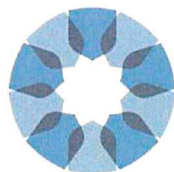


# **Education Laws And Agency Rules**



**First Regular Session of the  
58<sup>th</sup> Oklahoma Legislature  
2021**



**CCOSA**



# CCOSA New Laws and Rules 2021

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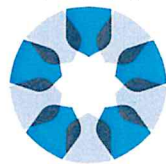
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\*Effective Upon Signature of the Governor



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The Cooperative Council for  
Oklahoma School Administration

**NEW LAWS  
IMPACTING STUDENTS**

**2021**

## HB 1568: Health Ed Include Mental Health

- **HB 1568** creates Maria's Law and requires that all schools, as part of any **health education curriculum**, include instruction in mental health, with an emphasis on the interrelation of physical and mental well-being, beginning with the SY2022-23. The State Board of Education (SBE) will promulgate rules to implement this new law.

- **Effective November 1, 2021**



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## HB 1569: Oklahoma Play to Learn Act

- **HB 1569** creates the **Oklahoma Play to Learn Act**, allowing early childhood educators to employ play-based learning techniques and school districts to provide related professional development (PD).
- School districts may not prohibit a teacher from using play-based learning in early childhood education.
- SBE will promulgate rules establishing guidelines for PD programs for early childhood educators and administrators.

- **Effective May 11, 2021**



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## HB 1715: REPEAL - Reading Proficiency (8<sup>th</sup> grade ELA exam) Requirement to Drive

- **HB 1715** repeals the requirement that students pass the 8<sup>th</sup> grade English Language Arts state assessment in order to obtain their driver's permit and license.

- **Effective April 26, 2021**



## HB 2030: U.S. Naturalization Test

- **HB 2030** requires:
  - **Students to pass** (get 60 out of 100 questions correct) **the U.S. naturalization test in order to graduate**, beginning with those who are 9<sup>th</sup> graders in the SY2021-22.
  - **School districts to offer the test** to students at least once per school year, beginning as early as 8<sup>th</sup> grade at the district's discretion.
  - **Districts to administer the test beginning in the SY2022-23.**
  - Districts to exempt students with disabilities whose IEPs indicate assessment with alternate achievement standards through the OAAP.

- **Effective November 1, 2021**



## HB 2750: AP Scores for College Credit

- **HB 2750** states legislative intent that higher education institutions not require an Advanced Placement exam score of more than 3 for course credit.
- The bill allows a score of 3 or more to be required for granting additional course credit.
- It directs that all AP exam credit policies be posted on college campus websites for the 2021-22 fall term and each academic term following.
- It directs higher education institutions to conduct biennial reviews of their AP credit policies.
- **Effective July 1, 2021**



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## SB 68: Residency Provision (Military)

- **SB 68** provides that a student meets residency requirements for school enrollment if their legal guardian is transferred or is pending transfer to a military installation in the state while on active duty.
- The measure requires school districts to accept electronic applications and course registrations for such students.

- **Effective July 1, 2021**



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## SB 69: SVCSB Enrollment Provision (Military)

- **SB 69** provides that a student shall be eligible to enroll in a statewide virtual charter school (SVCSB) if their parent is transferred or is pending transfer to a military installation within the state while on active military duty.
- The measure requires virtual charter schools to accept applications and course registrations submitted electronically.
- **Effective July 1, 2021**



## SB 89: Health Education Act

- **SB 89** creates the **Health Education Act** which requires health education (physical, mental, social and emotional, and intellectual) be taught in the public schools.
- By the SY2022-23, the Oklahoma State Department of Education (OSDE) shall develop a micro-credential and professional development for health teachers.
- By the SY2023-24, school districts must provide instruction (either integrated into an existing subject or as a stand-alone course) addressing all health education subject matter standards, as adopted by SBE, at least once in the grade spans of pre-kindergarten through 2<sup>nd</sup> grade, 3<sup>rd</sup> through 5<sup>th</sup> grade, 6<sup>th</sup> through 8<sup>th</sup> grade and 9<sup>th</sup> through 12<sup>th</sup> grade.
- **Effective July 1, 2021**



## SB 132: OHLAP Scholarship for 11<sup>th</sup> Graders

- **SB 132** allows students in the 11<sup>th</sup> grade to sign up for an Oklahoma Higher Learning Access Program (OHLAP) scholarship.

- **Effective July 1, 2021**



## SB 252: Computer Science Courses

- **SB 252** requires, beginning in the **SY2024-25**,
  - high schools to **offer** a minimum of one **computer science course** to students, and
  - middle and elementary schools to **offer** instruction aligned to the Oklahoma Academic Standards for Computer Science. It permits the instruction to be offered through stand-alone computer science courses or through integration in other courses.

- **Effective November 1, 2021**



## SB 642: ASVAB Test Opportunity

- **SB 642** requires districts, beginning with the SY2021-22, to provide annually to students in grades 10 through 12 **an opportunity to take the Armed Services Vocational Aptitude Battery (ASVAB) test and consult with a military recruiter.**
- The test will be scheduled during normal school hours at a time that limits conflicts with extracurricular activities.
- Districts will provide students in grades 10 through 12 and their parent or legal guardian the date, time and location of the test.
- Districts can administer an alternative test if it satisfies specific conditions.

- **Effective July 1, 2021**



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## SB 783: Open Transfers

- **SB 783** requires each school district board of education to adopt an open transfer **policy by January 1, 2022**, that specifies district criteria and standards for approval of transfers of students who don't reside in the district.
- The law repeals all emergency transfer language.
- Students can transfer at any time during the year with no more than 2 transfers per year, and they can re-enroll in their district of residence at any time.
- **Effective March 31, 2021 (the new policy requirement and all it entails does not take effect until January 1, 2022)**



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## SB 783: Open Transfers, cont'd

- **Districts can deny transfer requests for the following reasons as set out in their local board policy**
  - lack of capacity based on grade level for each school site within the school district (as defined in local policy),
  - a history of absences (10 or more not excused within a semester for a reason set out in 70 O.S. § 10-105(B) (OSCN 2021) or for illness ), and



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## SB 783: Open Transfers, cont'd

- The acts and reasons described in 70 O.S. § 24-101.3 (OSCN 2021):
  - a. violation of a school regulation (student discipline),
  - b. possession of an intoxicating beverage, low-point beer, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, or missing or stolen property if the property is reasonably suspected to have been taken from a student, a school employee, or the school during school activities, and
  - c. possession of a dangerous weapon or a controlled dangerous substance while on or within two thousand (2,000) feet of public school property, or at a school event, as defined in the Uniform Controlled Dangerous Substances Act. Possession of a firearm shall result in out-of-school suspension as provided in paragraph 2 of this subsection.



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## SB 783: Open Transfers, cont'd

- The new law still includes the following provisions:
  - “A school district shall not accept or deny a transfer based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude, or athletic ability.”
  - **“Notwithstanding the provisions of the Education Open Transfer Act, transfers of children with disabilities shall be granted as authorized in Section 13-103 of [Title 70 of the Oklahoma Statutes].”**



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## SB 783: Open Transfers, cont'd

- The State Board of Education adopted an administrative rule implementing Title 70, Section 13-103 of the Oklahoma Statutes, found at Oklahoma Administrative Code 210:10-1-19(b)
- Together, Section 13-103 and its implementing rule establish the following process for transfers of students with disabilities:
  - **Before approving the transfer, the receiving district shall establish availability of the appropriate program, staff and services**



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## SB 783: Open Transfers, cont'd

- **Before approving the transfer of a child on an IEP, a joint IEP conference shall be required between the district of residence and the receiving district**
  - A joint IEP conference can be a telephone conversation between one or more staff members from each district
  - **The receiving district must also consult with the child's parents to determine how FAPE will be provided to the child**
- If the transfer is approved, the receiving district shall provide services comparable to those described in the IEP until it adopts the IEP from the resident district or develops, adopts and implements a new IDEA-compliant IEP



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## SB 783: Open Transfers, cont'd

- If the transfer is approved, the receiving district shall claim the child in ADM for funding purposes and assume all responsibility for the child's education
- If a district accepts an open transfer of a nondisabled child and, during the transfer year, the parents request or school personnel suggest an IDEA evaluation, the receiving district handles it as it would for a student who resides in the district
- **There is no provision in the new law authorizing cancellation of a transfer during the transfer term**
- During the term of the transfer, the receiving district assumes all responsibility for the child's education



CCQSA

## SB 783: Open Transfers, cont'd

- According to Oklahoma Administrative Code 210:10-1-19, **in the event of an open transfer, the receiving school district is responsible for providing transportation if necessary to provide FAPE to a student with a disability**
  - The IEP team determines the need for transportation on an individualized basis
  - If the team determines that transportation is a related service the child needs to access FAPE, the receiving district must provide transportation regardless of the distance the child resides from school, at no cost to the child



## SB 783: Open Transfers, cont'd

- Each quarter, the local board of education shall:
  - establish capacity,
  - publish the capacity study in a prominent place on the website, and
  - notify OSDE.
- If transfer requests exceed capacity, each district must enroll students in the order it received the transfer applications.
- If a transfer request is denied, parents can appeal to the local board of education and then to SBE.



## SB 783: Open Transfers, cont'd

- The local board of education must submit a report to SBE by June 30 annually, providing the number of transfer requests approved and denied, with reasons provided for those denied.
- The Office of Educational Quality and Accountability (OEQA) shall audit 10% of districts each year to make sure districts submit accurate documentation.
- If OEQA finds inaccurate reporting of capacity levels by a school district, OEQA shall set the capacity for that district.



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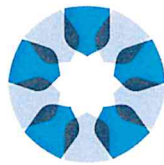
## SB 783: Open Transfers, cont'd

- Capacity is not a basis to deny the transfer of the following students:
  - A foster child living in the home of a student on a transfer.
  - A student whose parent is a member of the active uniformed military services of the United States on full-time active duty status and for whom Oklahoma is the home of record and students who are the dependent children of a member of the military reserve on active duty orders.
  - A student of a **teacher** in the district.
- Districts will automatically approve the transfer of a student whose grade isn't offered in their home district.



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**NEW LAWS INFORMING  
ADMINISTRATIVE  
DECISIONS**

**2021**

## HB 1014: OK Open Records Act & Communicable Disease

- **HB 1014** makes all records in the Oklahoma State Department of Health's possession concerning any person who has participated in a public health investigation or who may have any communicable or noncommunicable disease, which is required to be reported by law, confidential records of the department and outside the scope of the Oklahoma Open Records Act.
- These records may be released pursuant to existing allowances, so long as the release is in accordance with the Health Insurance Portability and Accountability Act (HIPAA) of 1996.
- Additionally, students having a communicable disease will be prohibited from attending a private or public school, with enforcement responsibility being placed with the school, rather than the teacher.
- It clarifies that a student may return to school with permission from the local county health department or State Department of Health.
- **Effective April 20, 2021**



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## HB 1046: Financial Audit on Webpage

- **HB 1046** requires a copy or a hyperlink to a copy of the most recent audit of the school district's financial statements be posted on the school district website for public inspection.

- **Effective November 1, 2021**



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## HB 1103: OK Prevention Needs Assessment (OPNA) Survey

- **HB 1103** requires that, beginning in the **SY2022-23**, every public and private school student in grades 6, 8, 10 and 12 will be administered the Oklahoma Prevention Needs Assessment (OPNA) Survey every other year.
- Survey results provide direction to schools to effectively improve the lives of students with a focus on alcohol, tobacco, other drug use, mental health, academic failure and violence.
- Board of Mental Health and Substance Abuse Services and SBE may promulgate rules.
- Survey administration will be subject to the availability of federal funding.

- **Effective November 1, 2021**



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## HB 1104: Tribal Affiliation in Student Data

- **HB 1104** requires information on a student's tribal affiliation be included in student data collected for the state.

- **Effective 90 days after sine die (August 25, 2021)**



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## HB 1775:

### Prohibitions Connected to Teaching History

- **HB 1775** provides that teachers, administrators and other employees of a school district, charter school, or virtual charter school shall not require or make part of a course certain concepts about race or sex, including that:
  - one race or sex is inherently superior to another race or sex or
  - that an individual, by virtue of race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
- Clarifies that this prohibition will not prohibit the teaching of concepts aligned to the Oklahoma Academic Standards.
- SBE will develop rules to implement these provisions, subject to Legislative approval.
- **Effective July 1, 2021**



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## HB 1801: Riley's Rule

- **HB 1801** requires school district boards of education to coordinate with emergency medical services providers that serve the area to develop an **Emergency Action Plan**.
- The Plan shall:
  1. Include maps and directions with appropriate contact information for emergency medical services,
  2. Assign a medical administrator who is a current school employee such as a coach, administrator or athletic director,
  3. Define responsibilities and personnel on-site, both medical and school officials,
  4. Include a list of medical equipment available and location of the nearest automated external defibrillator, if available,



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## HB 1801: Riley's Rule, cont'd

5. Be posted in each facility,
  6. Be distributed to all school officials involved in athletic practices, events, or activities held at school district facilities, and
  7. Specify documentation actions after any emergency to evaluate for debriefing purposes and to determine if there are necessary changes to the Emergency Action Plan.
- Host Schools must send a digital transmission of the Plan to the visiting school administrator or coach or post the Plan on the school's website prior to the activity.
  - Host schools must also conduct an **annual** review, update and rehearsal prior to the start of season practices, with school officials and local emergency medical services providers.
  - **Effective November 1, 2021**



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## HB 1967: Bus Driver Report of Traffic Violation

- **HB 1967** requires a school bus driver who witnesses a vehicle passing a bus while loading or offloading students to report this traffic violation on or before the end of the next business day, rather than within 24 hours.
- The report is given to the law enforcement authority of the municipality where the violation occurred.

- **Effective November 1, 2021**



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## HB 2293: Summer School Pay & OTRS

- **HB 2293** provides that contributing employers are to pay 2 contribution rates, the first to be applied to service performed during the regular school year and the second applied to service performed during a summer school program.
- A summer school program is defined as a program offering academic enrichment for students from Pre-K through 12<sup>th</sup> grades during the summer term after the close of the school year.
- Members (OTRS participants) shall only be considered as providing service to a summer school program if such service is provided according to a separate summer school contract between the member and the participating employer (i.e., school district).



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## HB 2293: Summer School Pay & OTRS, cont'd

- Summer school program does not include services performed at a participating employer offering an extended school year or services performed by staff pursuant to a 12-month contract with the employer.
- The method applied to the second contribution rate may take into consideration whether, or to what extent, such service is likely to add to members' service credit or final average salary, provided that the second rate can't exceed one-half of the first rate.
- **Effective 90 days after sine die (August 25, 2021)**



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## SB 104: Physical Therapy Telehealth

- **SB 104** authorizes physical therapy sessions to be provided in person or remotely via telehealth to individuals or groups.
- Defines “telehealth” as the use of electronic information and telecommunications technologies to support long-distance clinical health care, patient and professional health-related education, public health and health administration.
- Defines “telecommunication” as the use of audio, video, or other electronic media to deliver health care in real-time or through the use of store-and-forward technology.

- **Effective November 1, 2021**



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## SB 128: Seizure-Safe Schools Act

- **SB 128** provides that by **January 1, 2022**, each local school board shall have at least 1 employee at each school able to:
  - Administer or assist with self-administration of a seizure rescue medication or medication prescribed to treat seizure disorder symptoms approved by the FDA and
  - Recognize signs and symptoms of seizures and appropriate responsive steps.



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## SB 128: Seizure-Safe Schools Act, cont'd

- As to seizure rescue medication to be administered at school, the parent or legal guardian is to:
  - provide written authorization annually to the school,
  - provide a statement from the student's health care provider including certain information,
  - provide the medication to the school and
  - collaborate with school personnel on a seizure action plan.
- The Act only applies to a school with an enrolled student who has a seizure disorder and has a seizure rescue medication or medication prescribed to treat seizure disorder symptoms approved by the FDA and prescribed by the student's health care provider.



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## SB 128: Seizure-Safe Schools Act, cont'd

- Every public school must provide an age-appropriate seizure education program to all students consistent with Epilepsy Foundation of America guidelines.
- School employees aren't subject to a disciplinary proceeding that results from an action taken in compliance with the Act.
- Any employee acting in accordance with the Act is immune from civil liability unless their actions rise to a level of reckless or intentional misconduct.
- School nurses aren't responsible for or subject to disciplinary action for actions performed by a volunteer.
- **Effective April 26, 2021**



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## SB 302: Broadcasting Athletic Competitions

- **SB 302** provides that, beginning with the SY2021-22,
- all visiting teams in all regular season high school athletic competitions, notwithstanding any policy of a school athletic association, have the same rights to radio broadcast, video stream and provide telegraphic play-by-play accounts as the home team as long as
  - the visiting team has either a valid agreement to broadcast, video stream and/or provide telegraphic play-by-play accounts between a media organization and the school's board of education or
  - the visiting team has a curricular program for students that typically provides streaming for the team's home games.
- **Effective April 26, 2021**



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## SB 619: Liability Insurance & Internships

- **SB 619** allows the governing body of a school to obtain liability insurance coverage to protect a student who participates in an apprenticeship, internship, or mentorship program.
- It prohibits the school from charging the student or parent for the cost of providing insurance.

- **Effective July 1, 2021**



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## SB 683: Support Personnel & OTRS

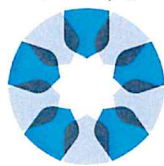
- **SB 683** permits support personnel who are regularly employed for 20 hours or more per week to join the Oklahoma Teachers' Retirement System upon hiring, subject to certain statutory provisions and regulations:
  - The decision is irrevocable.
  - The support employee has only 30 days from the date of hire to make a one-time irrevocable, written, opt-out election.
  - However, if the employee who opted out later changes to a teaching position, the employee will then become a member of OTRS but won't be eligible to count service performed while in the prior support position.
- Failure to opt out in writing within 30 days means the employee will be deemed to be a participant in OTRS.



## SB 683: Support Personnel & OTRS, cont'd

- Any support employee employed before July 1, 2021 shall have 30 days from July 1, 2021 to make an irrevocable written election to participate IN or OPT OUT of OTRS. If the employee fails to make a written election either way, the employee is deemed to be a participant.
- Effective July 1, 2021





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The Cooperative Council for  
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**NEW LAWS  
IMPACTING TEACHERS**

**2021**

## HB 1593: Reduced PD Required for Teachers

- **HB 1593** modifies how often teachers are required to complete professional development hours by reducing the frequency of 4 educator trainings out of the 27 currently required by state statute. [This was a CCOSA-request bill.]
  - Digital Teaching and Learning (frequency determined by local board)
  - Recognizing and Addressing Mental Health Needs of Students (once every three years)
  - Workplace Safety Training (frequency determined by local board)
  - Alcohol and Drug Abuse Awareness (once every three years)
- **Effective November 1, 2021**



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## HB 1796: OSAT Flexibility for Advanced Degrees

- **HB 1796** allows a teacher candidate to not take the Oklahoma Subject Area Test (OSAT) if the candidate already has an advanced degree in the subject essentially comparable to the content assessed in the examination.
- **Effective April 28, 2021**



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## HB 1876: OK Open Records Act & Privacy

- **HB 1876** clarifies that personal information, including home addresses, home phone numbers, Social Security numbers, private email addresses and private mobile phone numbers, of current and former public employees, such as teachers and other school staff, are not open to public inspection or disclosure.
- Public records created using a private email address or private mobile phone aren't included within this exception.
- **Effective May 3, 2021**



## HB 2329: Certification Tests Exemption for Teacher Candidates Who Are Deaf

- **HB 2329** permits SBE to grant an exemption to certification exams for teacher candidates who are deaf.
- Defines the word "deaf" as having a hearing loss so severe that the person can't process auditory linguistic information with or without accommodation and whose primary language and teaching environment is American Sign Language (ASL).
- Provides that "applicable teaching environments" may include ASL immersion programs, the Oklahoma School for the Deaf, programs for the deaf or other classroom settings in which ASL is the language of instruction.



## HB 2329: Certification Tests Exemption for Teacher Candidates Who Are Deaf, cont'd

- SBE may grant an exemption upon
  - Verification by a licensed audiologist of a hearing loss so severe that the teacher candidate can't process auditory linguistic information with or without accommodation,
  - Demonstration of fluency in ASL,
  - Demonstration of competency in the subject area of specialization as approved by SBE in lieu of certification exams and
  - Sponsorship by a certified deaf education teacher for a mentorship program.
- **Effective July 1, 2021**



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## HB 2748: Teacher Certification Early Childhood and Elementary

- **HB 2748** requires SBE to issue one-year alternative teacher certificates renewable for up to 3 years to teach early childhood education or elementary education if the alternative certified teacher meets the following qualifications:
  - Has successfully completed a terminal degree, such as a doctorate of philosophy, a doctorate in education, professional doctorates, a master of fine arts degree, or a master of library science degree, from an accredited institution, or
  - Holds at least a baccalaureate degree from an accredited institution and has 2 years post-degree-completion qualified work experience in a field that corresponds to early childhood education or elementary education.



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## HB 2748: Teacher Certification Early Childhood and Elementary, cont'd

- The candidate must also declare the intention to earn standard certification in not more than 3 years and:
  - In **year 1** of teaching, complete 6 credit hours in classroom management and reading instruction from an educator preparation program approved and accredited by the Commission for Educational Quality and Accountability (CEQA), complete training on cognitive science of how students learn to read (OSDE-approved program), and participate in a yearlong mentorship or instructional coaching in reading and classroom management provided by the employing school district.



## HB 2748: Teacher Certification Early Childhood and Elementary, cont'd

- The candidate must also declare the intention to earn standard certification in not more than 3 years and:
  - In **year 2** of teaching, complete 6 credit hours in child development and math instruction from an accredited educator preparation program, participate in an additional yearlong mentorship and/or instructional coaching in child development and math instruction provided by the employing school district, and successfully complete the general education (OGET) and subject area (OSAT) portions of the competency examinations.



## HB 2748: Teacher Certification Early Childhood and Elementary, cont'd

- The candidate must also declare the intention to earn standard certification in not more than 3 years and:
  - In **year 3** of teaching, complete 6 additional credit hours of professional education coursework from an accredited educator preparation program, participate in an additional yearlong mentorship and/or instructional coaching provided by the employing school district, and successfully pass the professional knowledge (OPTE) portions of the competency examination.

- **Effective November 1, 2021**



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## HB 2749: RSA Professional Development

- **HB 2749** provides that, beginning in the SY2022-23, school districts receiving more than \$2,500 in relation to the Reading Sufficiency Act (RSA) will spend no less than 10% on professional development for teachers teaching Pre-K through grade 5.
- Requires OSDE to approve and publish a list of professional development programs that are evidence-based and directly address the cognitive science of how students learn to read.

- **Effective 90 days after sine die (August 25, 2021)**



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## SB 21: Suicide Awareness Training

- **SB 21** requires districtwide training to all staff in suicide awareness on a biennial basis **beginning in the SY2021-22**.
- Districts **may** provide training to address suicide awareness and prevention to students in grades 7 through 12 beginning in the **SY2022-23**.

- **Effective July 1, 2021**



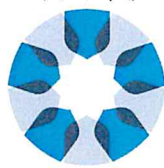
## SB 267: Retired Educators Return to Teach

- **SB 267** provides that retired educators
  - who have received benefits for at least one year and
  - **who have not been employed** by a public school during that time,are eligible to be reemployed as an active classroom teacher in a common or career tech school district with no limitation on earnings (as negotiated between the teacher and the district). [This was a CCOSA-request bill.]

- **Effective July 1, 2021**







**CCOSA**

The Cooperative Council for  
Oklahoma School Administration

**NEW LAWS INFORMING  
SCHOOL BOARD  
DECISIONS**

**2021**

## HB 1789: Purchasing Cooperatives

- **HB 1789** permits local governmental units to create or contract with a purchasing cooperative to achieve better value or terms in contracts.

- **Effective November 1, 2021**



## HB 1963: Gov. Appointment of Board Members

- **HB 1963** creates a process for the Governor to appoint a member or members of a local school board if there is a loss of the majority of members of a board of education of a school district or technology center school district.

- **Effective November 1, 2021**



## HB 2862: Threshold for Bid Requirements Increase

- **HB 2862** changes the definition of a public construction contract to mean any contract meeting specific qualifications, including that it exceeds \$100,000, or any construction management trade subcontracts exceeding \$50,000.
- **Effective November 1, 2021**



## SB 90: Proof of Notice for Required District Publications

- **SB 90** provides that an affidavit of publication provided by a publisher or authorized employee will constitute conclusive proof that the newspaper has published the notice, advertisement, or publication.
- This provision applies to required school district publications, such as advertising general obligation bonds for construction projects prior to an election.
- **Effective November 1, 2021**



## SB 121: Lactation Room and Time

- **SB 121** requires all school boards to provide employees who are lactating a **daily paid break** to use a **designated room** for the purpose of maintaining milk supply and comfort.
- The measure requires districts to make a reasonable effort to provide a private, secure and sanitary room other than a toilet stall where an employee can express her milk or breastfeed her child.
- **Effective July 1, 2021**



## SB 403: Public Meeting Disruptions

- **SB 403** makes it unlawful for any person(s) to interfere with or disrupt the business, including publicly posted meetings, of a political subdivision or any employee, agent, official, or representative of the political subdivision.
- Any violation of the provisions of this section shall be a misdemeanor punishable by imprisonment in the county jail for a term of not more than one (1) year, by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.
- **Effective April 21, 2021**



## SB 658: Prohibition of Mask and Immunization Mandates

- **SB 658** prohibits the school board of a public school district or technology center school district from implementing a mask mandate unless they have consulted with the local county or city-county health department within the jurisdiction where the board is located and when that jurisdiction is under a current state of emergency declared by the Governor.
- **The mask mandate must be reconsidered at each regularly scheduled board meeting.**
- Any mask mandate must provide
  - specific purposes for the mandate and
  - reference the specific masks or medical devices that would meet the requirements of the mandate.



## SB 658: Prohibition of Mask and Immunization Mandates, cont'd

- The school board of a public school district or technology center school district can't require:
  - a COVID-19 vaccine for students,
  - a vaccine passport for students, or
  - a mask mandate for students who haven't been vaccinated against COVID-19.
- OSDE will provide and ensure that all school districts post on their school website and in any notice or publication to parents regarding immunization requests, this information regarding immunization requirements for school attendance: "For school enrollment, a parent or guardian shall provide one of the following:
  1. Current, up-to-date immunization records; or
  2. A completed and signed exemption form."



## SB 658: Prohibition of Mask and Immunization Mandates, cont'd

- SB 658 also transfers the duties of prescribing required school immunizations to the State Commissioner of Health, from the State Board of Health.

- Effective July 1, 2021



## SB 807: Support Employee Pay During a Pandemic

- **SB 807** authorizes support employees to receive pay for any time lost due to their school being ordered closed by an authorized health officer or closed because of an epidemic.

- Effective July 1, 2021





## SB 838: OK Public Safety Protection District Act

- **SB 838** creates the Oklahoma Public Safety Protection District Act.
- Authorizes the governing body of a municipality to create a public safety protection district by the adoption of a resolution and **approval of the question by 60% of the voters** of the municipality in the next general election.
- Provides the district be considered a political subdivision of the state and encompass the borders of the municipality.
- Permits an assessment of **up to 5 mills** to be levied by the district for the **purposes of paying for police, fire and jail operations**.
- Exempts from the assessment real property zoned for agricultural or industrial land use, implements of husbandry, livestock employed in support of the family and personal property owned by for-profit business entities.
- **Effective November 1, 2021**



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## Notes



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# CCOSA

The Cooperative Council for  
Oklahoma School Administration

## **NEW LAWS IMPACTING STATE AGENCIES**

### **2021**

## HB 1018: School Laws Book Repeal

- **HB 1018** repeals the required publication and distribution of the biennial school laws book by OSDE.

- **Effective November 1, 2021**



## HB 1773: MTSS in College-level Teacher Ed Programs

- **HB 1773** requires teacher candidates in early childhood, elementary, secondary and special education, as part of their competency-based teacher preparation program, to study the background and implementation of multi-tiered systems of support (MTSS) designed to address the core academic and nonacademic needs of all students.
- Candidates will receive, at a minimum, grade-appropriate training on applying MTSS in the areas of structured literacy, mathematics, classroom management and trauma-informed instruction.

- **Effective November 1, 2021**



## HB 1875: Student Directory Information

- **HB 1875** prohibits an educational agency or institution that is not the primary custodian of student directory information of attending students from releasing or selling any student directory information unless otherwise allowed by the Family Educational Rights and Privacy Act (FERPA) or state statute.

- **Effective May 10, 2021**



## HB 1882: Out-of-Schooltime Task Force

- **HB 1882** creates the "Out-of-Schooltime Task Force" and directs it to identify ways to increase and improve the number of quality, affordable out-of-school programs in the state and report findings to the Oklahoma Legislature and Governor by December 1, 2022.
- The State Superintendent of Public Instruction has a seat on the task force, makes two appointments – a school administrator and a certified teacher, and is required to call the first task force meeting by February 1, 2022, at which a chair and vice-chair will be selected.

- **Effective November 1, 2021**



## HB 1968: Duplicative GT Report Removed

- **HB 1968** removes duplicative OCAS reporting requirements for gifted child educational programs. Specifically, it removes the requirement that copies of the report shall be sent to the State Department of Education by August 1 of each year.

- **Effective April 28, 2021**



## HB 2223: Dyslexia Handbook

- **HB 2223** requires OSDE to maintain the dyslexia handbook created by the Dyslexia and Education Task Force by making revisions and additions as recommended by stakeholders every 3 years.
- OSDE must consult with each member of the original task force, if available, during the revision process.
- Any revisions must include, but are not limited to, specified criteria for assisting school districts in screening for dyslexia and educating students who have dyslexia.

- **Effective November 1, 2021**



## HB 2691: CEQA Report on School Quality

- **HB 2691** requires the Commission for Educational Quality and Accountability (CEQA) to issue a report detailing factors in the public education system that contribute to improvements in common education, including high school graduation rates and college and career assessment scores.
- The Commission must also highlight improvements to the higher education system, career and technology education system and the state's workforce pipeline, and detail information gaps between the state's education agencies.
- The report must be submitted to the Legislature and Governor by October 31, 2021.
- **Effective July 1, 2021**



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## HB 2752: STEM Micro-credentials

- **HB 2752** requires OSDE, in coordination with the Commission for Educational Quality and Accountability, to establish a micro-credential program for the purpose of permitting any teacher candidate or teacher who holds a certificate to teach to complete additional coursework and earn micro-credentials in science, technology, engineering and mathematics (STEM) endorsement areas including computer science.
- **Effective July 1, 2021**



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## SB 261: OK Student Borrower's Bill of Rights

- **SB 261** creates the Oklahoma Student Borrower's Bill of Rights Act, directing the Attorney General to compose the "Oklahoma Student Borrower's Bill of Rights" for a student loan borrower who takes out a student education loan with a student loan servicer.
- The statement must include plain and clear language prohibiting a student loan servicer from engaging in any act that misleads, deceives, or defrauds student borrowers.
- Loan servicers are also prohibited from making false statements or omitting material facts when submitting reports to a governmental agency.

- **Effective November 1, 2021**



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## SB 292: Concurrent Enrollment Task Force

- **SB 292** creates a 14-member task force to study and make recommendations regarding current and future **concurrent enrollment needs of the state**.
- The task force shall be comprised of 14 members to be appointed as follows:
  - Two members of the Senate, appointed by the President Pro Tempore of the Senate, one of whom shall be designated co-chair of the task force.
  - Two members of the House of Representatives, appointed by the Speaker of the House of Representatives, one of whom shall be designated co-chair of the task force.
  - Three school district superintendents, appointed by the State Superintendent of Public Instruction.
  - Two presidents of two-year institutions within The Oklahoma State System of Higher Education or their designees, appointed by the Chancellor of Higher Education.
  - Two presidents of comprehensive institutions within The Oklahoma State System of Higher Education or their designees, appointed by the Chancellor of Higher Education.
  - The Chancellor of Higher Education or a designee.
- The task force shall submit a report of its findings by November 30, 2022.
- **Effective July 1, 2021**



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## SB 1038: Student Teacher Pay

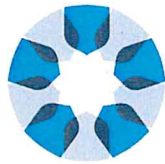
- **SB 1038** modifies the definition of the term "student teacher" to include that student teachers serving in an internship capacity are eligible to receive compensation for up to 1 full school year. However, the compensation shall not be taken into consideration with regard to teacher retirement or the state minimum salary schedule.
- OSDE is using federal relief funds to pay all student teachers for the next 3 years.
- Student teachers will receive \$3,250 for 1 full school year.
- **Effective July 1, 2021**



## Notes







# CCOSA

The Cooperative Council for  
Oklahoma School Administration

## **NEW BUDGET & FINANCE LAWS**

### **2021**

## HB 2900: General State Appropriations

- **HB 2900** allocates **\$171.6 million additional dollars to common education**, including:
  - \$110 million to restore cuts from last year to State Aid Formula
  - \$27 million additional funds for science textbooks (\$60 million total)
  - \$26 million to trigger K-1<sup>st</sup> class-size mandates (HB 2891 defeated)
  - \$8 million additional to the SDE School Activities Fund
- Appropriates \$109 million to the Ad Valorem Reimbursement Fund

- **Effective July 1, 2021**



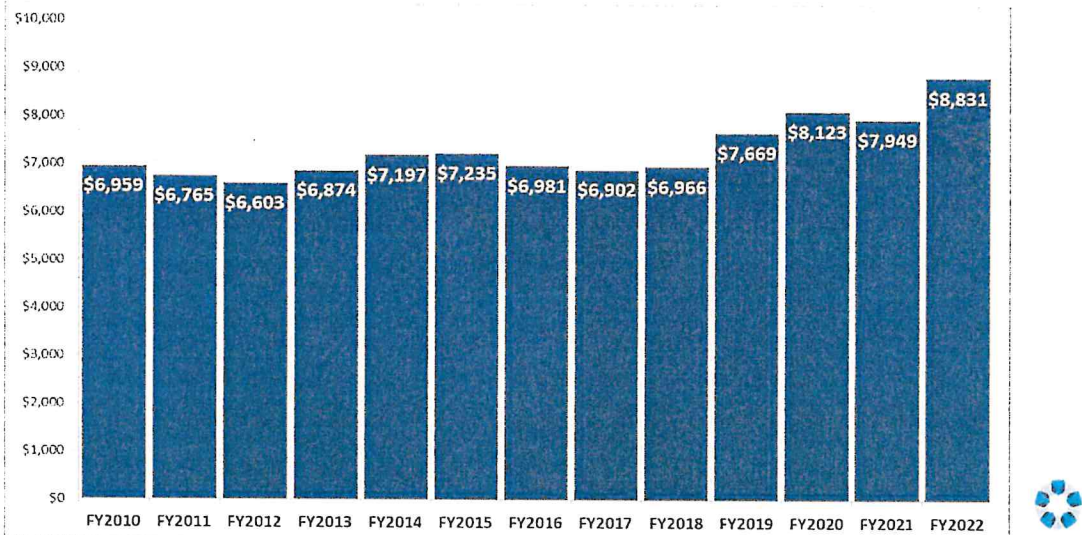
## HB 2900: General State Appropriations, cont'd

- **Assumptions:**
  - Approximately \$137 million was added to the funding formula, with the remainder going to other education areas.
  - A \$137 million increase would bring the state aid allocation to \$2,437,246,699.
- **Based on these assumptions, the factor could increase approximately \$114 for a total of \$3,504/WADM.** (Please note that we are using an estimate of the high year FY20 and FY21 WADM numbers for this estimate.)
  - It is also important to recognize the following details that may impact the projected per student WADM decrease:
    - Local ad valorem and state dedicated chargeable changes.
    - Schools receiving/not receiving State Aid Formula dollars.



## Oklahoma Total State Appropriations

(in \$ millions)



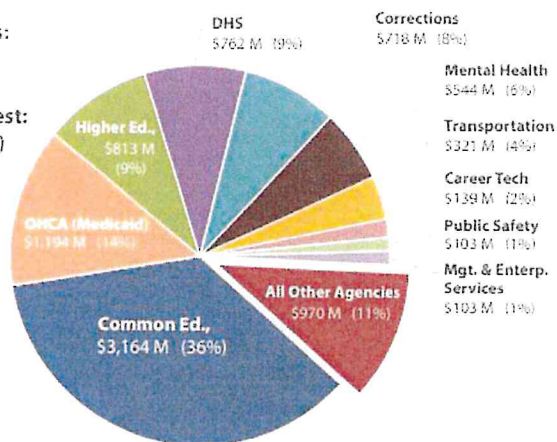
OKPolicy Institute (28 May 2022). (<https://okpolicy.org/wp-content/uploads/FY22BH-Budget-Highlights.pdf?x31514>)



## Oklahoma State Budget 2022

Total  
Appropriations:  
\$8,831 M

Total Ten Largest:  
\$7,861 M (89%)



OKPolicy Institute (28 May 2022). (<https://okpolicy.org/wp-content/uploads/FY22BH-Budget-Highlights.pdf?x31514>)



**CCOSA****Budget for Fiscal Year 2022**

May 24, 2021

Purpose		FY 20 Appropriation HB 2765/SB 1048	FY 21 Appropriation SB 1922	FY 22 Appropriation SB 1067/ HB 2900	Difference	Notes
1	Financial Support of Public Schools (70 O.S. 18-200.1)	2,411,771,057	2,300,970,699	2,437,246,699	136,276,000	
2	General Revenue (GR)	1,478,105,700	953,338,319	1,471,384,271		
3	Education Reform Revolving Fund (1017 funds)	854,300,525	1,015,074,419	875,289,631		
4	Common Education Technology Fund	47,111,412	46,938,566	47,372,299		
5	Oklahoma Lottery Trust Fund	28,453,289	32,739,428	34,451,092		
6	Mineral Leasing Fund	3,800,131	9,211,258	8,749,406		
7	Constitutional Reserve Fund	-	243,668,709	-		
8	Instructional Materials (70 O.S. 16-114a)	33,000,000	33,000,000	60,000,000	27,000,000	
9	Flexible Benefit Allowance (70 O.S. 26-104)	502,691,920	535,537,021	535,537,021		no estimated increase
10	Certified Personnel	322,414,199	347,081,644	347,081,644		
11	Support Personnel	180,277,721	188,455,377	188,455,377		
2	Support of Public School Activities	100,919,026	100,919,026	108,919,026	8,000,000	
13	Administrative and Support Functions	16,246,097	15,027,640	15,027,640		
14	Lottery Trust Fund - Transfer to TRS Revolving Fund (62 O.S. 34.93 and 3A O.S. 713(C)(3))	3,161,477	3,637,714	3,827,899	190,185	determined by statute
15	Lottery Trust Fund - Transfer to School Consolidation Assistance Fund (70 O.S. 7-203)	3,161,477	3,637,714	3,827,899	190,185	determined by statute
16	TOTAL APPROPRIATION	3,070,951,054	2,992,729,814	3,164,386,184	171,656,370	





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Budget for Fiscal Year 2022

Oklahoma State Board of Education

Public School Activities

Purpose	FY 20 Appropriation SB 1048	FY 21 Appropriation HB 4153	FY 22 Appropriation SB 1067	Notes
1 Early Intervention SoonerStart (70 O.S. 13-124)	14,400,341	14,400,341	14,400,341	maintains current services and required federal match
2 Early Childhood Initiative (70 O.S. 10-105.4)	12,000,000	12,000,000	12,000,000	maintains current services
3 Reading Sufficiency (70 O.S. 1210.508D)	12,000,000	11,000,000	12,000,000	
4 Alternative Education Programs and Admin (70 O.S. 1210.561, 70 O.S. 1210.568)	11,000,000	10,000,000	12,000,000	
5 Required Assessments (70 O.S. 1210.508, 20 USC §6311(b)(2))	9,600,000	4,205,685	8,205,685	
6 School Lunch Matching & MOE (7 CFR 210-17 and 7 CFR 235.11(a))	3,500,000	3,500,000	3,500,000	maintains current services
7 AP Teacher Training and Test Fee Assistance (70 O.S. 1210.703)	1,300,000	1,000,000	1,000,000	maintains test fee assistance
8 Imagine Math	-	1,000,000	1,000,000	online math instruction platform
9 Great Expectations	400,000	300,000		
10 Street School	180,000	100,000	180,000	
11 Ag in the Classroom	38,000	38,000	38,000	maintains current services
12 Oklahoma Arts Institute	200,000	-	320,000	
13 Standards Implementation (70 O.S. 11-103.6, 20 USC §6311(b)(1))	150,000	-	-	
<b>Total</b>	<b>64,768,341</b>	<b>57,544,026</b>	<b>64,644,026</b>	

14 Teachers' Retirement System Credit (70 O.S. 17-108.2)	24,175,685	34,000,000	34,500,000	meets obligations
15 Psychologists, Speech Pathologists and Audiologists Bonus (70 O.S. 6-206)	3,625,000	2,900,000	4,800,000	Ed Leadership OK
16 Secure Schools Program	3,000,000	2,350,000	2,350,000	
17 National Board Teacher Bonus (70 O.S. 6-204.2)	2,950,000	2,000,000	-	Combined with line 15
18 Teach for America	2,000,000	2,000,000	2,000,000	maintains current services
19 Teacher and Leader Effectiveness Programs (70 O.S. 6-101.16)	250,000	125,000	250,000	
20 Teacher Induction Program (70 O.S. 6-195)	150,000	-	375,000	
<b>Total</b>	<b>36,150,685</b>	<b>43,375,000</b>	<b>44,275,000</b>	

<b>Grand Total</b>	<b>\$ 100,919,026</b>	<b>\$ 100,919,026</b>	<b>\$108,919,026</b>	
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## Common Education Appropriations



## SB 1067: Education Line-item Budget SDE School Activities Fund

- [SB 1067](#) appropriates \$8 million more than FY21.
- Line item increases, including but not limited to:
  - \$2 million: Alternative Education
  - \$1 million: Reading Sufficiency Act implementation
  - \$4 million: State Assessments
- Line item cuts, including but not limited to:
  - \$1.78 million cut over 2 years (FY21 & FY22): National Board Teacher and Nationally Certified School Psychologist, Speech-Language Pathologist and Audiologist annual bonuses
- Vendor bills
  - \$2.35 million: Secure Schools Program (App available for all schools)
  - \$1 million: Imagine Math
- Other line item details
  - Maintains funding to FBA (Certified and Support)
- Effective July 1, 2021



## SB 229: Redbud School Funding Act State Public Common School Building Equalization Fund

- **SB 229** creates the Redbud School Funding Act and apportions a certain amount of income tax dollars to the **State Public Common School Building Equalization Fund** that can then be used to provide building funds to traditional public schools as well as public charter schools, but excluding virtual charter schools.
- The measure develops a multimillion dollar dedicated funding stream for school building-related needs that will benefit more than 300 traditional school districts and charter schools that receive little or no building fund revenue.
- Charters authorized by the statewide virtual charter school board are not eligible, and two-thirds of a charter school's students must receive in-person or blended instruction as the primary means of instruction to be eligible.
- **Effective May 28, 2021**



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## HB 2078: Funding Formula Change Loss of 2<sup>nd</sup> High Year

- **HB 2078** changes the basis for state aid funding.
- Instead of using the highest weighted average daily membership from the current year or 2 prior years, districts can use only the highest weighted average daily membership (WADM) from the current year or prior year.
  - FY22 will be the last year that a district's funding is calculated based on the preceding year OR the second preceding year.
  - For FY23, initial State Aid funding will be based on the FY22 end-of-year WADM.
- **Effective July 1, 2022**, but see **HB 2890**, which was enacted to correct wrong dates for fund balance penalty waivers included in HB 2078 and includes a different effective date for the fund balance penalty waivers



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## HB 2890: Fund Balance Penalty Fix for HB 2078

- **HB 2890** provides corrections for inaccurate language in HB 2078 for the dates when the fund balance penalty will NOT apply.
  - Any school district with a general fund revenue carryover in excess of specified amounts in fiscal years 2021, 2022, 2023 and 2024 **will not be assessed a general fund balance penalty.**
  - It also corrects language so that the July calculation of per pupil revenue be determined using the district's second preceding year's total weighted average daily membership (ADM).
- **Effective May 21, 2021 (fund balance penalty waiver)**
- **Effective July 1, 2022 (all other provisions of the Funding Formula change)**



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## SB 1037: Use of Building Funds, CRRSA & ARP

- **SB 1037** provides that the building fund of any school district may also consist of grant monies allocated to a school district via the federal Coronavirus Response and Relief Supplemental Appropriation Act of 2021 (CRRSA) and the federal American Rescue Plan Act of 2021 (ARP).

- **Effective July 1, 2021**



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## HB 2805: Livestock & Ad Valorem Exemption

- **HB 2805** deletes the requirement that livestock owned by a general partnership, limited partnership, corporation, limited liability corporation, estate, trust, or other lawfully recognized entity must have the primary purpose of conferring economic benefits of such ownership on 2 or more members of the same family in order to qualify for an ad valorem tax exemption.
- Adds the language that "at least 50% of the owners of the entity shall be residents of this state to qualify for the exemption."
- Restricts that animals owned wholly or in part by a publicly traded corporation or a corporation incorporated in a state other than Oklahoma shall not qualify for the exemption.

- **Effective January 1, 2022**



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## HB 2960 & HB 2962: Tax Cuts

- **HB 2960** reduces the corporate income tax from 6% to 4% beginning FY22.
  - \$53.9 million decrease in income tax collections for FY22.
  - \$110.2 million decrease per year for FY2023 and future years.
- **HB 2962** cuts the individual income tax from 5% to 4.75% beginning FY2022.
  - \$83.1 million decrease in income tax collections for FY22
  - \$236.7 million decrease per year for FY23 and future years.

- **Total Fiscal Impact: \$346.9 million annually**

- **Effective January 1, 2022**



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## SB 1080: OK Equal Opportunity Ed Scholarship Act

- SB 1080 amends the Oklahoma Equal Opportunity Education Scholarship Act (2011) by:
  - Increasing the cap on tax credits available for the private school portion of the program from \$3.5 million to \$25 million.
  - Increasing the cap on tax credits available for the public school portion of the program from \$1.5 million to \$25 million.
  - Allowing all public school foundations and districts to participate; donors to the foundations and/or schools also receive a tax credit for the donation.
  - Allowing suspended credits from prior years to be claimed.
  - Keeping the criteria to identify a student as low income with a family income limit as 300% of the income standard used to qualify for a free or reduced-price school lunch (~\$140,000 per year for a family of 4)
  - Increasing accountability for participating organizations that grant private school scholarships. This bill increases the annual reporting requirements for organizations raising money for private school scholarships, ensuring they are spending the required percentage of donations on scholarships for students from low-income families and providing data on whether scholarship recipients ever attended a public school.
  - Requiring public schools and public school foundations to report to the Oklahoma Tax Commission detailed information about donations received and how donations are spent.
- **Effective November 1, 2021**

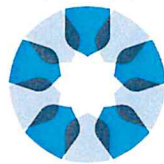


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## Notes



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The Cooperative Council for  
Oklahoma School Administration

**MANDATE  
IMPLEMENTATION  
TIMELINE**

**2021**

## SY2021 Mandates

- HB 1014 OK Open Records Act & Communicable Disease
- HB 1569 Oklahoma Play to Learn Act
- HB 1715 Reading Proficiency Act repealed



## SY2021-22 New Mandates

- **Class Size Mandates & School Calendar**
- SB 193 (2019) & HB 2900 (2021) K and 1<sup>st</sup> HB 1017 (1990) class size mandates reinstated
- OAC: 210:10-1-4 Length of Term or School Calendar (70 O.S. § 1-109) schools in session not less than 1,080 hours with a minimum of 165 days of instruction each school year or seek a waiver



## SY2021-22 New Mandates, cont'd

### • Student Transfers

- SB 783 Open Transfers
- HB 2905 (2020) Virtual Charter School Reform - student transfer required to statewide virtual charter schools
- SB 68 Students enroll as residents (military)
- SB 69 Students enroll statewide virtual (military)

### • Teacher PD

- HB 1593 Every year requirement (for 4) removed
- SB 21 Suicide awareness training on a biennial basis



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## SY2021-22 New Mandates, cont'd

- HB 1046 Most recent audit hyperlinked on webpage
- HB 1104 Student's tribal affiliation in student data
- HB 1775 Prohibitions connected to teaching history
- HB 1801 **Emergency Action Plan** requirements expanded
- HB 3398 (2020) Employee background checks by July 1, 2022
- SB 121 Lactating employees required a **daily paid break** to use a **designated room effective November 1, 2021**
- SB 128 Seizure-Safe Schools one trained employee/district required, **beginning January 1, 2022**
- SB 302 Visiting teams and broadcasting or video streaming
- SB 642 Armed Services Vocational Aptitude Battery (ASVAB) test given annually to students (grades 10-12) and consult with a military recruiter
- SB 658 Prohibition of mask & immunization mandates
- SB 683 Support staff opt-out provision for OTRS



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## SY2022-23 New Mandates

- HB 1103 (2021) Oklahoma Prevention Needs Assessment Survey every other year in grades 6, 8, 10 and 12
- HB 1568 (2021) Maria's Law health education curriculum must include instruction in mental health, with an emphasis on the interrelation of physical and mental well-being
- HB 2804 (2020) Dyslexia screening for any student enrolled in grades K, 1, 2 or 3
- HB 2030 (2021) **United States naturalization test** given to students at least once per school year, 8-12 grades, may be offered to 8<sup>th</sup> grade students at district's discretion



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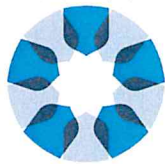
## SY2023-25 New Mandates

- 2023-2024
- SB 89 (2021) **Health Education Act** health education (physical, mental, social and emotional, and intellectual) provided
- 2024-2025
- HB 3400 (2020) Minimum of four Advanced Placement courses available to students
- SB 252 (2021) Computer Science (one in HS; aligned to standards in MS and Elementary) offered



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The Cooperative Council for  
Oklahoma School Administration

**NEW RULES  
OKLAHOMA  
ADMINISTRATIVE CODE  
2021**

## OAC Rule 210:35-21-2. Alternative instructional delivery systems

- **OAC Rule 210:35-21-2** has been updated to remove antiquated terminology (such as “Web-based Instruction” and “Internet-based Instruction”), add current terminology (such as “Distance Learning Plan” and “Virtual Instruction”) and make pandemic-related changes.
- Public schools can implement distance learning plans that provide for distance learning accessible to all students as authorized in the event of emergency declared by a federal or state government entity that impacts Oklahoma public school operation, or upon action by State Board of Education (SBE) declaring an emergency that leads to temporary emergency closure of school campuses or otherwise significantly impacts public school operation.



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## OAC Rule 210:35-21-2. Alternative instructional delivery systems, cont'd

- A school district or charter school can adopt a policy providing for short-term implementation of a distance learning plan due to a localized emergency, like a weather-related school closure or public health emergency.
- A school's approved academic calendar can build in emergency closure "makeup days" to be delivered via its distance learning plan.
- A school district or charter school can adopt a distance learning plan policy that provides virtual or partially virtual instruction for home-based education to students who can't attend school in person due to extended medical or other issues.



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## OAC Rule 210:35-21-2. Alternative instructional delivery systems, cont'd

- If a school district or charter school delivers home-based education solely through virtual instruction, the district must provide any participating student without access to internet connectivity and/or device(s) the service or device(s) they need to access the instruction without charge.
- A school district or charter school must submit a copy of its distance learning plan to the Oklahoma State Department of Education (OSDE) Office of Accreditation within 10 business days of adoption by the board of education or governing board. If a policy update or revision is adopted, it must also submit the amended policy to the OSDE Office of Accreditation within 10 business days of adoption.



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## OAC Rule 210:35-21-2. Alternative instructional delivery systems, cont'd

- A public school policy authorizing implementation of a local distance learning plan must include these considerations:
  - Equitable access.
  - Alignment with Oklahoma Academic Standards.
  - Clear written policies for students receiving instructional services in the plan, including attendance measurements for students and staff, awarding credits for course completion and participation in extracurricular activities.



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## OAC Rule 210:35-21-2. Alternative instructional delivery systems, cont'd

- To ensure equitable access to instruction, SBE strongly recommends that in developing a policy authorizing a distance learning plan, the school district or charter school consult a working group of community stakeholders.
- **HJR 1046** approving this Rule was sent to the Governor on May 26. This permanent Rule would supersede the emergency rule currently in effect.



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## OAC Rule 210:10-13-23. Emergency exemptions from assessments required by the Oklahoma School Testing Program (OSTP)

- **OAC Rule 210:10-13-23** provides that when a federal or state government entity declares an emergency that impacts Oklahoma public school operation, or upon by SBE declaring such an emergency, OSDE is authorized to approve emergency medical exemptions from OSTP assessment requirements for all students whose ability to test is compromised by the emergency.
- If a state of emergency suspends, interrupts, or otherwise substantially affects public school operations during the state testing window, OSDE is authorized to approve general medical exemptions from OSTP assessment requirements for all affected students.
- **HJR 1046** approving this Rule was sent to the Governor on May 26. This permanent Rule would supersede the emergency rule currently in effect.



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## OAC Rule 210:10-13-25. Determination of the chronic absenteeism indicator

- **OAC Rule 210:10-13-25** permits a school district or charter school to establish a **policy** providing that **student absences due to a Significant medical condition (a severe, chronic, or life-threatening physical or mental illness, injury, or trauma) may be exempted from inclusion in calculating the Chronic absenteeism indicator** of the applicable student's school site upon determination of eligibility by a medical exemption review committee.
- Defines "**Chronic absenteeism**" as absence from school at least 10% of the time that school is in session and the student is included in membership, 18 or more days on a 180-day school calendar or 10% or more of school days on a 1,080 hours school calendar.
- Defines "**Significant medical condition**" for purposes of the Rule, as a severe, chronic, or life-threatening physical or mental illness, infection, injury, disease, or emotional trauma.



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## OAC Rule 210:10-13-25. Determination of the chronic absenteeism indicator, cont'd

- A student with disabilities on an IEP or a student with a physical or mental impairment on a Section 504 Plan is considered in attendance and doesn't accrue absences while receiving offsite services outlined in the IEP or Section 504 Plan.
- A student receiving homebound education services from their district is considered in attendance and doesn't accrue absences while in homebound status.
- If a student has been determined to have a significant medical condition under the district or charter school's medical exemption policy, only absences related to the student's identified condition(s) or qualifying circumstances may be exempted from inclusion in calculating the chronic absenteeism indicator.



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## OAC Rule 210:10-13-25. Determination of the chronic absenteeism indicator, cont'd

- A school district or charter school that adopted a chronic absenteeism medical exemption policy and determined that one or more student absences are medically exempt from inclusion in the chronic absenteeism indicator, must report the medically exempt absences to OSDE's Office of Accountability.
- The school district or charter school must maintain all documentation the medical exemption review committee considered concerning potentially eligible absences and make it available to its Regional Accreditation Officer for auditing purposes.
- **HJR 1046 approving this Rule was sent to the Governor on May 26. This permanent Rule would supersede the emergency rule currently in effect.**



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## OAC Rule 210:20-9-94. Period of validity of certificates

- **OAC Rule 210:20-9-94** provides that at the request of the employing district superintendent, SBE may renew an emergency certificate for an additional year for an individual employed by the district for 2 or more years, if:
  - The individual has been granted an emergency certificate for at least 2 years.
  - The individual has a rating of "Effective" or higher on the qualitative portion of their last evaluation.
  - The individual has not successfully completed the competency examinations required by law.
  - The individual, via the requesting district, submits a portfolio of their work to SBE that includes evidence of progress toward standard certification.



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## OAC Rule 210:20-9-94. Period of validity of certificates, cont'd

- The employing district board of education agrees to renew the individual's contract to teach for the ensuing fiscal year.
- The superintendent of the employing district submits to SBE the reason the emergency certificate should be renewed, along with evidence of the district's attempts to, and inability to, hire a teacher with a standard teaching certificate.
- Individuals employed by a district under an emergency or provisional certificate won't be considered career teachers and aren't entitled to the protections of the Teacher Due Process Act of 1990.
- **HJR 1046 approving this Rule was sent to the Governor on May 26. This permanent Rule would supersede the emergency rule currently in effect.**



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## OAC Rule 210:1-5-6. Suspension and/or revocation of certificates

- **OAC Rule 210:1-5-6** clarifies that the term "other proper cause" for which a certificate may be revoked includes, but isn't limited to, "violation of the Standards of Performance and Conduct for Teachers at Chapter 20, Subchapter 29 of this Title [210 of the Oklahoma Administrative Code]".
- **HJR 1046 approving this Rule was sent to the Governor on May 26.**



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## OAC Rule 210:25-5-4. Accounting

- **OAC Rule 210:25-5-4** provides that, beginning July 1 but no later than September 1 of each year, every school district and charter school board of education must prepare and submit to OSDE through the Oklahoma Cost Accounting System (OCAS) a **statement of actual income and expenditures** for the fiscal year that ended the preceding June 30.
- The year-end financial report recording and summarizing all revenue and expenditure financial transactions must be completed and **locked on or before September 1**.
- For purposes of the OCAS system, "**locked**" means that the data submitted has passed the system's initial edit checks and the district has finalized the submission.



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## OAC Rule 210:25-5-4. Accounting, cont'd

- Between September 1 and 30 of each year, school districts and charter schools will have the opportunity to review and make corrections to the data submitted.
- By September 30, the district superintendent or head of charter school will certify the data submission.
- If the district or charter school doesn't report any inaccuracies by September 30, OSDE will rely on the data submitted and certified by the school district or charter school to be complete and closed.
- Upon good cause demonstrated, between October 1 and December 1, a school district or charter school may appeal, in writing, to OSDE for additional changes to the data.



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## OAC Rule 210:25-5-4. Accounting, cont'd

- For purposes of this Rule, "good cause" means a miscalculation or that relevant data was omitted from the previously certified submission.
- OSDE will review and if it determines that good cause has been demonstrated, it will authorize the identified changes to the previously certified data.
- OSDE and SBE have the authority to conduct regular or periodic reviews of school district or charter school financial records as authorized by law and ensure a public school operates pursuant to the OCAS system.



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## OAC Rule 210:25-5-4. Accounting, cont'd

- Upon final determination, the reduction of monthly payments begins with the first day the school district or charter school was determined to not be operating in compliance with the OCAS system.
- SBE may waive the reduction if the school district or charter school can demonstrate that failure to operate pursuant to the OCAS system was due to circumstances beyond its control and that every effort is being made to operate in compliance with OCAS.
- The Rule clarifies that one way of not operating pursuant to the OCAS system is defined as a district not "submitting OCAS financial records on time and as required."
- **HJR 1046 approving this Rule was sent to the Governor on May 26**



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## OAC Rule 210:10-15-3. Provisions for textbook selection and alternate textbook selection

- **OAC Rule 210:10-15-3** provides that each year OSDE will assemble one or more teams of subject matter experts to assist the State Textbook Committee ("Committee") in reviewing textbooks and instructional materials for the subject areas under review.
- The team(s) assembled will correspond with the subject area(s) under review in the state Textbook Adoption Cycle.
- In reviewing proposed textbooks and other instructional materials, subject area review teams will apply the appropriate 3-tiered rubric the Committee developed in consultation with OSDE.



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## OAC Rule 210:10-15-3. Provisions for textbook selection and alternate textbook selection, cont'd

- After completing review of a textbook or other instructional material under the rubric, and individually scoring each criterion including justification for the rating assigned, each team will submit its review documentation and recommended rating to the Committee.
- The Committee will consider, but isn't required to accept, the team's recommended rating, and may request that the team provides additional information to support its recommendations.
- After the Committee verifies that the review process has been conducted in a fair and scrupulous manner, it will adopt a final rating for each textbook before including it on the list of approved textbooks.



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## OAC Rule 210:10-15-3. Provisions for textbook selection and alternate textbook selection, cont'd

- The completed rubric for each evaluated textbook, including the subject area review team's recommendations, will be publicly posted on the State Textbook Committee web page on the OSDE website.
- Guidance for districts to petition SBE for approval of alternate instructional materials may be obtained from the OSDE Office of Accreditation or the OSDE website.

- **HJR 1046** approving this Rule was sent to the Governor on May 26.



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## OAC Rule 210:40-87-3. Distribution and reporting of state appropriated funds to charter school sponsors and charter schools

- **OAC Rule 210:40-87-3** provides that fees for administrative services for a charter school sponsor shall comply with the provisions of 70 O.S. § 3-142, not to exceed 3% of the charter school's State Aid allocation.
- A charter school sponsor can't retain any additional State Aid allocation or charge the charter school any additional fee above the amounts allowed under 70 O.S. § 3-142(A), **unless the additional fees are for services provided, evidenced by itemized records detailing the additional services provided and the actual costs of providing them.**



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### OAC Rule 210:40-87-3. Distribution and reporting of state appropriated funds to charter school sponsors and charter schools, cont'd

- OSDE won't distribute state appropriated funds to a charter school sponsor for disbursement to its charter school until certain requirements have been met, including that the charter school sponsor and/or charter school have reported all financial transactions for all state appropriated funds for the previous fiscal year to OSDE per the requirements of state law, **"with all reports submitted on time and as required by subsection (b) of this [Rule]."**
- When it submits the statement of actual income and expenditures, and upon request at any time by OSDE or SBE, a charter school sponsor will submit financial records documenting any state funds it retained for administrative services rendered for the previous year.



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### OAC Rule 210:40-87-3. Distribution and reporting of state appropriated funds to charter school sponsors and charter schools, cont'd

- Charter school sponsors must provide documentation for any additional fees above 3% charged to a charter school that includes the parties' written agreement, itemized records detailing the additional services provided and the actual costs of providing the services.
- OSDE will post the administrative services data on its website.
- In all financial operations and reporting, each charter school must be separate and distinct from every other charter school, including charter schools sponsored by the same entity.
- **HJR 1046 approving this Rule was sent to the Governor on May 26.**



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## OAC Rule 210:40-87-10. Charter School Closure Fund

- **OAC Rule 210:40-87-10** provides that every school year each charter school shall pay to the Charter School Closure Fund \$5 per student, based on Average Daily Membership.
- Charter schools must submit this payment within 30 days of the end of the first 9 weeks of the school year.
- If the Charter School Closure Fund has a balance of \$1 million or more on July 1, no payments to the fund will be required for the upcoming school year.



## OAC Rule 210:40-87-10. Charter School Closure Fund, cont'd

- Before filing claims with OMES for reimbursement of costs due to closure of a charter school it sponsored, the sponsor must document that it fulfilled all sponsor duties under the Oklahoma Charter Schools Act and rules.
- The sponsor must submit to OSDE specific documentary evidence that it fulfilled its charter school sponsorship duties.
- **HJR 1046** approving this Rule was sent to the Governor on May 26.



## OAC Rule 210:15-13-7. Lindsey Nicole Henry Scholarship for Students with Disabilities Program

- **OAC Rule 210:15-13-7 eliminates** the section of the current Rule stating that schools that wish to participate in the Lindsey Nicole Henry Scholarship Program should note that the antidiscrimination provisions of 42 U.S.C. § 2000d, which a school must comply with to participate in the program, incorporate Executive Order 13160 (2000) and prohibit discrimination on the bases of Race, Sex, Color, National origin, Disability, Religion, Age (except as appropriate in a common education context), Sexual orientation and Status as a parent.
- **HJR 1046 approving this Rule was sent to the Governor on May 26**



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## OAC Rule 210:15-3-173. Information literacy

- **OAC Rules 210:15-3-172, 201:15-3-172.1 and 210:15-3-173** would revoke 2 of the 3 rules and replace the third with new Oklahoma Academic Standards for Information Literacy.
- However, in **HJR 1046**, the Legislature **disapproved OAC proposed Rule 210:15-3-173**, which would have updated the current Information Literacy standards. The Legislature **approved repealing** the other two rules, which included an overview of and definitions applicable to existing Rule 210:15-3-173.
- **HJR 1046 approving these changes was sent to the Governor on May 26.**



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## OAC Rule 210:15-3-184. Instructional Technology Standards

- **OAC Rules 210:15-3-183, 210:15-3-183.1, 210:15-3-184, 210:15-3-185 and 210:15-3-186** revoke 4 of the 5 rules and replace the fifth, 210:15-3-184, with new Oklahoma Academic Standards for Instructional Technology.

- **HJR 1046** approving these changes was sent to the Governor on May 26.



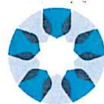
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## OAC Rule 210:20-9-110. Alternative placement teaching certificates

- **OAC Rule 210:20-9-110** provides a potential exception to the Oklahoma Subject Area Test (OSAT) requirement for each area of specialization for which certification is sought.
- In consultation with the Commission for Educational Quality and Accountability, SBE may grant an exception to the OSAT requirement for initial certification in a subject area for which the applicant holds a substantially related advanced degree from an accredited institution.
- The exception isn't available for subject areas that require an advanced degree for certification, such as school administrator, school counselor, library media specialist and reading specialist certificates.
- **HJR 1046** approving this Rule was sent to the Governor on May 26.



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