



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

MEMORANDUM

TO: Oklahoma State Board of Education
FROM: Superintendent Joy Hofmeister
DATE: May 28, 2020
SUBJECT: New education-related laws as of May 22, 2020

Accountability, Assessments, Student Info

[HB2804](#) – Requires schools to screen any student grades k-3 not meeting Reading Sufficiency Act (RSA) benchmarks on the beginning of year screener for dyslexia starting in 2022-2023. The Department of Education will have until 2021 to develop the screening process. Effective November 1, 2020. *Signed by Governor May 19, 2020.*

Certification, Retirement

[HB3142](#) – Allows school administration candidates (principals and superintendents) 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. Effective November 1, 2020. *Signed by Governor May 21, 2020.*

[HB3350](#) – Institutes a Cost of Living Adjustment (COLA) for the Oklahoma Teachers' Retirement System (OTRS) and other state pension retirees. The payment increase will be 2% or 4% for members retired for a minimum of 2 or 5 years respectively. Effective July 1, 2020. *Signed by Governor May 21, 2020.*

[SB1115](#) – Allows a local board of education to request extension of a teacher's emergency certificate if after two years the teacher has not completed the requirements for certification. The teacher must submit a portfolio of work including progress toward certification and be approved by the State Board of Education. Additionally, the bill allows the Board, in consultation with the OEQA, to waive the requirement for a subject area examination for initial certification in a field not requiring an advanced degree if the candidate has an advanced degree the subject. Effective November 1, 2020. *Signed by Governor May 21, 2020.*

[SB1125](#) – Clarifies that an individual with a valid out-of-state teaching certificate may receive an Oklahoma teaching certificate without any additional requirements. A background check will still be required. Effective July 1, 2020. *Signed by Governor May 18, 2020.*

[SB1436](#) – Creates a new micro-credential for special education teachers certified in mild-moderate disabilities to become certified in severe-profound disabilities. Allows the State Board to issue a two-year provisional certificate in the area of severe-profound disabilities to qualified candidates as they complete the micro-credential. Creates a new certification area for special

education teachers in the area comprehensive special education. Effective July 1, 2020. *Signed by Governor May 21, 2020.*

Children, Families, Students

[HB1230](#) – Requires the Department to post on its website information regarding the Lindsey Nicole Henry Scholarships including all materials submitted by a private school in its application to receive funds, the school’s annual compliance statement and a list of approved accrediting bodies of schools eligible to receive funds. In addition, it requires an annual report with information about the number and amount of scholarships awarded and demographic data on the students receiving them. Effective 90 days after Sine Die. *Signed by Governor February 25, 2020.*

[SB1423](#) – Increases the legal age for the purchase, possession, sale or distribution of tobacco and vapor products from 18 to 21. Brings the state into alignment with federal law. Effective upon its passage and approval. *Signed by Governor May 19, 2020.*

Curriculum

[HB3400](#) – Requires local boards of education to ensure all public high schools offer a minimum of four advanced placement courses to students by 2024-2025. Directs the Statewide Virtual Charter School Board to maintain an online learning platform that students may use to access high quality online courses that fully align with state standards and that place an emphasis on STEM courses, foreign language courses and advanced placement courses. Effective November 1, 2020. *Signed by Governor May 20, 2020.*

[HB3466](#) – Requires a three-tiered rubric to be used by the State Textbook Committee when reviewing materials to put on the state list. Requires the committee to provide comments and/or justification for the rating given to each item and requires the rubrics to be shared with districts. Creates a subject-specific review team to support the Committee in reviewing the materials. Effective November 1, 2020. *Signed by Governor May 19, 2020.*

Charter Schools

[HB2905](#) – Creates the “Virtual Charter School Reform and Transparency Act.” Beginning 2021-22 states that all public school students enrolled in statewide virtual charter schools are to be considered transfer students. Allows public school students to transfer to one virtual charter school at any time during the year. Any additional transfer to a virtual charter school is contingent upon agreement between the receiving virtual charter school and the resident school district. Allows a 15 day grace period to withdraw from a virtual charter school without exhausting their one transfer. Requires the first date of attendance at a virtual charter to be the first date a student completes an instructional activity. Narrows the definition of instructional activity and requires students and their parents/guardians to complete an orientation course. Any student that is behind pace and does not complete an instructional activity for a 15 school day period is to be withdrawn for truancy. A student reported for truancy twice in the same school year is prohibited from enrolling in the same virtual charter school for the remainder of the year. Effective July 1, 2020. *Signed by Governor May 18, 2020.*

[HB3369](#) – Reduces the allowable sponsorship fee for sponsors of charter schools from 5% of State Aid to 3%. Prohibits the sponsor of a charter school from retaining any of a charter school’s State Aid allocation over that fee. Requires each charter school to provide \$5 per student based on ADM to the Charter School Closure Reimbursement Revolving Fund until the fund has a balance of \$1 million. Authorizes OSDE to reimburse charter sponsors for costs incurred due to a charter school closure. Effective November 1, 2020. *Signed by Governor May 21, 2020.*

[SB212](#) – Requires the initial allocation of state aid for statewide virtual charter schools to be calculated based on the highest WADM of the prior two years, rather than a 1.333 weight for all students enrolled on August 1. Requires the mid-year adjustment calculation for virtual charter schools to be calculated the same as traditional schools (on the highest WADM of the prior two years or first nine weeks) unless the virtual charter is experiencing significant decline (15% decrease in ADM between years) in which case the calculation will be based on the first 9 weeks of the current year. Effective July 1, 2020. *Signed by Governor May 19, 2020.*

Employment, Personnel, Compensation

[HB3398](#) – Requires a one-time criminal and national background check for school employees with no criminal background check on file by July 1, 2022. Certified staff must conduct the background check upon their next teaching certificate renewal. Teachers currently eligible for retirement must complete the check by July, 1, 2022 or when renewing their teaching certificate, whichever comes first. Effective upon its passage and approval. *Signed by Governor May 19, 2020.*

Funding, Budget

[HB2504](#) – 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, so long as the church does not require rent or execute a formal lease agreement. The church may require the school to reimburse operational and janitorial expenses without jeopardizing its tax-exempt status. Effective January 1, 2021. *Signed by Governor May 18, 2020.*

[HB2741](#) – Modifies the apportionment schedules of the sales, use, individual income and corporate income taxes for fiscal years 2021 and 2022 by reducing the percentage apportioned to the Oklahoma Teachers’ Retirement Dedicated Revenue Revolving Fund and directing a portion of each source to the Education Reform Revolving (“HB 1017”) Fund. Anticipated FY-21 revenue to the HB 1017 Fund is estimated at \$73,154,862. The measure provides a two year adjustment, with a five year repayment schedule for each source. Should the modified apportionment cease to be needed, the Legislature may modify the apportionments and/or the timeline. Effective September 1, 2020. *Veto Overridden May 13, 2020.*

[HB2742](#) – Modifies the apportionment schedules of the insurance premium tax for fiscal years 2021 and 2022 by reducing the percentage apportioned to the Oklahoma Firefighters’ Retirement, Police Pension and Law Enforcement Employees’ Retirement Systems and directing a portion of each source to the Education Reform Revolving (“HB 1017”) Fund. Anticipated FY-21 revenue to the HB 1017 Fund is estimated at \$38,815,000. The measure provides a two year adjustment, with a five year repayment schedule for each source. Should the modified

apportionment cease to be needed, the Legislature may modify the apportionments and/or the timeline. Effective September 1, 2020. *Veto Overridden May 13, 2020.*

[HB2743](#) – For FY 2020 and FY 2021, \$180 million of the amount accruing to the Rebuilding Oklahoma Access and Driver Safety (ROADS) Fund will be deposited into the Education Reform Revolving (“HB 1017”) Fund of the State Department of Education. Effective July 1, 2020. *Veto Overridden May 13, 2020.*

[HB3870](#) – Increases the amount which the Commissioners of the Land Office may invest in real property from assets of the permanent school fund from 3 percent to 5 percent. Effective Upon its passage and approval. *Signed by Governor May 7, 2020.*

[HB3964](#) – Allows school districts to carry over general funds in excess of statutory limits during “the fiscal year beginning July 1, 2019” without being assessed a general fund balance penalty. Effective July 1, 2020. *Signed by Governor May 21, 2020.*

[HB4153](#) – Sets budget limits and uses on FY 21 funds appropriated to Common Education by SB 1921 (\$243.7 million from Rainy Day Fund) and by the General Appropriations bill (SB1922) including for programs like RSA, alternative education, Sooner Start, etc. It also includes a new line item for Imagine Math of \$1 million. Effective July 1, 2020. *Signed by Governor May 20, 2020.*

[SB617](#) – Allows the Director of OMES to withdraw up to one-half of the highest balance of the Revenue Stabilization Fund during FY 2020 (an estimated \$187,541,857), provided the total amount withdrawn does not exceed the amount of the declared revenue failure, less any appropriations made by the Legislature to offset the revenue failure. The Director may use these funds to “reduce or avoid reductions to agencies for the fiscal year and to mitigate potential reductions of funds to be expended by common school districts which were appropriated or authorized by the Legislature for the fiscal year ending June 30, 2020.” Effective upon its passage and approval. *Signed by Governor April 9, 2020.*

[SB1053](#) – Appropriates \$201,559,654 from the Constitutional Reserve Fund to the Revenue Stabilization Fund “to be utilized as provided by law,” including the provisions of SB 617 (Listed above). Effective upon its passage and approval. *Signed by Governor April 9, 2020.*

[SB1921](#) – Appropriates \$243,668,709 from the Constitutional Reserve Fund to the State Board of Education to be used for the financial support of public schools. Effective July 1, 2020. *Signed by Governor May 13, 2020.*

[SB1922](#) – The general appropriations bill for the coming fiscal year. Appropriates \$2,992,729,814 to Common Education for FY 21 a 2.55% decrease from FY 20. It includes an appropriation to the Financial Support of Public Schools (funding formula) of \$2,300,970,699 a decrease of 4.59% from FY 20. It also makes appropriations to instructional materials, flexible benefit allowance for school staff, public school activities and administrative and support functions of OSDE. Lastly, the bill appropriates the remaining \$9,824,315 needed for the purpose of funding the Teachers’ Retirement Credit for FY 20. Effective July 1, 2020. *Veto Overridden May 13, 2020.*

[SB1925](#) – Increases FY 20 expenditure authorizations for certain programs under the State Department of Education to allow expenditure of existing funds within the agency. Effective upon its passage and approval. *Signed by Governor May 20, 2020.*

School Boards

[SB661](#) – Allows all public bodies (including school boards) to hold meetings by teleconference or videoconference where each member of the board is audible or visible to each other and the public. The meeting notice and agenda must indicate if the meeting will be held via teleconference or videoconference and if the meeting will be recorded by “written, electronic, or other means” (recording is required). Further, the meeting notice and agenda are required to identify each member of the public body appearing remotely and the method of each member’s remote appearance (teleconference or videoconference) and the identity of the public body member(s) who will be physically present at the meeting site (if any). It requires the public to be allowed to participate and speak, as allowed by rule or policy of the public body, in a meeting which utilizes teleconference or videoconference. Although prior authorizations for meetings via teleconference or videoconference required each site and room of a videoconference to be open to the public, SB661 contains no such requirement. All votes occurring during any meeting utilizing teleconference or videoconference are to be recorded by roll call votes. Lastly, the board may only enter into executive session as indicated by the meeting agenda and only to discuss agenda items. These provisions will remain in effect until November 15, 2020, or the termination of the current state of emergency by the Governor, whichever comes first. Effective upon its passage and approval. *Signed by Governor March 18, 2020.*

[SB1198](#) – Requires each school district board of education to annually coordinate with local emergency medical service providers and develop a plan for emergency medical services at athletic events or activities held at school facilities. Effective July 1, 2020. *Signed by Governor May 21, 2020.*

State Board/Dept. of Education

[HB3819](#) – Requires any contract or agreement made by state agencies to be open for inspection to any member of the Legislature. 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 communicating with the Legislature. Effective November 1, 2020. *Veto Overridden May 22, 2020*

[HB4025](#) - Requires each agency or institution of the state to regularly transmit to the Legislative Office of Fiscal Transparency (LOFT) raw datasets as requested by LOFT for the purpose of creating a data clearinghouse. Effective July 1, 2020. *Signed by Governor May 19, 2020.*

[SB1422](#) - A comprehensive revision of Oklahoma’s central purchasing statutes. Defines “emergency acquisitions” that may be made by agencies. Grants greater authorizing power to the State Purchasing Director and the Chief Information Officer. Allows agencies to negotiate directly with a seller for purchases under \$250,000 (up from \$25,000). Purchases over \$250,000 must be approved by the State Purchasing Director. Effective November 1, 2020. *Signed by Governor May 20, 2020.*

[SB1803](#) - Establishes the Oklahoma Imagination Library Program. The program will allow each eligible household with a child aged 0 to 5 to receive an age-appropriate book on a monthly basis in order to promote childhood reading. Contingent upon appropriated funds, the State Department of Education (OSDE) is required to manage the daily operations of the program and oversee the Imagination Library Revolving Fund. OSDE may use 10% of the newly created fund to account for additional overhead costs imposed by the program. Effective upon its passage and approval. Effective 90 days after Sine Die. *Signed by Governor May 21, 2020.*