



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

MEMORANDUM

TO: Oklahoma State Board of Education
FROM: Superintendent Joy Hofmeister
DATE: March 28, 2019
SUBJECT: Active education-related bills as of March 28, 2019

Accountability, Assessments, Student Info

***New* HB 1364** – Directing the Department of Commerce to review and approve career-readiness assessments that measure and document foundational workplace skills. It requires that the assessments be made available to all public school districts to administer to 12th grade students, if they choose, starting in the 2019-2020 school year. Effective July 1, 2019.

HB 1988 – Eliminates a provision requiring the State Board of Education to promulgate rules to grant a medical exemption from the chronic absenteeism provision of the school report card. Effective November 1, 2019.

***Updated* SB 70** – Authorizes OSDE to define requirements for the submission of data elements for student information systems and instructional management systems used by school districts in compliance with federal and state statutes. Effective July 1, 2019.

SB 601 – Makes several changes to the Reading Sufficiency Act including ensuring that students who are not meeting grade-level targets by mid-year in reading are provided the supports they need to be successful. It updates the RSA cut scores to reflect alignment with the new ELA Oklahoma Academic Standards and the recommendations of the Commission for Educational Quality and Accountability. Effective July 1, 2019.

Certification, Retirement

***New* HB 1090** – Removes the 5-year cap on the number of years of service credit that may be purchased by an active member of the Oklahoma Teachers' Retirement System (OTRS) for teaching service completed out of the state. Effective November 1, 2019.

***New* HB 2304** – Provides cost-of-living adjustment (COLA) for all retirees of the Oklahoma Firefighters Pension & Retirement System; Oklahoma Police Pension & Retirement System, Uniform Retirements System for Justices and Judges; Oklahoma Law Enforcement Retirement System; Teacher's Retirement System of Oklahoma; and the Oklahoma Public Employees

Retirement System. Section 1 Effective December 1, 2019; Sections 2-7 Effective January 1, 2020.

SB 430 – Amends the federal statutory authority used by the OSBI to process background checks, allowing any agency, including the State Department of Education, to process background checks under the federal National Child Protection Act/Volunteers for Children Act (NCPA/VCA). Effective July 1, 2019.

***New* SB 776** – Removes the requirement for teacher candidates for standard and alternative certification to take and pass the Oklahoma General Education Test (OGET). Effective July 1, 2019.

Charter Schools

***New* HB 1395** – Subjects virtual charter schools to the same reporting requirements, financial audits, audit procedures, and audit requirements as school districts and requires them to use the Oklahoma Cost Accounting System (OCAS). Subjects members of the virtual charter school board to the same conflict of interest and continuing education requirements as a member of a local school board. Requires virtual charter schools to provide itemized expenditure information for goods and services provided by management organizations. Prohibits teachers under contract with one school district from entering into a contract with another school district until being released from their current contract. Effective after its passage and approval.

***New* SB 143** – Requires a charter school contracting with a management organization to use the Oklahoma Cost Accounting System (OCAS) to report the total amount paid to the management organization as well itemized expenditures associated with the contract. Requires the report to include the total compensation package of the superintendent including the base salary, insurance, and other fringe benefits. Effective July 1, 2019.

SB 706 – Allows the Statewide Virtual Charter School Board, in conjunction with the Office of Management and Enterprise Services, to negotiate and enter into contracts with virtual education providers to offer a state rate price to school districts for a learning management system through which students enrolled in school districts may access full-time virtual education programs. Effective July 1, 2019.

Curriculum, Students

HB 1018 – Updates the language in the statute requiring each school district to provide age-appropriate instruction about HIV/AIDS, specifically relating to the transmission, prevention methods, risk behaviors, virology and relevant statistics. It also requires the instruction to comply with provisions of the Parents' Bill of Rights. Effective July 1, 2019.

HB 2641 – Creates a 16-member task force to study and make recommendations to the Legislature on changes to the units or sets of competencies required for students to graduate with a standard diploma. Requires the task force to submit its recommendation by Dec. 31, 2020. Effective July 1, 2019.

***New* SB 593** – Directs OSDE to develop a rubric by December 31, 2019 for computer science programs in elementary, middle, and high schools to serve as a guide for schools implementing quality computer science programs. Subject to legislative appropriations, one million dollars will

be allocated to the State Board of Education to develop and implement high quality professional learning opportunities for computer science courses that align with the standards and rubric. The OSDE may create a grant program to provide professional learning opportunities for teachers. Effective July 1, 2019.

SB 926 – Requires schools that offer sexual education courses to include information about consent. Effective July 1, 2019.

Employment, Personnel, Compensation

HB 1050 – Increases the maximum number of days a substitute teacher can be employed to 135 during a school year and 145 days during a school year if the substitute teacher holds a lapsed or expired certificate or has a bachelors level college degree. Effective November 1, 2019.

HB 1780 – Increases the minimum salary schedule for teachers by \$1200. Effective July 1, 2019.

HB 2470 – Increases the in lieu of amount paid to certified personnel who choose not to participate in the school-district-sponsored cafeteria plan (i.e., health insurance plan/FBA) from \$69.71 per month to \$300 per month as taxable compensation. Effective November 1, 2019.

HB 2521 – Creates the Oklahoma Educator Loan Repayment Program to be administered by the State Department of Education. It requires the Program, depending upon and limited to available funding, to provide educational loan repayment assistance to Oklahoma certified teachers who agree to work in a school designated as a comprehensive support and improvement (CSI) school or targeted support and improvement (TSI) school. Effective November 1, 2019.

***New* HB 2502** – Creates a new income tax credit up to \$1000 for classroom expenses and teacher certification fees incurred by classroom teachers. Effective January 1, 2020.

SB 85 – Modifies the definition of the term “medical personnel at schools” as it pertains to first responders to include any person designated by the school administration to administer an opiate antagonist in the event of a suspected overdose. It permits the administration of a public school to authorize one or more persons employed by the school to receive training in recognizing the signs of an opiate overdose and administering an opiate antagonist. It extends the Good Samaritan Act to cover individuals administering an opiate antagonist to a student or other individual at a school site or school sponsored event and makes them immune from civil liability. Effective July 1, 2019.

SB 269 – Grants school boards the authority to enter into multi-year written contracts with principals and vice principals. Effective July 1, 2019.

***New* SB 750** – Creates the Educator’s Professional Liability Insurance program to provide liability coverage for school employees of up to \$2 million per occurrence. All employees of public and charter schools are required to participate in the program. The program will be funded by the Legislature and by fees/fines collected by OMES related to insurance premiums. Effective November 1, 2019.

Funding, Budget

HB 1926 – Requires any driver that goes around a school bus that is loading or unloading children and has the red loading signals to be punished by a fine of not less than \$100. The fines collected will go into the new Cameras for School Bus Stops Revolving Fund so that a school can install and operate a video-monitoring system in or on the school buses or the bus stop-arms to record violations. State Board of Education will distribute funds to districts through a grant system using the newly created revolving fund Effective November 1, 2019.

HB 2520 – Makes a variety of updates to the statewide alternative education system. It clarifies the expectation that all districts are required to offer alternative education services to students that need them in grades seven through twelve based on a district needs assessment. The bill adjusts the way alternative education funds are allocated to be on a per student basis. It provides additional funds co-operative programs in addition to the per student funding amount. Effective July 1, 2019.

***New* SB 192** – Beginning July 1, 2019, excludes districts that do not receive Foundation Aid or Salary Incentive Aid from receiving the Transportation Supplement. In addition, no district having per pupil revenue in excess of 300% of the average per pupil revenue of all districts will receive any State Aid. Effective July 1, 2019.

SB 193 – Updates the so-called “moratorium” whereby certain mandates would go back into place for districts. Those mandates include library media program standards, accreditation deficiency penalties and the forming or convening of advisory councils and committees. The bill extends the moratorium until the state per-pupil expenditures are equal to or more than the regional average expenditure per pupil according to the National Center for Education Statistics (NCES). Effective July 1, 2019.

SB 362 – Makes a variety of changes to the State Aid Funding Formula including “collapsing” the formula by eliminating the Salary Incentive Aid calculation (i.e., the bottom half); changing the term “bilingual” to “English learner” and increasing the weight from 0.25 to 0.42; increasing the weight for Speech/Language Impairment from 0.05 to 0.15; and increasing the weight for Economically Disadvantaged from 0.25 to 0.3. Additionally, it changes the grade weights as follows: half-day early childhood and kindergarten programs to 0.6; full-day early childhood to 1.2; and kindergarten through grade 12 to 1.0. (*Note: This bill reflects the work of the State Aid Task Force.) Effective November 1, 2019.

***New* SB 407** – Raises the cap for the Oklahoma Equal Opportunity Education Scholarship Act. Beginning in tax year 2019 the cap will not exceed \$10 million annually. The definition for “eligible school” is updated to reflect any public school that is located within a public school district with fewer than 4500 students. Effective November 1, 2019.

Professional Development

HB 1228 – Requires a dyslexia professional development program be provided to educators once a year. Effective November 1, 2019.

***New* SB 382** – Requires safe school committees to develop recommendations related to professional development for faculty and staff to recognize and report suspected human trafficking. Effective July 1, 2019.

***New* SB 446** – Directs OSDE and DHS in consultation with school boards and superintendents to make information, training, and resources available to schools to help employees recognize and address mental health needs of students. Will include information about community services for mental health and information on trauma and adverse childhood experiences. Effective July 1, 2019.

School Boards

***New* HB 1308** – Updates the definition of “threatening behavior” to include any verbal threat or act of threatening behavior, whether or not it is directed at another person, which reasonably indicates actual and imminent risk of serious physical harm. Requires school districts to develop a policy to determine if a student who engages in threatening behavior needs to complete a mental health assessment or psychological evaluation prior to returning to the general population of the school. Effective November 1, 2019.

HB 1940 – Defines “valid excuse” related to compulsory attendance, excusing absence due to school-approved activities, approved extracurricular activities and any other reason deemed appropriate by each local school district. Effective November 1, 2019.

HB 2336 – Allows a board of education of a school district to adopt a policy authorizing designated school personnel possessing a valid handgun license to carry a handgun onto school property. Effective November 1, 2019.

***Updated* SB 441** – Maintains the requirement for all districts to attend school for 180 days or 1080 hours. Requires districts calculating the school calendar according to hours to include a minimum of 165 days in the school year. Directs the State Board to adopt a policy to provide exemptions to districts able to meet minimum guidelines for student performance and district cost savings. Effective November 1, 2019.

School Sites

HB 1065 – Clarifies the term threatening behavior includes actual or imminent risk of serious physical harm made against people, property or an attack on school campus that is required to be reported to law enforcement. Effective November 1, 2019.

***New* SB 17** – Makes it unlawful for any person driving a motor vehicle in a school zone during normal school hours to use a handheld electronic communications device unless it is hands free. An electronic communications device means any device that permits the user to manually search the internet or transmit a text message. (Bobbi White Act of 2019) Effective after its passage and approval.

SB 33 – Adds vapor products to the list of products prohibited under the 24/7 Tobacco-free Schools Act. Effective July 1, 2019.

***New* SB 92** – Beginning with the 2019-2020 school year, directs school accreditation to occur every 4-years. Schools will still be evaluated annually to ensure they meet standards for federal funding, health and safety standards, and certification requirements for teachers, principals, and superintendents. Schools that receive a deficiency on their accreditation report will continue to stay on annual cycle as determined by the State Board of Education. Effective July 1, 2019.

SB 297 – Authorizes a school district that allows the donations of food to adopt a policy under which the district provides food at no cost to a student for breakfast, lunch or dinner meals or snacks if the student is unable to purchase breakfast, lunch or dinner meals or snacks. Effective July 1, 2019.

SB 381 – Permits schools to stock Epinephrine inhalers in addition to injectors and allows a nurse or trained employee to administer an inhaler to a student believed to be in respiratory distress. Effective July 1, 2019.

State Board/Dept. of Education

***New* HB 1230** – Directs the OSDE to list on its website all accrediting associations approved to participate in the Lindsey Nicole Henry program. Effective November 1, 2019.

***New* HB 1246** – Gives the option for a retired member of TRS who becomes employed by the OSDE for the first time to remain a member of TRS subject to limitations placed on retired members returning to work or to participate in OPERS as an active member. Effective November 1, 2019.

***New* HB 2132** – Directs the State Board of Education to supply the Office of Child Abuse Prevention with access to identifying information of individuals who are listed as truant and with access to identifying information and updated and accurate school attendance reports of individuals with documented developmental disabilities. Effective November 1, 2019.

SB 372 – Gives the State Board of Education, if it is unable to obtain requested information, the authority to require the production of, by subpoena or other means, any records, books, papers, documents, other tangible things which constitute evidence which the board finds relevant or material to an investigation relating to its functions. Effective July 1, 2019.

SB 617 – Exempts the State Department of Education and the State Board of Education from information technology consolidation. Effective November 1, 2019.

***New* SB 742** – Requires the Office of Child Abuse Prevention to include in its annual report to legislative leaders statistics developed from a report submitted by OSDE detailing the number of instances in which students were convicted of truancy or detained for truancy. District attorneys and school districts will respectively submit a report detailing instances of truancy or detainment to the OSDE. Directs DHS to review the reports and provide an assessment of the family to determine if services should be offered or a referral for services should be made. Effective July 1, 2019.

SB 748 – Requires the State Board of Education beginning July 1, 2020 to implement the provisions of the Oklahoma Teacher Preparation Act, including approval and accreditation of teacher education programs and assessment of candidates for licensure and certification. The bill places the Commission for Education Quality and Accountability and the Office of Education Quality and Accountability under the authority of the State Department of Education. The bill transfers all employee liabilities to be transferred to the Department. Effective November 1, 2019.

Bills that did not advance

HB 1007 – Requires professional development programs for public school certified teachers and administrators to include a program on consent and healthy relationships education. The bill requires the Safe Schools Committee to study and make recommendations on such programs for students. The bill requires the State Department of Education to develop a model policy and deliver training materials to all school districts for a rape or sexual assault response program and for a consent and healthy relationships program. It requires a school district that implements a commercial consent and health relationships program to use a program listed by the State Department of Health. It requires the State Department of Education to track the implementation and evaluation of bullying prevention and consent and healthy relationships education program by school districts statewide. (*Note: This bill is also known as “Lauren’s Law”.) Effective July 1, 2019.

HB 1989 – Requires district out-of-school suspension policies to facilitate the re-engagement of students upon their return. Requires a school district to consider using restorative practices as an alternative to out-of-school suspension or in addition to suspension that provide the offender the opportunity to accept responsibility for the harm caused to those affected by the misconduct and to participate in setting consequences to repair the harm. Requires restorative practices to be the first consideration to remediate certain offenses and requires them to be accessible to all students regardless of income level or family resources. It requires school districts to make efforts to provide ongoing trauma-informed professional development. Effective November 1, 2019.

HB 2488 – Requires the minimum teacher salary schedule be applied to teachers who return to teaching after retirement whether or not they are receiving a monthly retirement benefit. Requires the minimum salary amount to be \$30,000. Effective upon Governor’s signature.

SB 582 – Requires a monthly financial report to be submitted to a school district board of education at each regular meeting, which includes revenues and expenditures by fund and encumbrances. It requires the report to be posted on the website of the school district within 30 days after being submitted to the board. Effective November 1, 2019.

HB 1229 – Eliminates the Statewide Virtual Charter School Board, transferring all duties to the State Board of Education and the State Department of Education. Effective November 1, 2019.

SB 11 – Changes the date by when students have to be a certain age in order to attend school as follows: children must be 4 by August 1, changed from September 1 to attend early childhood programs; children must be 5 by August 1, changed from September 1, to attend kindergarten; children must be 6 by August 1, changed from September 1, to attend first grade. Effective November, 1 2019.

HB 2621 – Raises the cap for the total tax credits authorized for contributions to scholarship-granting organizations under the Oklahoma Equal Opportunity Education Scholarship Act from \$3.5m to \$30m. Raises the cap for the total tax credits authorized for contributions to educational improvement grant organizations from \$1.5m to \$30m. Expands the definition of eligible school from those public schools with fewer than 4,500 students to those with fewer than 8,500 students. Effective November 1, 2019.

HB 1034 – Requires the Oklahoma Employees Health Insurance Plan to provide coverage for the screening, diagnosis and treatment of autism spectrum disorders in individuals less than 18 years of age, changed from 9 years of age. Effective November 1, 2019.