated textbook, including the review team's recommendations, to be made publicly available on the State Textbook Committee website.
- Section 2(I): Requires the final textbook list to be published before the Committee can make a motion to adopt further textbooks due to unusual or extraordinary circumstances existing in a particular subject area.
- Section 2(J): Requires the OSDE to house the website of the State Textbook Committee on its agency website.
- Section 3: Requires the Committee to select only those textbooks receiving a review rating of "Exemplifies Quality" or "Approaching Quality" on the rubric for adoption.
- Section 4: Requires the Secretary of the Committee, once a contract has been finalized, to send the list of textbooks to every superintendent in the state, who is then required to supply the list to the district's local textbook committee. Requires the list to show the

respective price, completed rubric, and the rating for each selected textbook. Requires the OSDE to publish the list.

- Section 5(C): Requires local textbook committees to adopt textbooks from the State Textbook Committee's list. Requires local committees wishing to adopt a textbook that was not reviewed by the State Textbook Committee to conduct a review process in a manner prescribed by the State Board of Education.
- Section 6: Requires a local textbook committee to submit a statement to the local board of education justifying the use of textbook funds for any supplementary textbooks and other instructional materials not found on the State Textbook Committee's list.
  - Defines "supplementary textbooks and other instructional materials" to mean materials pertaining to subjects that are not reviewed by the State Textbook Committee or materials that support instruction in the subject matter standards as adopted by the State Board of Education that were not reviewed by the State Textbook Committee.
- Section 7: Repeals a redundant statute requiring a "lay citizen" member on the State Textbook Committee to serve for a three-year term.

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

Amendment to: 70 O.S. § 16-101, 16-102, 16-104, 16-110, 16-111, 16-111.1

Repeals: 70 O.S. § 16-101.1

Helpful statutory reference: 70 O.S. § 11-103.6, Article 13 § 6 of the Oklahoma Constitution



## H.B. 3613

RE: H.B. 3613

SUBJECT: Personal privacy

House Bill 3613 becomes effective November 1, 2020. This bill creates the “Personal Privacy Protection Act”, prohibiting any public agency, including school districts, from requiring an individual to provide information affiliating themselves with any nonprofit organization and from releasing any such information in the agency’s possession.

- Section 1(B): Defines “Personal affiliation information” to mean any list, record, register, registry, roll, roster or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity organized pursuant to Section 501(c) of the United States Internal Revenue Code; and

Defines “public agency” to mean any state or local governmental unit including, but not limited to, any department, agency, office, commission, board, division or other entity of the state, and any political subdivision including, but not limited to, a county, city, township, village, **school district**, community college district or any other local governmental unit, agency, authority, council, board or commission; or any state or local court, tribunal or other judicial or quasi-judicial body.

- Section 1(C): Prohibits a public agency from
  - Requiring any individual to provide the public agency with personal affiliation information or otherwise compel the release of personal affiliation information;
  - Requiring any entity organized as a 501(c) according to the IRS to provide the state agency or political subdivision with personal affiliation information or otherwise compel the release of personal affiliation information;
  - Releasing, publicizing or otherwise publicly disclosing any personal affiliation information in the possession of the agency; or
  - Requesting or requiring a current or prospective contractor or grantee to provide to the agency a list of entities organized as a 501(c) according to the IRS to which it has provided financial or nonfinancial support.
- Section 1(D): Exempts personal affiliation information from the disclosure requirements of the Oklahoma Open Records Act.

- Section 1(E): Excludes any report or disclosure required by the Oklahoma Ethics Commission prior to November 1, 2020; any lawful warrant for personal affiliation information issued by a court of competent jurisdiction; any lawful request for discovery of personal affiliation information in litigation if the requester
  - Demonstrates a compelling need for the personal affiliation information requested by clear and convincing evidence, and
  - Obtains a protective order barring disclosure of personal affiliation information to any person not directly involved in the litigation.

Excludes admission of personal affiliation information as relevant evidence before a court of competent jurisdiction. However, it prohibits a court from publicly revealing personal affiliation information absent a specific finding of good cause.

- Section 1(F): Allows any person alleging a violation of the Personal Privacy Protection Act, to bring a civil action for appropriate injunctive relief, damages, or both. Damages awarded according to this section may include one of the following, as appropriate:
  - A sum of money not less than \$2,500 to compensate for injury or loss caused by each violation of this act; or
  - A sum of money not to exceed three times the sum listed above in the case of an intentional violation.
- Section 1(G): Allows a court rendering judgment in an action brought for a violation to award all costs or a portion of the costs of litigation, including reasonable attorney fees and witness fees to the complainant in the action if the court determines that the award is appropriate.
- Section 1(H): Requires anyone found to have knowingly violated these provisions to be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than ninety 90 days and/or a fine of not more than \$1,000.

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: 51 O.S. § 50

Helpful statutory reference: 51 O.S. § 24A.1-32



## **H.B. 3819**

RE: H.B. 3819

SUBJECT: State contracts and agreements

House Bill 3819 becomes effective November 1, 2020. This bill requires any contract or agreement made by a state agency to be open for inspection by any member of the Legislature.

- Section 1(A): Requires that state agency contracts or any other forms of agreement be open for inspection by any member of the Legislature.
  - “State agency” is defined to mean any office, officer, bureau, board, council, court, commission, institution, unit, division, body or house of the executive or judicial branches of the state government, whether elected or appointed.
- Section 1(B): Prohibits a state agency from directing, contracting, or in any way prohibiting a vendor, client, employer or independent contractor, person, or any other entity from contacting or communicating with any member of the Legislature.

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: 74 O.S. § 464.1



## **H.B. 3870**

RE: H.B. 3870

SUBJECT: Duties of the Commissioners of the Land Office

House Bill 3870 becomes effective May 7, 2020. This bill increases the amount which the Commissioners of the Land Office may invest in real property.

- Section 1(B): Increases the limit of the total value of the assets of the permanent school funds that the Commissioners of the Land Office may invest in real property from 3% to 5%.
- Section 2: Requires the Commissioners of the Land Office to prioritize exchanging undeveloped land owned by the agency for privately held commercial properties and to consider the impact on local tax districts prior to the exchange or purchase of these properties.

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: 64 O.S. § 1013

New law at: 64 O.S. § 1002A

Helpful statutory reference: 64 O.S. § 1002



## **H.B. 3916**

RE: H.B. 3916  
SUBJECT: Lottery

House Bill 3916 becomes effective November 1, 2020. This bill allows the Oklahoma Lottery Commission to accept all forms of applicable retail payment.

- Section 1: Eliminates the restriction that purchase of lottery tickets be made by cash or debit card only. Allows the board of trustees of the Oklahoma Lottery Commission to promulgate rules to accept all forms of applicable retail payment.

NOTE: By expanding forms of payment, this bill is expected to increase funding for education. Forty-five percent of the net proceeds of the Oklahoma Education Lottery are to be expended for public education.

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

Amendment to: 3A O.S. § 710  
Helpful statutory reference: 3A O.S. § 713



## H.B. 3964

RE: H.B. 3964

SUBJECT: State Aid to school districts

House Bill 3964 becomes effective July 1, 2020. This bill allows school districts to carry over general funds in excess of statutory limits during Fiscal Year 2020 without being assessed a general fund balance penalty.

- Section 1(G)(9): Prevents any school district with a general fund balance in excess of the established limits during the fiscal year beginning July 1, 2019 (FY 20) from being assessed a general fund balance penalty.

NOTE: This amendment prevents assessment of the penalty for any district exceeding the allowable limit in FY 20 that would be assessed a penalty due to also exceeding the limit **only** in FY 19. If a district exceeds its general balance limit in FY 2021, then a penalty will follow in FY 2022 absent a waiver from the State Board.

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: 70 O.S. § 18-200.1



## **H.B. 4025**

RE: H.B. 4025

SUBJECT: Legislative Office of Fiscal Transparency

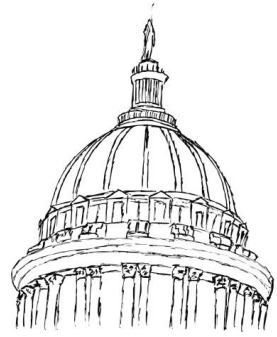
House Bill 4025 becomes effective July 1, 2020. This bill requires each state agency or institution to regularly transmit raw datasets to the LOFT for the purpose of creating a data clearinghouse.

- Section 1(C): Requires each agency or institution of the state to regularly transmit raw datasets to the Legislative Office of Fiscal Transparency (LOFT) as requested for the purpose of creating a data clearinghouse.
  - Requires LOFT to adopt policies and procedures to govern the request and transmission of the datasets, including the format for data transmission, how the data is organized and any other requirements.

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

Amendment to: 62 O.S. § 8014

Helpful statutory reference: 62 O.S. § 8011 – 8015



## **H.B. 4138**

RE: H.B. 4138

SUBJECT: Opioid abatement

House Bill 4138 becomes effective August 27, 2020. This bill creates the Oklahoma Opioid Abatement Board with the task of disbursing opioid settlement grant awards in support of local communities and political subdivisions negatively impacted by the opioid crisis and includes an appointment by the State Superintendent of Public Instruction.

- Section 2: States the Legislature's intent to promote and protect the health of Oklahomans by using monetary grants to abate the opioid crisis in a comprehensive manner that includes cooperation and collaboration with political subdivisions.
- Section 3(1): Defines "approved purpose(s)" to mean evidence-based, forward-looking strategies, programming and services that occurred on or after January 1, 2006 including treatment, prevention, awareness, recovery supports, efforts to prevent overprescribing, law enforcement costs, planning and coordination across governmental and non-profit entities, monitoring and other abatement as identified by the Board. Specifically, it includes supports for the education of youths regarding the dangers of opioid use, abuse and addiction.
- Section 3(3): Defines "eligible participant" to mean any political subdivision or first responder organization that obtained legal representation or participated in litigation with pharmaceutical supply chain participants prior to the effective date of this act.
- Section 3(6): Defines "opioid funds" to mean all monetary amounts obtained through a settlement or judgment by the Attorney General on behalf of the State of Oklahoma related to opioid litigation involving pharmaceutical supply chain participants, including the Purdue Political Subdivisions Fund but excluding all other funds received pursuant to the Purdue Settlement Agreement.
- Section 4(A): Creates the "Oklahoma Opioid Abatement Revolving Fund" for use by the Attorney General's office and consisting of all opioid funds that are designated for deposit in the fund or appropriated by the Legislature.
- Section 4(B): Requires the \$12,500,000 from the Purdue Settlement Agreement to be maintained in a segregated State Treasury fund within the Oklahoma Opioid Abatement Revolving Fund and not be commingled with other opioid funds.

- Section 5(A): Creates the Oklahoma Opioid Abatement Board and establishes its membership as follows:
  - One member appointed by the Governor;
  - One member appointed by the State Auditor and Inspector;
  - One member appointed by the State Treasurer;
  - The Attorney General of the State of Oklahoma, or his or her designee, who shall serve as an ex officio member of the Board but who shall be entitled to vote only in case of a tie vote;
  - **One member appointed by the State Superintendent of Public Instruction;**
  - Two members appointed by the Speaker of the House of Representatives; and
  - Two members appointed by the President Pro Tempore of the Senate.
- Section 5(B): Requires Board members to serve at the pleasure of their appointing authority and to be removed or replaced without cause. Prohibits members from voting on any issue in which the member has a direct or indirect financial interest.
- Section 5(C): Directs the Board to develop and implement procedures for the disbursement of opioid grant awards to eligible participants, including grant application, submission and evaluation procedures; an appeals process; ensuring grant proceeds are used exclusively for approved purposes; and suspension of any allocation found to be out of compliance with Board procedures or used for non-approved purposes.
- Section 5(D): Prohibits a grant award from being spent by a political subdivision unless the expenditure is documented in an adopted resolution or equivalent government action and submitted to the Board.
- Section 5(E): Prohibits any opioid grant from including funds from the Purdue Political Subdivisions Fund unless the Board first receives a release of claims as required by the Purdue Settlement Agreement on a form approved by the Attorney General.
- Section 5(F): Requires the Attorney General's Office to provide staff and administrative support to the Board.
- Section 5(G): Requires the Attorney General's Office to develop rules needed to implement the act as requested or approved by the Board.
- Section 6(A)(1): Requires the Board to conduct an initial disbursement of opioid grant awards to participating eligible participants based on each of the following equally weighted criteria:
  - The number of people per capita suffering from opioid use disorder in the participating political subdivision, or in the absence of such information, the opioid prescription rate in the political subdivision compared to the national average opioid prescription rate;
  - The number of opioid overdose deaths in the participating political subdivision, and

- The amount of opioids distributed within the participating political subdivision.
- Section 6(A)(2): Subjects grant awards to legal services agreements entered into by participating eligible participants based on the award.
- Section 6(A)(3): Requires the initial opioid grant awards to be listed in an opioid grant award allocation matrix, reviewed and approved by the Board, to ensure the awards adhere to the required criteria.
- Section 6(B): Allows any remaining balance in the Oklahoma Opioid Abatement Revolving Fund following initial awards to be disbursed to eligible participants so long as funds are used for approved purposes.
- Section 6(C): Directs any remaining allocations of an awarded opioid grant in excess of \$500 be reallocated equitably based on the composition of the successor eligible participant(s) in the event an eligible participant merges or ceases to exist.

NOTE: The Oklahoma Opioid Abatement Board will oversee the distribution of \$10,220,000 derived from the Opioid Lawsuit Settlement Fund (Fund 383) according to the provisions of H.B. 4140.

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: 74 O.S. § 30.3, 30.4, 30.5, 30.6, 30.7, 30.8  
Helpful statutory reference: 51 O.S. § 152(11)



## **H.B. 4140**

RE: H.B. 4140

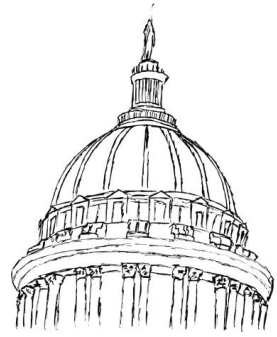
SUBJECT: Oklahoma Opioid Abatement Revolving Fund

House Bill 4140 becomes effective August 27, 2020. This bill makes a one-time appropriation of \$10,220,000 from the Opioid Lawsuit Settlement Fund for use by the Oklahoma Opioid Abatement Board.

- Section 1: Appropriates \$10,220,000 from the Opioid Lawsuit Settlement Fund (Fund 383) of the State Treasury to the Oklahoma Opioid Abatement Revolving Fund created by H.B. 4138.

NOTE: Eligible uses of the Oklahoma Opioid Abatement Revolving Fund are detailed in H.B. 4138.

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.



## **H.B. 4153**

RE: H.B. 4153

SUBJECT: State Department of Education

House Bill 4153 becomes effective July 1, 2020. This bill sets budgetary expenditure limits for the State Board of Education.

- Section 1(1): Directs \$2,300,970,699 of the funds appropriated in Senate Bills 1921 and 1922 be reserved for the financial support of public schools.
- Section 1(2): Directs \$669,456,047 of the funds appropriated in Senate Bill 1922 be appropriated as follows:
  - Certified Employee Health Benefit Allowance – \$347,081,644
  - Support Personnel Health Benefit Allowance – \$188,455,377
  - Teachers' Retirement Credit – \$34,000,000
  - Purchase of Textbooks and Instructional Materials – \$33,000,000
  - Alternative and High Challenge Education – \$10,000,000
  - Education Leadership Oklahoma – \$4,900,000
  - Advanced Placement Incentives – \$1,000,000
  - Reading Sufficiency Act – \$11,000,000
  - Teacher and Leader Effectiveness – \$125,000
  - Required Assessments – \$4,205,685
  - Teach for America – \$2,000,000
  - Great Expectations – \$300,000
  - Street School – \$100,000
  - 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
- Section 1(3): Directs \$15,027,640 of the funds appropriated in Senate Bill 1922 be reserved for Administrative and Support Functions of Department of Education (OSDE).
- Section 2: Requires the State Board of Education to budget \$4,044,045,822 of the funds available as follows. Requires outcome-based performance measures for each:
  - Payroll, Salaries, or Wages, to include tax-sheltered deferment contracts and longevity payments authorized by state statutes – \$18,246,524

- Professional and Personal Services contracts – \$16,250,280
  - Other operating funds – \$2,966,490,508
  - Expenditure of Federal Funds – \$1,043,058,509
- Section 5: Directs \$34,000,000 of the funds appropriated for Teachers' Retirement Credit to be transferred to the Teachers' Retirement System.
- Section 6: Allows OSDE to reduce in equal portions funds for Education Leadership Oklahoma, Advanced Placement Incentives, Reading Sufficiency, Teacher and Leader Effectiveness Programs, Alternative and High Challenge Education, Required Assessments, Street School, Ag in the Classroom, Imagine Math, and Great Expectations if funds are insufficient to fully fund the Teachers' Retirement Credit.
- Section 7: Directs \$4,900,000 of the funds appropriated for Education Leadership Oklahoma to be allocated as follows:
  - \$2,000,000 to the Oklahoma National Board Certification Revolving Fund; and
  - \$2,900,000 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 to provide assistance for students in financial need and grants for districts wanting to start new AP programs and to expand professional development.
- Section 9: Directs \$11,000,000 for the Reading Sufficiency Act.
- Section 10: Directs \$125,000 to fund Teacher and Leader Effectiveness programs to improve the effectiveness of teachers and leaders in the public school system through continued development.
- Section 11: Directs \$4,205,685 for administering the statewide student assessment system for grades 3-8 and high school.
- Section 12: Directs \$300,000 to Great expectations for scholarships to the Great Expectations Summer Institutes for Teachers offered by an institution within The Oklahoma State System of Higher Education.
- Section 13: Directs \$10,000,000 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 14: Directs \$14,400,341 to Early Intervention to be expended for direct services to eligible infants, toddlers and their families.
- Section 15: Directs \$2,350,000 to the Secure Schools Program for the purpose of implementing a statewide K-12 public school mobile panic button system.

- Section 16: Directs \$12,000,000 to the Early Childhood Initiative for the purpose of funding the early childhood program.
- Section 17: Directs the State Board of Education to prescribe the duties and compensation of employees not prescribed by law that perform duties for the State Department of Education.
- Section 18: 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 19: Authorizes the State Board of Education to request a transfer of appropriated funds to the appropriate dispensing fund.
- Section 20: 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 Fund for the purpose of early allocation to the Board's disbursing funds to alleviate cash-flow problems.
- Section 21: 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 this bill.
- Section 22(A): Authorizes the State Superintendent to request through OMES that receipt and expenditure of unanticipated federal funds awarded after July 1, 2020, be exempt from expenditure and budgetary limitations. Requires the request to be made in writing and filed with the Appropriations Committee chairs in the House and Senate. Directs the House and Senate to notify OMES if the request does not comply with legislative intent within 12 days of receipt.
- Section 22(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 23: Authorizes appropriations made in S.B. 1921 and S.B.1922, but not including appropriations made for capital outlay purposes, to be budgeted for the fiscal year ending June 30, 2021 or for the fiscal year ending June 30, 2022.

NOTE: Some sections of this bill are duplicated in the general appropriations bill, S.B. 1922.

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 references: 70 O.S. § 26-103, 6-204.2, 6-206.1, 1210.703, 1210.508, 6-101.16, 1210.568, 13-125, 10-105.4, 17-108.2, 6-194.2



## S.B. 212

RE: S.B. 212

SUBJECT: Funding for charter schools

Senate Bill 212 becomes effective July 1, 2020. This bill eliminates the requirement that the initial allocation of state aid for statewide virtual charter schools be calculated based on a 1.333 weight of students enrolled on August 1.

- Section 1(B)(2): Requires the weighted average daily membership (WADM) for a full-time statewide virtual charter school sponsored by the Statewide Virtual Charter School Board in its *first year of operation only* to be determined initially by multiplying the actual enrollment of students as of August 1 by 1.333.
- Section 2: Eliminates the requirement that the weighted membership of nonresident, transferred pupils enrolled in online courses be based on the most recent weighted average daily membership, as is the case for all other students.
- Section 3(A-B): Requires the weighted calculation for a statewide virtual charter school experiencing a significant decline in membership to be based on the first nine weeks of the current school year and not on either of the preceding two school years, beginning in the 2020-21 school year.
  - Defines a “significant decline in membership” to be equal to or greater than a 15% decrease in average daily membership (ADM) calculated from the preceding school year to the ADM of the first nine weeks of the current school year.

NOTE: This bill changes the funding distribution of statewide virtual charter schools after their first year of operation to match the funding distribution of all schools.

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. § 3-142, 18-200.1, 18-201.1



## S.B. 617

RE: S.B. 617

SUBJECT: Revenue stabilization

Senate Bill 617 becomes effective April 9, 2020. This bill allows OMES to withdraw up to one-half of the highest balance of the Revenue Stabilization Fund during FY 20 to mitigate reductions to agencies and common school districts resulting from the declared revenue failure.

- Section 1(D): Allows for a deposit into the Revenue Stabilization Fund in the same year as a declared revenue failure provided the deposited funds are directly appropriated by the Legislature.
- Section 1(F)(1): Clarifies that Revenue Stabilization Fund expenditures be made to reduce reductions to state agencies “in equal proportions” or avoid reductions to state agencies and to mitigate potential reductions of *appropriated* funds to common school districts. Excludes funds from being used to prevent reductions in funds *apportioned* directly to school districts.
- Section 1(F)(2): Allows the Director of the Office of Management and Enterprise Services (OMES) to withdraw up to one-half of the highest balance of the Revenue Stabilization Fund during Fiscal Year 2020 (FY 20) only. Prohibits the total amount withdrawn from exceeding the amount of the declared revenue failure less any Legislative appropriations made to offset the failure. Requires the funds to be used to reduce in equal proportions or to avoid reductions to agencies and to mitigate potential reduction of *appropriated* funds to common school districts. Excludes funds from being used to prevent reductions in funds *apportioned* directly to school districts.
  - Prohibits funds from being used to avoid reductions to the Digital Transformation Program Revolving Fund or to the Revenue Stabilization Fund. (NOTE: The Fund is not expected to collect the full amount appropriated to it in the FY 20 budget.)

NOTE: These provisions allow a maximum withdrawal of \$187,541,857 for FY 20.

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

Amendment to: 62 O.S. § 34.102

Helpful statutory reference: 62 O.S. § 34.49



## S.B. 661

RE: S.B. 661

SUBJECT: Oklahoma Open Meeting Act

Senate Bill 661 becomes effective March 18, 2020. This bill allows greater flexibility for public bodies in holding meetings by teleconference or videoconference.

- Section 1(7): Amends definition of “Videoconference” to include the use of technology beyond telecommunications allowing visual and auditory communication among and between members as well as the public and requires both means of communication to attempt to be utilized.
- Section 1(8): Defines “Teleconference” to mean a conference among members of a public body remote from one another who are linked by telecommunication devices and/or technology permitting auditory communication between and among members of the public body and/or members of the public.
- Section 2: Prohibits a public body from deciding any action or taking a vote during an informal gathering or when using any electronic or telephonic communications, except teleconferences or videoconferences as authorized in the bill.
- Section 3(A): Allows a public body to hold meetings by videoconference where each member of the body is *visible and audible* to each other and the public provided the meeting is recorded either by written, electronic, or other means.

NOTE: The provisions above are permanent additions to the Open Meeting Act, whereas the following provisions are temporary.

- Section 3(C): Provides additional temporary flexibility, as described in the remainder of the bill, for public bodies to meet via teleconference or video conference until the Governor terminates the current state of emergency or until November 15, 2020, whichever occurs first.
- Section 3(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 also a permanent part of the statute.

- Section 3(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 3(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 3(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.
- Section 3(C)(5): Requires any materials shared electronically between members of a public body during a meeting using teleconference or videoconference to be made immediately available to the public in the same form as provided to the public body.
- Section 3(C)(6): Requires all votes occurring during a meeting utilizing teleconference or videoconference to be recorded by roll call.
- Section 3(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.
- Section 4(A)(9): Exempts 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.

NOTE: Although prior authorizations for meetings via teleconference or videoconference required each site and room of a videoconference to be open to the public, the temporary provisions of S.B. 661 contain no such requirement.

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

Amendment to: 25 O.S. § 304, 306, 307.1, 311

Helpful reference: Executive Order 2020-20 Amended



## **S.B. 1053**

RE: S.B. 1053

SUBJECT: Appropriations

Senate Bill 1053 becomes effective April 9, 2020. This bill appropriates \$201,559,654 from the Constitutional Reserve Fund to the Revenue Stabilization Fund.

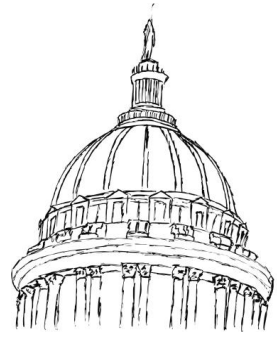
- Section 1: Appropriates \$201,559,654 from the Constitutional Reserve (i.e., Rainy Day) Fund to the Revenue Stabilization Fund in accordance with the Governor's declaration of a health emergency by Executive Order 2020-12, and pursuant to the Oklahoma Constitution's provision allowing up to one quarter of the Constitutional Reserve Fund to be expended upon the declaration of an emergency.

NOTE: S.B. 617 expands eligible uses of the Revenue Stabilization Fund.

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

New law not codified

Helpful statutory reference: 62 O.S. § 34.102, Article 10 § 23(8) of the Oklahoma Constitution



## S.B. 1115

RE: S.B. 1115

SUBJECT: Teacher certification

Senate Bill 1115 becomes effective November 1, 2020. This bill allows an extension of a teacher's emergency certificate beyond two years and allows an individual with a master's degree to be exempt from the subject-area exam if the degree aligns with the content.

Existing law allows for the State Board of Education to issue an emergency or provisional certificate to an individual in a district that has been unable to hire a certified individual. Administrative rules provide that an emergency certificate is valid for one school year and may be extended for one additional school year.

- Section 1(F)(2): Allows the State Board of Education to renew a teacher's emergency or provisional certificate if the individual has been employed by a local school board for at least two years and meets the following criteria:
  - The individual has been granted an emergency or provisional certificate for two years;
  - The individual has not successfully completed the required competency examinations;
  - The individual submits a portfolio of work to the Board, which includes evidence of progress toward standard certification;
  - The employing school district board of education agrees to renew the individual's contract to teach for the ensuing fiscal year; and
  - The superintendent of the employing school district submits the reason the emergency or provisional certificate should be renewed and provides evidence of the district's inability to hire a teacher holding a standard certificate.
- Section 1(F)(3): Clarifies that emergency or provisionally certified teachers are not considered "career teachers" and therefore are not entitled to the protections of the Teacher Due Process Act of 1990.
- Section 2(E): Allows the State Board, in consultation with the Commission for Educational Quality and Accountability, to grant an exemption from the requirement to complete a subject-area examination for *initial* alternative certification in a field not

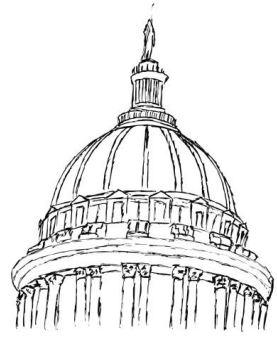
requiring an advanced degree if the candidate possesses an advanced degree in a subject that is substantially comparable to the content assessed on the subject-area examination.

- Requires the advanced degree to be from an institution accredited by a national or regional accrediting agency recognized by the Secretary of the U.S. Department of Education. Requires the Commission to provide the Board with the necessary information to determine comparability.

Should you have any questions related to this bill, please contact Mr. Jeff Smith, Executive Director of Teacher Certification, at (405) 521-3337 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

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

Helpful statutory reference: 70 O.S. § 6-101.20



## **S.B. 1125**

RE: S.B. 1125

SUBJECT: Teacher certification

Senate Bill 1125 becomes effective July 1, 2020. This bill clarifies that an individual with a valid out-of-state teaching certificate may receive an Oklahoma teaching certificate without any additional requirements pending a successful background check.

- Section 1(G)(1): Requires the State Board of Education to issue a teaching certificate to any person who holds a valid out-of-state certificate for the subject areas and grade levels most closely aligned to those on the out-of-state certificate.
- Section 1(G)(2): Exempts any person with a valid out-of-state certificate from taking competency examinations in the subject areas and grade levels most closely aligned to those on the out-of-state certificate.
- Section 1(G)(3): Requires that a person with a valid out-of-state certificate have a current Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation as well as a national criminal history record check on file with the State Board in order to receive an Oklahoma teaching certificate. Upon receipt of the Oklahoma criminal history record check, the Board may issue a temporary certificate until receipt of the national fingerprint-based criminal history record check.
  - Requires the applicant to be responsible for the cost of the criminal history record checks.

Should you have any questions related to this bill, please contact Mr. Jeff Smith, Executive Director of Teacher Certification, at (405) 521-3337 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. § 6-190

Helpful statutory reference: 74 O.S. § 150.9



## **S.B. 1198**

RE: S.B. 1198

SUBJECT: Creating the Riley Boatwright Act

Senate Bill 1198 becomes effective July 1, 2020. This bill requires each school district board of education to develop a plan for emergency medical services at athletic events or activities held at school facilities.

- Section 1(B): Requires every school district board of education to coordinate with the emergency medical services provider in the district's area to develop a plan for providing emergency medical services at athletic events or activities held at school district facilities prior to the beginning of the 2020-2021 school year.
- Section 1(C): Requires the emergency medical services plan to be reviewed and updated annually as appropriate and placed on file with the school district and the emergency medical services provider.

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: 27 O.S. § 27-104



## **S.B. 1422**

RE: S.B. 1422

SUBJECT: Oklahoma Central Purchasing Act

Senate Bill 1422 becomes effective November 1, 2020. This bill makes comprehensive reforms to Oklahoma's central purchasing statutes.

- Section 3(G): Requires a state agency to pay all expenses incurred for any buyer required to be placed within the agency.
- Section 3(H): Prohibits any state agency with its own purchasing section from performing purchasing functions for another state agency without prior written approval from the of Purchasing Division.
- Section 3(J)(4): Increases the amount of stock that authorized purchasing agents may hold in a company with which the state is doing business from \$5,000 to \$25,000 or 1%, whichever is less.
- Section 3(J)(5): Prohibits Purchasing Division personnel from violating applicable rules of the Ethics Commission relating to accepting gifts from a vendor or a vendor's agent.
- Section 4(A): Exempts the following from the Oklahoma Central Purchasing Act:
  - Statutorily allowed interagency agreements between state agencies.
  - Any transaction wholly funded by monies from non-state derived funds, in which a state agency functions only as a conduit to fund an acquisition required by the funding source for the benefit of another entity or individuals and the agency does not retain ownership of any part of the acquisition as a result of the transaction.
- Section 4(D): Clarifies that the State Purchasing Director may invite representatives of political subdivisions along with local common education entities, to participate as members of an advisory committee to provide input on maximizing efficiency and cost saving in state purchasing contracts.
- Section 5(A): Requires "emergency acquisitions" to adhere to the purchasing card program and applicable rules while being exempt from other provisions of the Oklahoma Central Purchasing Act. Among the allowable emergency acquisitions are:
  - An acquisition declared as an emergency by a state agency;

- An acquisition to alleviate a serious environmental emergency under which serious damage to the environment will quickly occur; or human life or safety is or significant property interests are threatened with imminent damage;
  - An acquisition declared by the Office of Management and Enterprise Services (OMES) Risk Management Administrator; or
  - A condition certified by the Governor as an emergency.
- Section 6(A): Exempts public construction contracts from the Oklahoma Central Purchasing Act.
- Section 6(B): Requires every state agency to determine its own quantitative needs for acquisitions and the general class or nature of the acquisitions.
- Section 6(C): Requires OMES to promulgate rules for state agency acquisitions that do not exceed the following acquisition thresholds to require competitive bidding.
  - State agencies may make acquisitions up to \$25,000 (increased from \$5,000), provided the acquisition process is fair, reasonable and conducted pursuant to authorized rules.
  - State agencies with certified procurement officers and internal purchasing procedures may make acquisitions in excess of the fair and reasonable acquisition threshold amount of \$25,000, but not exceeding \$250,000 (increased from \$100,000).
- Section 6(D): Requires the State Purchasing Director to provide training for state agency procurement officials and staff and may assess a fee to agencies for the training.
- Section 6(E): Authorizes the State Purchasing Director to decrease an agency's authorized acquisition amount for violations of central purchasing statute and to increase it once deficiencies are corrected.
- Section 6(G): Allows the State Purchasing Director to enter into purchase contracts with the U.S. government on behalf of the state or a particular agency. Authorizes the Director to designate certain agency contracts as "statewide contracts" and "mandatory statewide contracts." Authorizes the Chief Information Officer and the Information Services Division to negotiate consolidation contracts, enterprise agreements and high technology system contracts in lieu of the competitive bidding process. Authorizes the Director to publish goods and services being purchased by the state to draw interest from other providers of said goods or services and promote competition.
- Section 6(H): Authorizes the State Purchasing Director to test new innovations to make purchasing more efficient; investigate potential cost savings in energy, resource usage and maintenance contracts; and conduct pilot projects to achieve cost savings.

- Section 6(J): Requires the State Purchasing Director to provide all forms and certifications needed to carry out central purchasing; provide public two-way communication between procurement officers and potential bidders; and determine whether information included in a bid is confidential.
- Section 6(L): Requires the State Purchasing Director to verify that a supplier is eligible to conduct business within Oklahoma for all contracts valued at \$250,000 or more (increased from \$25,000).
- Section 6(N): Allows the State Purchasing Director to waive the acquisition threshold amount for a purchase if the Director determines the agency has the subject matter experts and staff to execute and monitor the contract and provided it does not conflict with consolidated statewide spending initiatives.
- Section 8(A): Requires the state purchase card program through the Purchasing Division to be the only card program authorized for state agency use, with the exception of the state fleet card.
- Section 8(B-C): Requires OMES to publish on its website a searchable listing of all transactions paid with the state purchase card, including the purchaser's name, purchasing agency, amount and descriptions of items purchased on a monthly basis.
- Section 8(D): Allows the State Purchasing Director to authorize the use of state purchase cards without limit for the following items:
  - Purchases from statewide contracts and contracts awarded directly to an agency,
  - Utilities,
  - Interagency payments,
  - Emergency acquisitions, and
  - Professional services.

Limits all other transactions to \$5,000 or the limit imposed by the Purchasing Director.

- Section 10(A): Requires all state agencies to begin the acquisition process by submitting a requisition to the Purchasing Division, unless otherwise exempt. Prohibits agencies from making an acquisition for an amount exceeding \$50,000, or the limit set by OMES, without first submitting a requisition to the Purchasing Division for issuing a solicitation for the purchase on the agency's behalf.
- Section 10(A)(2): Authorizes the State Purchasing Director to review an agency's submitted requisition form and to deny the requisition if the request is deemed excessive or unnecessary.
- Section 11(A)(37): Eliminates language that exempted contracts between the State Department of Education (OSDE) and current or retired public school educators from the bulk of Oklahoma Central Purchasing statute.

NOTE: This change was redundant and in no way limits OSDE's capacity to contract with retired educators which is expressly allowed elsewhere in statute.

- Section 19(A): Prohibits any state agency from contracting for nonprofessional or professional services to circumvent the agency's full-time equivalent employee limit.
- Section 20: Requires agency annual acquisition reports to list only acquisitions that exceeded an agency's acquisition threshold amount for the preceding fiscal year, (rather than any acquisitions between the fixed costs of \$50,000 and \$100,000).
- Section 24(A): Eliminates the exemption of "sole brand" acquisitions from competitive bidding procedures. "Sole source" acquisitions remain exempt.
- Section 27(A): Authorizes the OMES Risk Management Administrator to declare an emergency to mitigate damages to state-owned property insured under the comprehensive professional risk management program.
- Sections 31-52: Repeals outdated or obsolete sections of central purchasing statute.

NOTE: This summary is not an exhaustive list of every change made by S.B. 1422.

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

Amendment to: 74 O.S. § 85.1 - 85.44E, 85.45j, 85.4, 85.45r, 85.58A, 62 O.S. § 34.62  
New law at: 74 O.S. § 85.41A



## **S.B. 1423**

RE: S.B. 1423

SUBJECT: Tobacco and vapor products

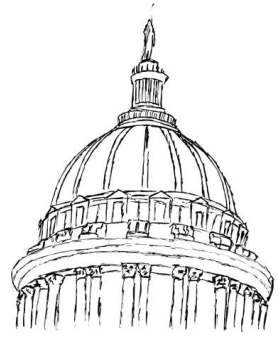
Senate Bill 1423 becomes effective May 19, 2020. This bill increases the legal age for the purchase, possession, sale or distribution of tobacco and vapor products from 18 to 21, bringing the state into alignment with federal law.

- Section 1(A): Prohibits an individual under the age of 21 from purchasing or possessing tobacco or vapor products. Allows employees under the age of 21 to handle tobacco and vapor products within the scope of employment.
- Section 2: Requires any person convicted of providing tobacco or vapor products to anyone under the age of 21 to be guilty of a misdemeanor, punishable by a fine of at least \$25 and imprisonment of 10 days.
- Section 3: Requires any person under the age of 21 who is convicted of possessing tobacco or vapor products and who refuses to disclose to law enforcement where the items were obtained to be guilty of a misdemeanor.
- Section 4(2): Redefines “Proof of Age” to mean “a driver license, license for identification only, or other generally accepted means of identification that describes the individual as twenty-one (21) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid.”
- Section 5(A): Prohibits the sale of any tobacco or vapor products to someone under the age of 21 or on behalf of someone under the age of 21.
- Section 5(B): Requires any tobacco or vapor seller to demand proof of age if the prospective purchaser appears to be under the age of 21.
- Section 5(C)(3)(a): Exempts a tobacco or vapor product distributor from culpability of selling to a person under the age of 21 if they can prove the purchasing party provided a valid government-issued I.D. indicating they were 21 or older.
- Section 6(A): Requires all tobacco and vapor product sellers to display a sign noting compliance with the law within the place of business.
- Section 7(A): Requires tobacco and vapor sellers to notify every retail employee that it is illegal to sell tobacco and vapor products to anyone under the age of 21.

- Section 7(B): Requires that prospective retail employees of tobacco and vapor distributors receive a notice of the state's distribution laws and sign a form agreeing to enforce these regulations.
- Section 8: Prohibits the sale of tobacco and vapor products from vending machines in public areas where people under the age of 21 are admitted.
- Section 9(A): Prohibits the distribution of tobacco or vapor product samples to anyone under the age of 21.
- Section 9(B): Prohibits the distribution of tobacco or vapor products in or on any public street, sidewalk, or park that is within 300 feet of any playground, school, or other facility used primarily by persons under the age of 21.
- Section 10(A): Prohibits any tobacco or vapor retailer from offering products in a manner that allows access without assistance from a store employee. This provision does not extend to stores that do not admit persons under the age of 21.
- Section 11(A): Authorizes the ABLE Commission to enforce the Prevention of Youth Access to Tobacco Act including all provisions that can be expected to reduce the extent to which tobacco and vapor products are distributed to persons under the age of 21.
- Section 11(E): Allows the ABLE Commission, municipalities, towns and counties to enlist persons under the age of 21 to conduct compliance checks at tobacco and vapor establishments.
- Section 12(A): Prohibits the sale of any material or device used in the smoking, chewing, or other method of consumption of tobacco or vapor products to persons under the age of 21.
- Section 13: Requires the State Department of Health and the Department of Mental Health and Substance Abuse Services to work in conjunction to develop strategies to prevent tobacco and vapor use by persons under the age of 21.

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. § 1241, 1242; 37 O.S. § 600.2 - 600.8, 600.10A, 600.11, 600.13; 63 O.S. § 1-1530  
 Helpful statutory reference: Federal Drug and Cosmetic Act 906(d)(5)



## **S.B. 1436**

RE: S.B. 1436

SUBJECT: Teacher certification

Senate Bill 1436 becomes effective July 1, 2020. This bill creates a new micro-credential for special education teachers certified in mild-moderate disabilities to become certified in severe-profound disabilities as well as a new certification in the area comprehensive special education.

- Section 1(A): Allows the State Board of Education to issue a one-year provisional certificate in the area of comprehensive special education pursuant to the existing requirements for non-traditional special education provisional certificates.
- Section 1(C): Requires the Board to issue a standard certificate in the area of comprehensive special education to any candidate who successfully completes the nontraditional certification pathway.
- Section 2(A): Allows the Board to issue a standard certificate in the area of comprehensive special education to any candidate who successfully completes the traditional certification pathway.
- Section 3(A): Allows the Board to issue a standard certificate in the area of comprehensive special education to any candidate alternatively certified in early childhood education or elementary education who completes the existing requirements.
- Section 4(A): Allows the Board to issue a two-year provisional certificate in the area of severe-profound disabilities to any individual who has
  - Obtained a standard certificate in the area of mild-moderate disabilities;
  - Been recommended for a certificate in the area of severe-profound disabilities by a school district board of education; and
  - Submitted an application and payment of the required certification fee.
- Section 4: Allows an individual who receives a two-year provisional certificate in the area of severe-profound disabilities to be eligible to receive a standard certificate upon completion of

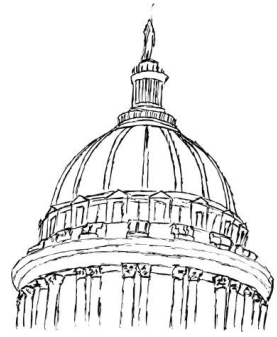
- A micro-credentialing program in the area of severe-profound disabilities approved by the Board, which includes the competencies for certification in severe-profound disabilities.

Should you have any questions related to this bill, please contact Mr. Jeff Smith, Executive Director of Teacher Certification, at (405) 521-3337, Mr. Todd Loftin, Deputy Superintendent of Special Education Services, at (405) 522-3237 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. § 6-122.10

Amendment to: 70 O.S. § 6-122.7, 6-122.8, 6-122.9

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



## **S.B. 1803**

RE: S.B. 1803

SUBJECT: State Department of Education

Senate Bill 1803 becomes effective August 27, 2020. This bill creates the Oklahoma Imagination Library Program, allowing each eligible household with a child aged 0 to 5 to receive an age-appropriate book on a monthly basis to promote childhood reading.

- Section 1(A): Requires the Imagination Library Revolving Fund created by the bill to be used for promoting and developing the Oklahoma Imagination Library Program – a statewide program for encouraging pre-school children to read by providing age appropriate books at their homes from birth to age five on a monthly basis.
- Section 1(B): Requires the State Department of Education to perform the following duties contingent upon the availability of appropriated funds to the Imagination Library Revolving Fund:
  - Manage the Oklahoma Imagination Library Program’s daily operations and provide oversight of the Imagination Library Revolving Fund including but not limited to establishing and strengthening county-based programs in all 77 counties to ensure enrollment growth;
  - Develop, promote and coordinate a public awareness program to make donors aware of the opportunity to donate to the Imagination Library Revolving Fund; and
  - Develop, promote and coordinate a public awareness program to make the public aware of the opportunity to register children to receive age-appropriate books on a monthly basis. To qualify for monthly book deliveries, a child must be under the age of five and be a resident of Oklahoma.
- Section 1(C): Allows the Department to establish a volunteer advisory committee to assist with public awareness programs for donors and the public.
- Section 1(D): Authorizes the Department to retain up to 10% of funds appropriated, gifted, granted, donated or bequeathed to the Imagination Library Revolving Fund for administrative and operating expenses related to implementation of the program.
- Section 1(E): Requires the Oklahoma Imagination Library Program to be funded by 50% private funds and 50% appropriated funds. Requires the Department to include the

estimated need for funding the program for the following fiscal year in its annual budget request.

- Section 1(F): Requires the Department to submit an annual report detailing the status of implementing the Oklahoma Imagination Library Program to the chair of the Senate Education Committee and House Common Education Committee by July 1, 2021, and each July 1 thereafter.
- Section 2: Creates the Imagination Library Revolving Fund under the State Department of Education.

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. § 3-104.10, 3-104.11



## **S.B. 1877**

RE: S.B. 1877

SUBJECT: Lactation rooms

Senate Bill 1877 becomes effective November 1, 2020. This bill requires that public buildings have a lactation room available for use by state employees who are currently breastfeeding.

- Section 1(A): Defines “appropriate authority” to mean the head of a state agency or other official authority responsible for the operation of a covered public building.

Defines “covered public building” to mean a building owned or leased by the state where state employees work.

Defines “lactation room” to mean a hygienic place, other than a bathroom, that is shielded from view, is free from intrusion, and contains a chair, a working surface and an electrical outlet if the building has electricity.

- Section 1(B): Requires a public building’s appropriate authority to ensure that the building contains a lactation room that is made available for use by state employees to breast feed or express breast milk.

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

New law at: 61 O.S. § 334



## **S.B. 1921**

RE: S.B. 1921

SUBJECT: Constitutional Reserve Fund

Senate Bill 1921 becomes effective July 1, 2020. This bill appropriates \$243,668,709 from the Constitutional Reserve Fund for the financial support of public schools.

- Section 1: Appropriates \$243,668,709 from the Constitutional Reserve (Rainy Day) Fund to the State Board of Education for the financial support of public schools (i.e., state aid formula).

NOTE: S.B. 1922, the general appropriations bill, and H.B. 4153 contain additional details regarding common education funding for Fiscal Year 2021.

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 references: Article 10 § 23 of the Oklahoma Constitution



## **S.B. 1922**

RE: S.B. 1922

SUBJECT: Public Finance

Senate Bill 1922 becomes effective July 1, 2020. 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 \$2,992,729,814 to the State Board of Education.

- Sections 1-16: Appropriates \$2,992,729,814 to the State Board of Education for Fiscal Year 2021 (FY 21), which is \$78,221,240 *less* than was appropriated in FY 20.
- Financial Support for Public Schools (i.e., funding formula) is appropriated \$2,300,970,669, which is \$110,800,358 *less* than FY 20.
  - \$953,338,319 from the General Revenue Fund
  - \$1,015,074,419 from the Education Reform Revolving Fund (i.e., 1017 Fund)
    - NOTE: Additional appropriations to the 1017 fund are provided for in Section 145 of this bill, H.B. 2741, H.B. 2742 and H.B. 2743.
  - \$46,938,566 from the Common Education Technology Fund
  - \$243,668,709 from the Constitutional Reserve (Rainy Day) Fund
    - NOTE: One-time appropriations from the Constitutional Reserve Fund are provided for in S.B. 1921.
  - \$3,800,000 from the Mineral Leasing Fund FY 21
  - \$5,411,258 from the Mineral Leasing Fund FY 19
  - \$23,715,000 from the Oklahoma Education Lottery Trust Fund FY 21
  - \$9,024,428 from the Oklahoma Education Lottery Trust Fund FY 19
- Support for Public School Activities is appropriated \$100,919,026 from the General Revenue Fund, which is equal to the amount appropriated in FY 20.
- Textbooks and instructional materials is appropriated \$33,000,000 from the General Revenue Fund, which is equal to the amount appropriated in FY 20.
- Health Benefit Allowance (i.e., Flexible Benefit Allowance/FBA) is appropriated \$535,537,021 from the General Revenue Fund, which is \$32,845,101 *more* than FY 20.
  - \$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 \$1,218,457 *less* than FY 20.
- School Consolidation Assistance Fund is appropriated \$3,637,714, which is \$476,237 *more* than FY 20.
  - \$2,635,000 from the Oklahoma Education Lottery Trust Fund FY 21.
  - \$1,002,714 from the Oklahoma Education Lottery Trust Fund FY 19.
- Oklahoma Teachers' Retirement System Dedicated Revenue Revolving Fund is appropriated \$3,637,714, which is \$476,237 *more* than FY 20.
  - \$2,635,000 from the Oklahoma Education Lottery Trust Fund FY 21.
  - \$1,002,714 from the Oklahoma Education Lottery Trust Fund FY 19.
- Section 27: 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 20.
- Section 145: The Education Reform (1017) Revolving Fund is appropriated \$30,000,000 from the Oklahoma Medical Marijuana Authority Revolving Fund.
  - Section 145 became effective May 15, 2020.
- Section 146: The Ad Valorem Reimbursement Fund is appropriated \$112,000,000 from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2019 (FY 19), 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 \$12,400,000 *more* than FY 20.
  - Section 146 became effective May 15, 2020.
- Section 147: The Teachers' Retirement Credit is appropriated \$9,824,315 from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2019 (FY 19).
  - Section 147 became effective May 15, 2020.
  - NOTE: This appropriation fulfills the amount needed for the FY 20 credit.

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. § 628.13



## **S.B. 1925**

RE: S.B. 1925

SUBJECT: State Department of Education

Senate Bill 1925 becomes effective May 20, 2020. This bill increases FY 20 expenditure authority for certain programs under the State Board of Education.

- Section 1: Increases the spending cap for the Teachers' Retirement Credit for Fiscal Year 2020 (FY 20) to \$34,000,000 from \$24,175,685.

NOTE: S.B. 1922, the General Appropriations bill, makes a supplemental appropriation of \$9,824,315 for the Teachers' Retirement Credit.

- Section 2: Increases the spending cap in the following categories for the State Board of Education:
  - Payroll, Salaries or Wages, Including Tax-sheltered deferment Contracts and Longevity Payments Authorized by State Statutes: \$17,042,565 increased from \$16,246,097.
  - Professional and Personal Services Contracts: \$78,164,577 increased from \$70,000,000.
  - Other Operating Funds: \$2,988,368,227 increased from \$2,984,704,957.
  - Expenditure of Federal Funds: \$760,000,000 increased from \$700,000,000.

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: Sections 2 and 3, Chapter 511 of the Oklahoma Session Laws (OSL) 2019 (i.e., S.B. 1048)



## S.B. 1946

RE: S.B. 1946

SUBJECT: Civil liability

Senate Bill 1946 becomes effective May 21, 2020. This bill grants immunity to any “person” from civil litigation related to claims of injury from exposure or potential exposure to COVID-19. Provided, however, the grant of immunity applies only if the act or omission alleged to violate a duty of care was in compliance or consistent with applicable health laws, regulations, orders, or guidance at the time of the alleged exposure.

- Section 1(A)(1-2): Defines “COVID-19” to mean the novel coronavirus identified as SARS-CoV-2, the disease caused by SARS-CoV-2, and associated conditions.  
Defines “Guidance” to mean written guidelines related to COVID-19 by the Centers for Disease Control and Prevention (CDC), Occupational Safety and Health Administration of the U.S. Department of Labor, Oklahoma State Department of Health, Oklahoma Department of Commerce, or any other state agency, board or commission.
- Section 1(A)(3): Defines “Person” to mean an individual, firm, partnership, corporation or association.
- Section 1(B): Prohibits a “person” or agent of a person conducting business in the state from being held liable in a civil action claiming injury from exposure or potential exposure to COVID-19. This immunity is only guaranteed if the person or agent was in compliance or acting consistent with federal or state regulations, a Presidential or Gubernatorial Executive Order, or other applicable “guidance” at the time of the alleged exposure. In the event that two or more sources of guidance are applicable, the person will not be liable if acting consistent with *any* applicable guidance.
- Section 1(C): Applies the provisions to civil actions filed on or after May 21, 2020.

NOTE: S.B. 1946 extends to school districts which are recognized as corporate bodies, possessing the same powers of a corporation for public purposes and business, and to their employees, board members, volunteers or agents acting within the scope of their employment.

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: 76 O.S. §111

Helpful statutory reference: 70 O.S. §5-105