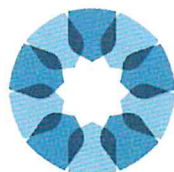


Education Laws And Agency Rules



**Second Regular Session of the
58th Oklahoma Legislature**

June 7, 2022



CCOSA

CCOSA New Laws and Rules 2022

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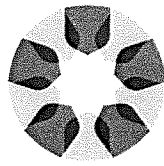
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CCOSA

The Cooperative Council for
Oklahoma School Administration

**NEW LAWS
CONNECTED TO
STUDENT HEALTH
&
WELLNESS
2022**

HB 3315: Fines for Who Buys Tobacco Removed

- [HB 3315](#) removes the administrative fine as a penalty for persons under 21 who buy tobacco, nicotine, or vapor products, instead requiring they complete an education or tobacco use cessation program approved by the State Department of Health.
- The measure also strikes language allowing cities and towns to enact ordinances prohibiting and penalizing the purchase or possession of tobacco, nicotine, or vapor products by a person under the age of 21.
- **Effective November 1, 2022.**



CCOSA

HB 4106: Mental Health Crisis Response Protocol

- [HB 4106](#) requires each public school district to maintain a protocol for responding to students in mental health crisis.
- The protocol must be:
 - Created in partnership with at least one local mental health treatment provider.
 - Reviewed every two years.
- Requires the protocol to include:
 - A definition of mental health crisis.
 - A process for identifying a crisis.
 - An outline of non-punitive steps to safeguard student health and safety in response to a crisis.
 - A list of local treatment providers and resources.
 - A process for notifying parents or guardians.
 - A process for keeping student information private.
- **Effective July 1, 2022.**



CCOSA

HB 4106: Mental Health Crisis Response Protocol, cont'd

- Requires a school to inform a parent if their child is identified as being at risk of a mental health crisis and offer treatment referral information.
- Any subsequent action on behalf of the school requires parental consent except in cases of immediate life-threatening behavior to the student or others.
- Requires a district to submit its protocol and related working agreements to the OSDE, which must share these reports with the Department of Mental Health and Substance Abuse Services (ODMHSAS); each agency may request protocol revisions to ensure compliance with other laws, regulations, and evidenced-based practices.
- Requires OSDE and ODMHSAS to make a template protocol available to districts and provide technical assistance.



CCOSA

HB 4106: Mental Health Crisis Response Protocol, cont'd

- Oklahoma Prevention Needs Assessment (OPNA) Survey Portion:
 - Requires superintendents to **provide written notification** to parents regarding the required OPNA student survey and the right to opt their student out by responding in writing.
 - Oklahoma Department of Mental Health and Substance Abuse Services is required to submit the survey questions for review to the Legislature, prior to the biennial administration of the OPNA survey.



CCOSA

HB 4466: Eliminating the Developmental Disabilities Services Division Waiting List

- [HB 4466](#) provides \$32.5 million in taxpayer dollars to clear the 13-year waitlist to provide Home and Community-Based Waiver services for persons with developmental disabilities on the list as of May 1, 2022.
- This amount, added to \$19 million in cash from DHS, from operational efficiencies, and a state contribution of federal funding of \$122 million, provides a total investment of \$174 million.
- Includes a 25% increase in the rate to direct care staff.
- Doesn't directly affect public schools, but could benefit students with disabilities.
- **Effective July 1, 2022.**



CCOSA

SB 626: Mental Health Services Disclosure

- [SB 626](#) allows the parent or guardian of a student enrolling in his or her resident district to disclose prior to enrollment whether the student received inpatient or emergency outpatient mental health services from a mental health facility in the previous 24 months, beginning with SY2023-2024.
- School responsibilities:
 - If a disclosure is made, designated school personnel, which may include members of an individualized education program (IEP) team, **must meet with the parent and representatives of the mental health facility prior to enrollment** to determine if the student needs any special accommodations, including but not limited to an IEP.

- **Effective July 1, 2022.**



CCOSA

SB 626: Mental Health Services Disclosure, cont'd

- Mental health facilities responsibilities:
 - Informing the parent of a minor being discharged after mental health treatment of the importance of disclosing these mental health needs to the minor's resident school district.
 - Encouraging this optional disclosure to include the minor's discharge plan.
- The State Board of Education is required to promulgate rules to implement provisions relating to the district response to the voluntary disclosure.



CCOSA

SB 1240: Health Coverage for Individuals with Autism Spectrum Diagnosis

- [SB 1240](#) doesn't directly impact schools, but changes language and removes age restrictions for accessing health coverage for individuals with an autism spectrum diagnosis so that more and older children with ASD may be able to access ABA and other treatment.
- "Section 6060.21. A. For all plans issued or renewed on or after November 1, 2016, a health benefit plan and the Oklahoma Employees Health Insurance Plan shall provide coverage for the screening, diagnosis and treatment of autism spectrum disorder in individuals ~~less than nine (9) years of age, or if an individual is not diagnosed or treated until after three (3) years of age, coverage shall be provided for at least six (6) years, provided that the individual continually and consistently shows sufficient progress and improvement as determined by the health care provider.~~
- **Effective November 1, 2022.**



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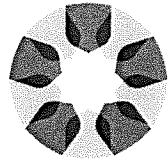
SB 1307: Suicide Prevention Info. on Student ID Cards

- [SB 1307](#) requires schools, beginning July 1, 2023, that issue student identification cards to students in grades 7-12 to have printed on either side of the student identification cards the telephone number for the National Suicide Prevention Lifeline and the Crisis Text Line.
- Schools may use any existing inventory of unissued non-compliant student identification cards until the supply is depleted.
- All identification cards issued for the first time and replacement cards must have the new information.
- **Effective November 1, 2022.**



Notes





CCOSA

The Cooperative Council for
Oklahoma School Administration

**NEW LAWS
CONNECTED TO
TEACHING & LEARNING**

2022

HB 2768: Dysgraphia

- [HB 2768](#) requires each district's annual dyslexia PD to include information and training in dysgraphia beginning in SY2023-24.
- Provides that beginning January 1, 2024, the Oklahoma Dyslexia Handbook will be known as the Dyslexia and Dysgraphia Handbook.
- Provides that the Handbook review group will include an SLP and OT and will (1) study how to identify students who have dysgraphia identified through possible reading and broad written language scores; (2) study RTI and other effective research-based approaches in writing, reading, literacy to identify appropriate measures to assist students with dysgraphia; (3) make recommendations for resources and interventions for students with reading or writing difficulties, including dysgraphia and broad written language disorder.
- Requires other dysgraphia-related changes to the Handbook.
- **Effective November 1, 2022.**



CCOSA

HB 3092: Library Selection Guidance

- [HB 3092](#) requires the library media program shall be reflective of the "community standards" for the population the library media center serves when acquiring an age appropriate collection of print materials, nonprint materials, multimedia resources, equipment, and supplies adequate in quality and quantity to meet the needs of students in all areas of the school library media program.
- **Effective July 1, 2022.**



CCOSA

HB 3702: Digital Database Filtering Required

- [HB 3702](#) requires public schools (as well as universities, state agencies, and public libraries) to have technology protection measures for their digital or online library databases that prevent K-12th grade students from viewing or receiving obscene materials or content.
- Requires safety polices and technology protection measures to prohibit and prevent a user from sending or receiving obscene materials and filters to block such materials (already covered under CIPA and COPA requirements).
- **Effective November 1, 2022.**



CCOSA

HB 3702: Digital Database Filtering Required, cont'd

- If a provider of online library resources fails to provide timely verification of compliance with the required protection measures, schools are required to withhold payment from the provider.
- Requires libraries to submit an aggregate annual report by December 1 to the Legislature on any issues related to provider compliance.
- Does not exempt school (or library and state employees) from prosecution for willful violations.



CCOSA

HB 3823: Vision Screenings

- [HB 3823](#) specifies optometrists and ophthalmologists may perform vision screenings in schools.
- Optometrists and ophthalmologists do not have to be on the OSDE approved vision screening list to fulfill the requirement for 1st or 3rd grade vision screening certification provided within 30 days of the beginning of the school year.
- Optometrists and ophthalmologists are exempt from any training requirements associated with the 1st or 3rd grade vision screening certification.
- **Effective November 1, 2022.**



CCOSA

SB 1147: Aviation Courses

- [SB 1147](#) allows SBE to develop rules to determine if courses on aviation are eligible for non-elective academic credit toward meeting graduation requirements.

- **Effective July 1, 2022.**



CCOSA

SB 1190: Hydrogen Energy Courses

- [SB 1190](#) allows the State Board of Career and Technology Education to establish courses in the area of hydrogen energy.

- **Effective July 1, 2022.**



CCOSA

SB 1671: Holocaust Education

- [SB 1671](#) requires Holocaust education, as prescribed in the Oklahoma Academic Standards, to be taught to all students in grades 6-12, beginning in the 2022-23 school year. Holocaust education may be integrated into one or more existing courses.
- “Holocaust” is defined as “the systematic, state-sponsored persecution and attempted annihilation of Jews and other groups by the Nazi regime in Germany between 1933 and 1945, which resulted in the murder of approximately six million Jews and five million other individuals.”

Effective July 1, 2022.



CCOSA

SB 1671: Holocaust Education, cont'd

- The content must be taught in a manner that:
 - Generates an understanding of the causes, course, and effects of the Holocaust,
 - Develops dialogue with students on the ramifications of bullying, bigotry, stereotyping, and discrimination, and
 - Encourages tolerance of diversity and reverence for human dignity for all citizens in a pluralistic society.
- OSDE, in consultation with experts in Holocaust education, shall:
 - Develop grade-appropriate resources related to Holocaust education and make them available to schools for student instruction.
 - Develop high-quality professional learning opportunities for Holocaust education teachers.

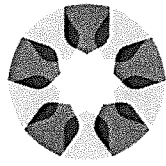


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Notes



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The Cooperative Council for
Oklahoma School Administration

**NEW LAWS IMPACTING
TEACHER
RECRUITMENT
&
RETENTION
2022**

HB 3564: Teacher Ed Incentive

- [HB 3564](#) directs Oklahoma State Regents for Higher Education (OSRHE) to establish and maintain an incentive scholarship program and teacher employment incentive program, known as *Oklahoma Future Teacher Scholarship and Employment Incentive Program*.
- Some key points:
 - The program will last at least five years, as funding is available.
 - SB 1040 (2023 Budget bill) line items \$17,378,500 for the Teacher Shortage Employment Incentive Program in the OSRHE funding portion.
 - A scholarship recipient must agree to teach in an Oklahoma public school for a minimum of five years.
- **Effective July 1, 2022.**



CCOSA

HB 3564: Teacher Ed Incentive, cont'd

- A student may receive:
 - \$1,000 scholarship for the first three years of college.
 - \$2,500 for their final year.
 - Up to \$4,000 a year employment incentive payments to the students, upon satisfactory service as documented by the employing school district, for up to five years, not to exceed a total of \$20,000 per participant.
- A student shall be considered for the program if they have graduated from an Oklahoma high school, meets admission standards, and declares a major in an approved Oklahoma teacher preparation program that leads to a standard teaching certificate.
- The Chancellor may make reductions in the payments made to qualified participants, if sufficient funds are not available for employment incentive payments to qualified participants during any fiscal year.



CCOSA

HB 3658: OGET Requirement Removed

- [HB 3658](#) removes the Oklahoma General Education Test (OGET) as a requirement for teacher certification.

- Effective May 5, 2022.



HB 4388: Merit Teacher Pay

- [HB 4388](#) provides a potential funding mechanism for an expanded version of Merit Teacher Pay, first introduced in SB 980 (2018).
- Requires any net proceeds deposited into the Oklahoma Education Lottery Trust Fund that exceed \$65 million to be deposited into a newly created Teacher Empowerment Fund to fund salary supplements for teachers with lead and master certificates.
- The funds will be distributed on a first come, first-serve basis to teachers in the program and will be used as a **state match to local public-school dollars** allocated to lead and master teacher salary supplements.

- Effective July 1, 2022.



HB 4388: Merit Teacher Pay, cont'd

- The bill allows SBE to establish new levels of teacher certificates: advanced, lead, and master.
- Each level shall have a minimum salary increase requirement paid by the school district and matched with state dollars from the lottery funds.
 - The **advanced** certificate shall include a minimum salary increase of **\$3,000**.
 - The **lead** certificate shall include a minimum salary increase of **\$5,000**.
 - The **master** certificate shall include a minimum salary increase of **\$10,000** and maximum salary increase of **\$40,000**.



CCOSA

HB 4388: Merit Teacher Pay, cont'd

- A teacher who works in a school with an enrollment of 40% or more of students who are economically disadvantaged or a school district with an enrollment of fewer than 1,000 students shall be paid a **one-time award** in addition to the salary increases listed above:
 - 1,500 for an advanced certificate.
 - \$2,500 for a lead certificate.
 - \$5,000 for a master certificate.



CCOSA

HB 4388: Merit Teacher Pay, cont'd

- School districts may identify and designate the highest quality teachers for advanced, lead, and master certificates.
- Participating districts shall submit **designation plans** to OSDE for evaluation and approval.
- Districts shall have local control and flexibility in determining how to evaluate teachers and assign designations, but, at a minimum, the designation system shall include 3 components:
 - A teacher observation.
 - Out-of classroom time.
 - A student performance component.



CCOSA

HB 4388: Merit Teacher Pay, cont'd

- **Teacher observation:** Shall be based on the district's selected Teacher and Leader Effectiveness Evaluation System (TLE) evaluation tool or an alternate evidenced-based method.
- **Out-of-classroom time:** Shall allow for professional growth opportunities while staying in the classroom. How out-of-classroom time is allotted and managed shall be determined by the school district and submitted as part of its **designation plan** to OSDE for review and approval.
- **Student performance component:** May include, but shall not be limited to, pre- and post-tests, summative or formative, and portfolios. The school district application shall show evidence of validity and reliability of the measures.



CCOSA

HB 4388: Merit Teacher Pay, cont'd

- Districts may use additional factors in determining which teachers are eligible to receive a designation, such as:
 - student surveys.
 - teacher leadership responsibilities.
 - teacher mentorship responsibilities.
 - family surveys.
 - demonstration of district core values.
 - teacher peer surveys.
 - contributions to the broader school community.
- No more than 10% of each school district's teachers may be designated as an advanced, lead, or master teacher in any given school year.



CCOSA

HB 4388: Merit Teacher Pay, cont'd

- The state shall match the amount the district pays above base pay, up to \$40,000.00 per teacher, if a school district chooses to participate in this program.
- School districts may designate teachers for advanced, lead, or master certificates two times per year, once prior to the beginning of the school year, and once prior to the beginning of the second semester.
- Teachers statewide who receive these designations shall be placed in professional development cohorts and provided additional training opportunities from OSDE.



CCOSA

HB 4388: Merit Teacher Pay, cont'd

- School districts that designate teachers for advanced, lead, and master certificates do not have to participate in annual TLE evaluations for the designated teachers.
- After initial approval by OSDE, OSDE shall review and validate each participating school district's teacher evaluation system biennially.
- OSDE shall annually report the school districts participating in the program, the number of advanced, lead, and master certificates awarded, and the total amount in state match funding that was distributed to teachers.



CCOSA

HB 4388: Merit Teacher Pay, cont'd

Definitions--Advanced:

- **Advanced:** an additional 5 days to be used to strengthen instructional leadership and an annual salary increase of at least \$3,000 or the district's daily rate of pay, whichever is higher, in addition to the salary for which the teacher qualifies on the state salary schedule. This increase shall be matched by state dollars from the lottery funds and shall be paid as regular annual compensation directly to teachers through school districts.



CCOSA

HB 4388: Merit Teacher Pay, cont'd

Definitions--Lead:

- **Lead:** an additional 10 days to be used to strengthen instructional leadership. A person with a lead teaching certificate shall receive an annual salary increase of at least \$5,000 or the district's daily rate of pay, whichever is higher, in addition to the salary for which the teacher qualifies on the state salary schedule. This increase shall be matched by state dollars from the lottery funds and shall be paid as regular annual compensation directly to teachers through school districts.



CCOSA

HB 4388: Merit Teacher Pay, cont'd

Definitions--Master:

- **Master:** an additional 15 days to be used to strengthen instructional leadership. A person with a master teaching certificate shall receive an annual salary increase of at least \$10,000 or the district's daily rate of pay, whichever is higher, in addition to the salary for which the teacher qualifies on the state salary schedule. This increase shall be matched by state dollars from the lottery funds and shall be paid as regular annual compensation directly to teachers through school districts.



CCOSA

HB 4388: Merit Teacher Pay, cont'd

- The funding necessary for the administration of this section shall be provided from the Teacher Empowerment Revolving Fund.
- **If funding for the administration of the advanced, lead, and master teaching certificates is not available, OSDE shall not be required to fulfill the requirements.**



CCOSA

SB 1119: Adjunct Teachers

- [SB 1119](#) removes the 270 clock hours of classroom teaching per semester for adjunct teachers.
- Stipulates that an adjunct teacher who does not hold a valid certificate to teach shall not be considered a “teacher” as defined in statute.
- Keeps the definition that adjunct teachers shall have “distinguished qualifications in their field.”
- In the OTRS, adjunct teachers are to be considered “nonclassified optional personnel.”
- SBE will promulgate updated rules (210:20-37-2).
- **Effective July 1, 2022.**



CCOSA

SB 1631: Mentor Teacher Training Pilot

- [SB 1631](#) establishes a two-year pilot program for mentor teacher training through the Office of Educational Quality & Accountability (OEQA).
- The goal is to provide training to one mentor teacher with at least 5 years teaching experience from each school district, with coaching tools to guide and support teachers in the areas of classroom management, differentiation of instruction, and other pedagogical techniques over a two-year period.
- Mentor teachers will be given a one-time stipend of \$3,000 subject to the availability of funds.
- **Effective July 1, 2022.**



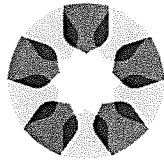
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SB 1631: Mentor Teacher Training Pilot, cont'd

- Mentees will have been employed by a public school district for one year.
- OEQA shall administer introductory and exit surveys to mentees.
- OEQA will submit a report to the Legislature by July 1, 2026, including the aggregate data from the surveys and with recommendations regarding continuation or expansion of the pilot program.



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The Cooperative Council for
Oklahoma School Administration

**NEW LAWS INFORMING
ADMINISTRATIVE
DECISIONS**

2022

HB 2627: Tax Protest Notification

- [HB 2627](#) requires the county assessor to notify schools about a tax protest that exceeds \$3 million by June 1 each year.
- The report shall include the following information:
 - A list of the protests filed with the county assessor at the time of the report;
 - The value under protest for each of the protests filed with the county assessor at the time of the report; and
 - The estimated amount under protest that would otherwise be apportioned to the taxing jurisdiction.
- **Effective November 1, 2022.**



CCOSA

HB 2627: Tax Protest Notification , cont'd

- Stipulates companies filing protest must provide complete information and documentation to the County Assessors. If a taxpayer fails to file the required form as a part of the tax protest, a presumption shall exist in favor of the correctness of the county assessor's valuation in any appeal of the county assessor's valuation.
- Would not allow third party consultants to Assessors to directly participate in the formal and informal hearings; however, they could still do the valuations, provide consultation to the Assessors, and be involved at the Court level.



CCOSA

HB 3258: Rape Definition Expanded

- [HB 3258](#) adds the act of sodomy committed upon a student at a secondary school who is concurrently enrolled at an institution of higher education by an employee of the institution of higher education at which the student is enrolled to the list of acts qualifying as forcible sodomy.
- The measure provides that if the victim is a student at a secondary school, is concurrently enrolled at an institution of higher education, and engages in such acts with a perpetrator who is an employee of the institution of higher education, such a circumstance will qualify as rape and constitute a felony.

Effective November 1, 2022.



CCOSA

HB 3888: Employee Pay at School for the Deaf & School for the Blind

- [HB 3888](#) provides that, beginning with SY2022-23, a certified teacher hired or employed to teach by OSD or OSB shall enter into an employment contract that begins on August 1 and ends on the following July 31, with a maximum of 1,200 working hours.
- Defines “working hours” as instructional time, PD time, volunteer time, or unpaid extra duty time; excludes other types of activities from the definition.
- Provides that OSD and OSB teachers shall be compensated for using planning time, lunch period, or other available time to cover for an absent teacher and defines how to determine that compensation.
- **Effective July 1, 2022.**



CCOSA

HB 3901: Tax Protest Resolutions

- [HB 3901](#) allows for tax protests to go to the Court of Tax Review instead of the lower district courts if the valuation of the real or personal property is over \$3 million.
- Cases that go to the Court of Tax Review must be settled in a year's time, which will keep these cases from being delayed in district court for years.
- **Effective January 1, 2023.**



CCOSA

SB 2: Save Women's Sports Act

- [SB 2](#) prohibits anyone of the male sex from playing on athletic teams designated for females, women, or girls.
- It requires the parent of a student who competes on a school athletic team **to sign annually an affidavit** acknowledging the biological sex of the student at birth. If there is any change in sex, the affiant must notify the school within 30 days of such change.
- Any student deprived of an athletic opportunity due to a violation of this rule shall have a cause of action for injunctive relief against the school.
- Any student who is subject to retaliation by a school, athletic association, or intercollegiate association for reporting a violation of this rule shall have a cause of action for injunctive relief against the school or school athletic association.
- **Effective March 30, 2022.**



CCOSA

SB 2: Save Women's Sports Act, cont'd

- Prohibits SBE, the State Regents, and any athletic association from entering a complaint, opening an investigation, or taking any other adverse action against a school for maintaining athletic teams for students of the female sex.
- Any school that suffers any direct or indirect harm from designating female teams not open to students of the male sex shall have a cause of action for injunctive relief, damages and any other relief permitted by law against SBE, et al.
- Causes of action shall be initiated within 2 years after the harm occurred.
- Persons or associations that prevail on a claim shall be entitled to monetary damages.



CCOSA

SB 1511: Medical Marijuana Growers Prohibited

- [SB 1511](#) prohibits medical marijuana commercial growers from being within 1,000 feet from a public or private school, while grandfathering in facilities currently within 1,000 feet.
- The bill does not force facilities to move if a public or private school opens within 1,000 feet of their current site.
- Commercial growers are prohibited from sharing a physical address with a school.
- **Effective March 30, 2022.**



CCOSA

SB 1673: OHLAP Criteria Modifications

- [SB 1673](#) modifies the income requirement for student participation in the Oklahoma Higher Learning Access Program (OHLAP) beginning in 2022-23.
- Beginning with 8th, 9th, 10th, or 11th grade students enrolled in a public or private school or students between the ages of 13 and 16 educated by other means who apply for participation in the OHLAP program will qualify if:
 - The student's parent(s), who have 2 or fewer dependent children, earn(s) \$60,000 per year or less,
 - The student's parent(s), who have 3 or 4 dependent children, earn(s) \$70,000 per year, or less
 - The student's parent(s), who have 5 or more dependent children, earn(s) \$80,000 per year or less.
- **Effective July 1, 2022.**



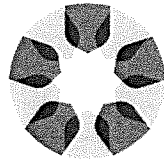
CCOSA

SB 1726: Medical Marijuana Growers Prohibited (includes Career Techs)

- [SB 1726](#) adds Career Techs to the definition of "schools" within the grower proximity to schools prohibition.
- Prohibits commercial grower locations from adjoining to a public or private school or being located at the same address.
- Excludes non-classroom spaces from this requirement unless they are located on the same property as a building used for classroom instruction.
- **Effective May 20, 2022.**



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The Cooperative Council for
Oklahoma School Administration

**NEW LAWS INFORMING
SCHOOL BOARD
DECISIONS**

2022

HB 2693: OK Ed Commission—Digital Learning

- [HB 2693](#) creates the Oklahoma Education Commission.
- The Commission will study how to improve the quality of instruction and learning through distance and remote modalities, including:
 - Support infrastructure.
 - Open education resources.
 - Compliance with the Americans with Disabilities Act.
 - Professional development.
 - Modality research.
- The Commission shall submit a report of its findings and recommendations to the Governor and Legislature by November 1, 2027.
- **Effective November 1, 2022.**



CCOSA

HB 3038: Open Transfer Updates

- [HB 3038](#) modifies the state's open transfer law by:
 - Allowing a district to accept any brother or sister of a transfer student regardless of capacity if the district's policy gives preference to sibling transfers.
 - Requiring a district to accept the transfer of a child whose parent or guardian is a district employee regardless of capacity, if the district transfer policy gives preference to employee's children.
 - Allowing a receiving district to give priority to a student transfer regardless of capacity if the student was a resident student for at least 3 years but moved out of the district.
 - Clarifying that transferred students may automatically continue to attend the school they have transferred to after their first year.
- **Effective May 4, 2022.**



CCOSA

HB 3363: Statewide Broadband Plan

- [HB 3363](#) directs the creation of the Statewide Broadband Plan, updated biannually, that shall include details for a pathway for 95% of the state's population to be adequately served with broadband access by June 30, 2028.
- **Effective May 7, 2022.**



CCOSA

SB 615: Gendered Restrooms

- [SB 615](#) requires that PK-12 public schools and public charter schools shall designate restrooms and changing facilities, that are intended to accommodate multiple individuals, as follows:
 - “For the exclusive use of the male sex; or
 - For the exclusive use of the female sex.”
- The bill defines “sex” as “the physical condition of being male or female based on genetics and physiology, as identified on the individual's original birth certificate.”
- Allows individuals to enter multiple occupancy restrooms designated for use by the opposite sex for custodial, maintenance, or inspection purposes; or to render emergency medical assistance.
- **Effective May 25, 2022.**



CCOSA

SB 615: Gendered Restrooms, cont'd

- Directs schools to “provide a reasonable accommodation to any individual who does not wish to comply ... A reasonable accommodation shall be access to a single occupancy restroom or changing room.”
- Directs boards of education to adopt a policy to provide disciplinary action for individuals not using their assigned restroom, but doesn't specify the punishment.
- Schools that do not comply shall receive a 5% decrease in state funding for the fiscal year following the year of noncompliance.
- A family member of a student enrolled in and physically attending a public school district or public charter school shall have a cause of action against the public school district or public charter school for noncompliance.
- SBE shall promulgate rules to implement these provisions.



CCOSA

SB 1238: Virtual Ed & Transfer Students

- [SB 1238](#) allows a transfer student to be eligible to enroll in a full-time virtual education program offered by the receiving school district.
- These transfers remain subject to the 1-year waiting period for eligibility to compete in school sports following the transfer.
- Requires school districts offering a full-time virtual education program to adopt a board policy to determine the program's transfer capacity in each grade level, in the same manner as existing capacity setting/reporting policy according to SB783 (2021).
- **Effective July 1, 2022.**



CCOSA

SB 1410: Optional Energy Policy Requirements

- [SB 1410](#) creates the “Oklahoma Emergency Energy Availability Act of 2022.”
- Only applies to state agencies, **school districts**, universities and municipalities that either have or choose to develop an energy policy.
 - Energy policy must include an emergency energy plan detailing sources of energy during a state of emergency.
 - Emergency energy plans are prohibited from deriving energy from a single source and must include policies to acquire power from at least 3 distinct energy sources.
 - Directs the Department of Emergency Management (OEM) to promulgate rules to implement these provisions.
- **Effective November 1, 2022.**



CCOSA

SB 1520: Construction Payments

- [SB 1520](#) requires public construction contracts to provide for partial payment upon work completed.
- The retainage shall be reduced to 2.5% of the amount earned to date:
 - Any time a contractor has completed more than 50% of the total contract amount in a public construction contract or subcontract AND
 - Once there is a determination that satisfactory progress is being made.
- **Effective November 1, 2022.**



CCOSA

SB 1579: Paid Leave for Teachers

- [SB 1579](#) prohibits a district from providing paid leave for an employee holding office in an organization.
- School employees on leave shall not be entitled to maintain any benefits regardless of whether the benefit is paid by the employee on leave or the association for which the person is serving as an officer, director, trustee, or agent.
- The employee:
 - Shall not advance on the minimum salary schedule.
 - Does not accrue sick leave, personal business leave, or personal leave.
 - Shall not accumulate service credit within the Teachers' Retirement System of Oklahoma.
- **Effective July 1, 2022.**



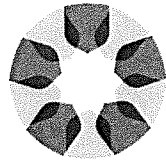
CCOSA

SB 1659: Transparency Ed Scholarship-Granting Organizations

- [SB 1659](#) directs scholarship-granting organizations and educational improvement grant organizations that receive funds under the Oklahoma Equal Opportunity Education Scholarship Act to submit audited financial statements and other required information by April 30, 2024, rather than December 31, 2022, with resubmissions to be made every 2 years rather than every 4 years.
- This information must also be submitted to the chairs of the Senate and House education committees.
- The bill requires eligible public school foundations and public school districts to submit audited financial statements and information detailing the benefits, successes, or failures of programs offered using grant funding by April 30, 2024, rather than December 31, 2022, with the 4-year submission cycle remaining unchanged.
- **Effective November 1, 2022.**



CCOSA



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The Cooperative Council for
Oklahoma School Administration

FINANCE

2022

SB 1040: General State Appropriations

- **SB 1040** allocates less than 1% additional dollars overall to common education, including:
 - No increase in State Aid funding formula.
 - \$17.8 million increase to fund FBA.
 - \$14.8 million decrease for ELA (PK-%) textbooks (reflects SDE's request).
 - \$9 million additional to the SDE School Activities Fund.
- Appropriates \$95.3 million to the Ad Valorem Reimbursement Fund.
- **Effective July 1, 2022.**



CCOSA

SB 1040: General State Appropriations, cont'd

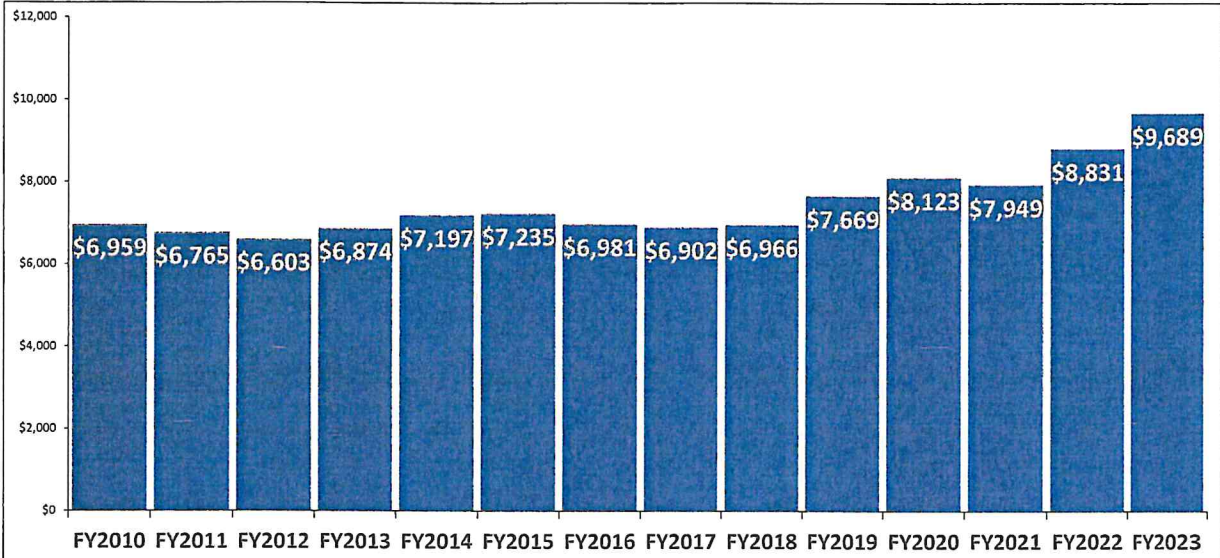
- **Assumptions:**
- State Dedicated Chargeables are \$82,578,391 higher than last year at this same time. Since 77 schools were off the top of the formula in FY22, all of this increase will not benefit the formula.
- We will use the FY22 WADM (1,136,570) for the initial factor estimate. However, for every 1,000 students it drops, the factor will increase almost \$4. Traditionally, there is a slight drop from October to June.
- **Based on these (and other) assumptions, the early initial factor estimate is \$3,785/WADM.**



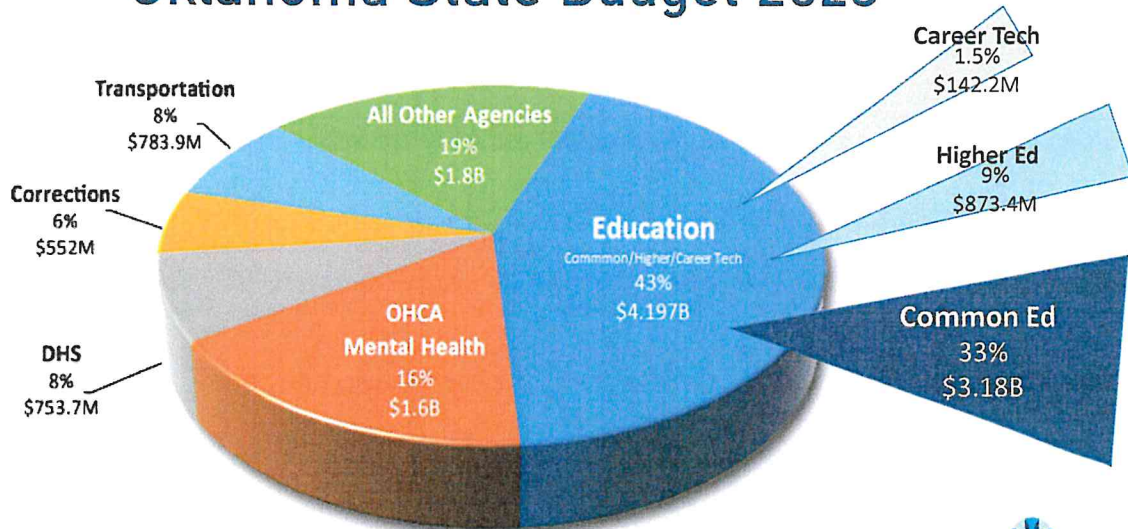
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Oklahoma Total State Appropriations

(in \$ millions)

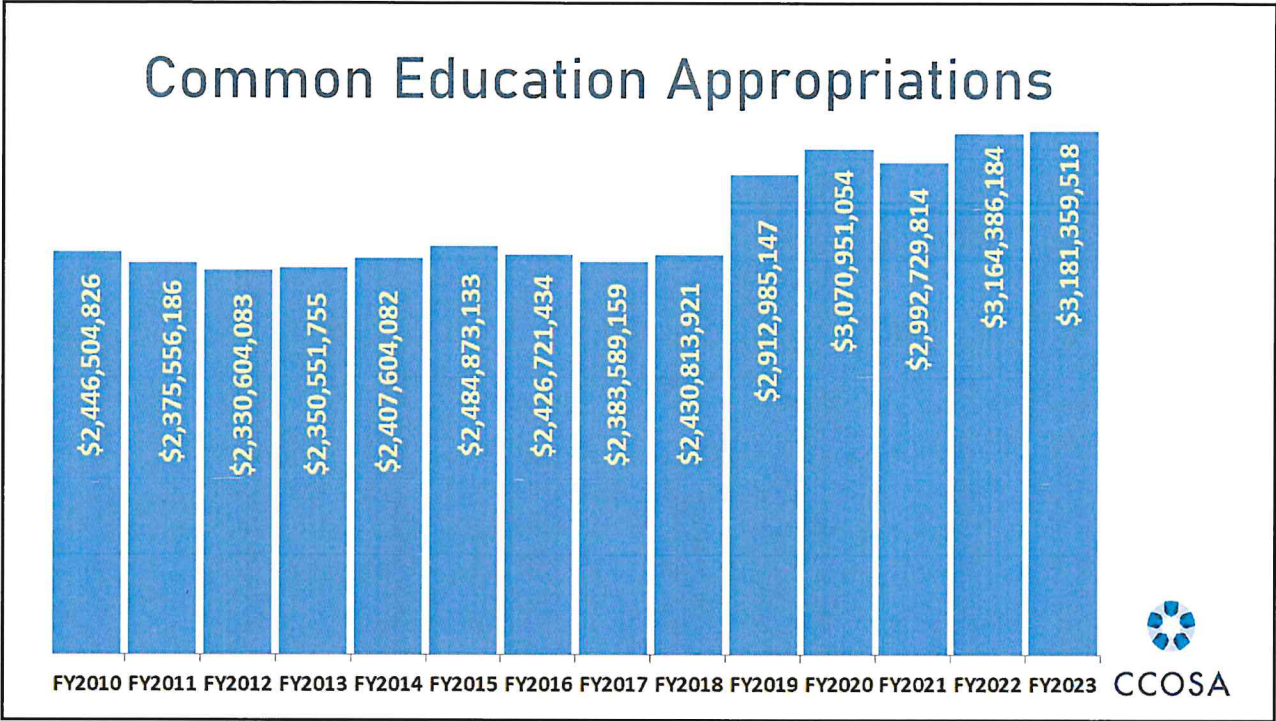


Oklahoma State Budget 2023



Figures are rounded up in some cases and are based on the OK House of Representatives summary following passage of SB1040, the FY23 General Appropriations bill.





HB 4465: Education Line-item Budget SDE School Activities Fund

- **HB 4465** appropriates \$9 million more than FY22.
- Line item increases, including but not limited to:
 - \$2 million: Alternative Education.
 - \$1 million: Reading Sufficiency Act implementation.
 - \$4 million: State Assessments.
- Vendor bills
 - \$2.35 million: Secure Schools Program (App available for all schools) [renewed].
 - \$1 million: Imagine Math [renewed].
 - \$1 million: Imagine Reading [new].
 - \$.25 million: ACT Work Keys [new].
 - \$.5 million: AP Teacher Training and Test Fee Assistance [new].

• **Effective July 1, 2022**



Notes



Notes





Proposed Budget for Fiscal Year 2023

June 2, 2022

| Purpose | FY 21 Appropriation SB 1922 | FY 22 Appropriation SB 1067/ HB 2900 | FY 23 Appropriation SB 1040 | FY 22 vs. FY 23 Difference | Percentage Change |
|---|--------------------------------|---|--------------------------------|-------------------------------|-------------------|
| 1 Financial Support of Public Schools (70 O.S. 18-200.1) | 2,300,970,699 | 2,437,246,699 | 2,437,246,699 | - | |
| General Revenue (GR) | 953,338,319 | 1,471,384,271 | 1,457,068,668 | (14,315,603) | -0.97% |
| Education Reform Revolving Fund (1017 funds) | 1,015,074,419 | 875,289,631 | 890,120,375 | 14,830,744 | 1.69% |
| Common Education Technology Fund | 46,938,566 | 47,372,299 | 47,025,701 | (346,598) | -0.73% |
| Oklahoma Lottery Trust Fund | 32,739,428 | 34,451,092 | 38,041,192 | 3,590,100 | 10.42% |
| Mineral Leasing Fund | 9,211,258 | 8,749,406 | 4,990,763 | (3,758,643) | -42.96% |
| Constitutional Reserve Fund | 243,668,709 | - | - | | |
| 8 Instructional Materials (70 O.S. 16-114a) | 33,000,000 | 60,000,000 | 45,190,000 | (14,810,000) | -24.68% |
| 9 Flexible Benefit Allowance (70 O.S. 26-104) | 535,537,021 | 535,537,021 | 553,404,829 | 17,867,808 | 3.34% |
| Certified Personnel | 347,081,644 | 347,081,644 | 359,193,470 | 12,111,826 | 3.49% |
| Support Personnel | 188,455,377 | 188,455,377 | 194,211,359 | 5,755,982 | 3.05% |
| 2 Support of Public School Activities | 100,919,026 | \$108,919,026 | 117,919,026 | 9,000,000 | 8.26% |
| 13 Administrative and Support Functions | 15,027,640 | 15,027,640 | 19,145,366 | 4,117,726 | 27.4% |
| 14 Lottery Trust Fund - Transfer to TRS Revolving Fund (62 O.S 34.93 and 3A O.S. 713(C)(3)) | 3,637,714 | 3,827,899 | 4,226,499 | 398,600 | 10.41% |
| 15 Lottery Trust Fund - Transfer to School Consolidation Assistance Fund (70 O.S. 7-203) | 3,637,714 | 3,827,899 | 4,226,799 | 398,900 | 10.42% |
| 16 TOTAL APPROPRIATION | 2,992,729,814 | 3,164,386,184 | 3,181,359,518 | 16,973,334 | 0.54% |



CCOSA

Proposed Budget for Fiscal Year 2023

| Oklahoma State Board of Education | | Public School Activities | | | |
|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-------|--|
| Purpose | FY 21 Appropriation HB 4153 | FY 22 Appropriation SB 1067 | FY 23 Appropriation HB 4465 | Notes | |

| | | | | | |
|----|---|-------------------|-------------------|-------------------|---|
| 1 | Early Intervention SoonerStart (70 O.S. 13-124) | 14,400,341 | 14,400,341 | 16,225,341 | 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 | maintain current services |
| 3 | Reading Sufficiency (70 O.S. 1210.508D) | 11,000,000 | 12,000,000 | 13,000,000 | |
| 4 | Alternative Education Programs and Admin (70 O.S. 1210.561, 70 O.S. 1210.566) | 10,000,000 | 12,000,000 | 14,000,000 | |
| 5 | Required Assessments (70 O.S. 1210.508, 20 USC §6311(b)(2)) | 4,205,685 | 8,205,685 | 9,205,685 | |
| 6 | School Lunch Matching & MOE (7 CFR 210-17 and 7 CFR 235.11(a)) | 3,500,000 | 3,500,000 | 3,500,000 | maintain current services |
| 7 | AP Teacher Training and Test Fee Assistance (70 O.S. 1210.703) | 1,000,000 | 1,000,000 | 1,500,000 | maintain test fee assistance |
| 8 | Imagine Math | 1,000,000 | 1,000,000 | 1,000,000 | online math instruction platform |
| 9 | Imagine Reading | | | 1,000,000 | online reading instruction platform |
| 10 | ACT Work Keys | | | 250,000 | |
| 11 | Great Expectations | 300,000 | | 500,000 | |
| 12 | Street School | 100,000 | 180,000 | 180,000 | |
| 13 | Ag in the Classroom | 38,000 | 38,000 | 38,000 | maintain current services |
| 14 | Oklahoma Arts Institute | - | 320,000 | 320,000 | |
| 15 | Standards Implementation (70 O.S. 11-103.6, 20 USC §6311(b)(1)) | - | - | 300,000 | |
| | Total | 57,544,026 | 64,644,026 | 73,019,026 | |

| | | | | | |
|----|---|-----------------------|----------------------|-----------------------|----------------------------------|
| 14 | Teachers' Retirement System Credit (70 O.S. 17-108.2) | 34,000,000 | 34,500,000 | 35,000,000 | meet obligations |
| 15 | Psychologists, Speech Pathologists and Audiologists Bonus (70 O.S. 6-206) | 2,900,000 | 4,800,000 | 3,300,000 | NBTB split out (2023) |
| 16 | National Board Teacher Bonus (70 O.S. 6-204.2) | 2,000,000 | - | 1,000,000 | Combined with line 15 (2022) |
| 16 | Secure Schools Program | 2,350,000 | 2,350,000 | 2,350,000 | |
| 17 | Child ID | | | 500,000 | |
| 18 | Student Information Security | | | 500,000 | |
| 18 | Teach for America | 2,000,000 | 2,000,000 | 2,000,000 | maintain current services |
| 19 | Teacher and Leader Effectiveness Programs (70 O.S. 6-101.16) | 125,000 | 250,000 | 250,000 | |
| 20 | Teacher Induction Program (70 O.S. 6-195) | - | 375,000 | | |
| | Total | 43,375,000 | 44,275,000 | 44,900,000 | |
| | Grand Total | \$ 100,919,026 | \$108,919,026 | \$ 117,919,026 | 8% increase (\$9,000,000) |

HB 4473: Inflation Relief Stimulus Fund--
VETOED

SB 1075: Sales Tax on Vehicles Eliminated--
VETOED



SB 1695: Financial Disclosure Requirement for
Governor appointees—**VETO OVERRIDE**

- [SB 1695](#) requires the governor's appointed cabinet members and agency directors to fill out financial disclosure forms.

- Effective November 1, 2022.



Special Sessions

- Governor Stitt has called the Legislature into Special Session on June 13, 2022 to address what he calls “real tax reform for all Oklahomans.” CCOSA will monitor this closely to assess any impact to state funds for public school students and their school districts.
- Legislators indicated that they may amend the call of their special session (which began on May 18, 2022) to include tax relief. The original purpose of this special session was to give lawmakers more control of the use of the American Rescue Plan Act (ARPA) funding and to authorize lawmakers to consider the expenditure of other federal funding, as well as provisions of the LEAD Act (for the Panasonic battery plant).

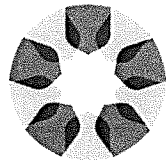


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Notes



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The Cooperative Council for
Oklahoma School Administration

**MANDATES
IMPLEMENTATION
TIMELINE**

2022

SY2021-22 New Mandates, reminder

- [HB 3398](#) (2020) Employee background checks by **July 1, 2022**



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SY2022-23 New Mandates

- [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 8th grade students at district's discretion
- [HB 2749](#) (2021) **RSA Professional Development**
- [HB 1103](#) (2021) Oklahoma Prevention Needs Assessment Survey every other year in grades 6, 8, 10 and 12
- [HB 4106](#) (2022) Mental health crisis response protocol & OPNA notification



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SY2022-23 New Mandates, cont'd

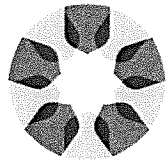
- [HB 3702](#) (2022) Digital database filtering required
- [SB 2](#) (2022) Save Women's Sports Act
- [SB 626](#) (2022) Mental health services disclosure
- [SB 1238](#) (2022) Virtual ed & transfer students
- [SB 1307](#) (2022) Suicide information on student ID cards
- [SB 1410](#) (2022) Optional energy policy requirements
- [SB 1671](#) (2022) Holocaust education



SY2023-25 New Mandates

- **2023-2024**
- [SB 89](#) (2021) **Health Education Act** health education (physical, mental, social and emotional, and intellectual) provided
- [HB 2768](#) (2022) Dysgraphia PD required
- **2024-2025**
- [HB 3400](#) (2020) Minimum of 4 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 IN THE
OKLAHOMA
ADMINISTRATIVE CODE**

2022

OAC Rule 210:10-1-18 Transfers

- [OAC Rule 210:10-1-18](#) defines the terms “Student of a Deployed Parent,” “Open Transfer(s),” “Parent,” “Receiving School District,” and “Resident School District.”
- As with transfers for students with disabilities to provide FAPE to special education students, transfers of gifted children to provide a gifted child educational program, of children whose parents are teachers to attend school in the district in which the parent is employed to teach, and of children of deployed parents, are governed by their respective statutes and aren’t subject to subsection (d) of the Rule concerning Open Transfers.



CCOSA

OAC Rule 210:10-1-18 Transfers, cont’d

- A school district’s transfer policy shall not include any other basis for denying a transfer request other than capacity, the acts and reasons outlined in 70 O.S. § 24-101.3 and a “history of absences.”
- The Receiving School District shall approve or deny the application and notify the Parent of the decision in writing within 30 days of receiving the application.
- If the transfer application is accepted, the Parents shall provide the Receiving School District written notification that the student will be enrolling in the District within 10 days of receiving notice the application was approved.



CCOSA

OAC Rule 210:10-1-18 Transfers, cont'd

- Parent's failure to notify may result in loss of student's right to enroll in the District for that year only.
- If Parent fails to notify Receiving School District that a student will be enrolling and the Receiving School district choose to cancel the transfer, Receiving School district shall provide written notice of the cancellation to the Parent immediately upon cancellation.
- If Receiving School District receives notice the transferring student will be enrolling in the Receiving School District, that District shall notify the Resident School District within 10 days.
- Resident District approval isn't required for an Open Transfer.



CCOSA

OAC Rule 210:10-1-18 Transfers, cont'd

- If a transfer request is submitted for the student of a Deployed Parent, the Receiving School District shall approve it regardless of capacity.
- Local Boards of Education shall adopt a policy for transfer requests by students of a Deployed Parent.
- A transfer may not be terminated in the middle of a school year.
- At the end of each school district, a district may deny continued transfer of the student for the reasons outlined in 70 O.S. § 8-101.2(B)(1) – (2) (the acts and reasons outlined in 70 O.S. § 24-101.3 and a "history of absences").



CCOSA

OAC Rule 210:10-1-18 Transfers, cont'd

- The Receiving School District shall give written notice of its intention to deny continued transfer to the student's Parent by no later than July 15 and comply with other rule requirements.
- The parent may appeal the Receiving School District's denial of a continued transfer per administrative rule.
- On or before January 1, April 1, July 1, and October 1, the Superintendent of each Receiving School District shall file a statement with SBE and each Resident School District showing the name and grade level of each student granted a transfer to the Receiving School District and the Resident School District for each student.



CCOSA

OAC Rule 210:10-1-18.1 Right to Appeal Transfer Application Upon Denial

- [OAC Rule 210:10-1-18.1](#) defines "Student," "Parent," "Receiving School District," and "Receiving Board of Education."
- When the Receiving School District denies a transfer request, it shall provide notification to the Parent in writing by hand delivery, U.S. Mail, or email.



CCOSA

OAC Rule 210:10-1-18.1 Right to Appeal Transfer Application Upon Denial, cont'd

- The notification of denial shall include:
 - An explanation that includes a citation to the statute, regulation, or district policy on which the denial is based;
 - A copy of the Receiving Board's adopted policy for determining capacity;
 - A copy of OAC Rule 210:10-1-18.1; and
 - The date Parent's appeal is due.



CCOSA

OAC Rule 210:10-1-18.1 Right to Appeal Transfer Application Upon Denial, cont'd

- Calculating the Parent's appeal period depends on how the Receiving School District delivers the notification of denial.
 - For hand-delivery, the appeal period shall begin the day after notification is delivered.
 - For U.S. Mail, the appeal period shall begin 3 days after the notification is mailed.
 - For email, the appeal period shall begin the day after the notification is sent.



CCOSA

OAC Rule 210:10-1-18.1 Right to Appeal Transfer Application Upon Denial, cont'd

- If the Parent can establish they didn't receive actual notice of the notification of denial and submitted the appeal within 10 days after the Parent received actual notice, then the Receiving Board shall accept the appeal.
- The Parent shall submit an appeal to a Receiving Board to the office of the Superintendent of the Receiving School District.



CCOSA

OAC Rule 210:10-1-18.1 Right to Appeal Transfer Application Upon Denial, cont'd

- The appeal shall include:
 - The name, address, and phone number of the Parent and the Student on whose behalf the appeal is made;
 - The date the Receiving School District gave notice denying the transfer request;
 - The basis for appealing the Receiving School District decision; and
 - The name, address, and phone number of Parent's legal representative, if any.



CCOSA

OAC Rule 210:10-1-18.1 Right to Appeal Transfer Application Upon Denial, cont'd

- The Parent should attach any documentary evidence to the petition for appeal.
- If the Receiving Board denies the appeal, it shall provide notification of denial in writing to the Parent by hand delivery, U.S. Mail, or email.



CCOSA

OAC Rule 210:10-1-18.1 Right to Appeal Transfer Application Upon Denial, cont'd

- The notification shall include:
 - An explanation that includes a citation to the statute, regulation, or district policy on which the denial is based;
 - A copy of the Receiving Board's adopted policy for determining transfer capacity;
 - A copy of SBE's appeal form; and
 - A copy of OAC Rule 210:10-1-18.1.



CCOSA

OAC Rule 210:10-1-18.1 Right to Appeal Transfer Application Upon Denial, cont'd

- Calculating the Parent's appeal period to SBE depends on how the Receiving School District delivers the notification of denial.
 - For hand-delivery, the appeal period shall begin the day after notification is delivered.
 - For U.S. Mail, the appeal period shall begin 3 days after the notification is mailed.
 - For email, the appeal period shall begin the day after the notification is sent.



CCOSA

OAC Rule 210:10-1-18.1 Right to Appeal Transfer Application Upon Denial, cont'd

- If the Parent can establish they didn't receive actual notice of the notification of denial and submitted the appeal within 10 days after the Parent received actual notice, then SBE shall accept the appeal.
- The Parent shall submit an appeal to SBE to the Executive Secretary of the Board.
- The appealing Parent shall use the appeal form prescribed by SBE.
- At the time it submits the appeal to SBE, Parent must concurrently submit it to the Receiving School District Superintendent, who shall immediately transmit it to the Receiving Board.



CCOSA

OAC Rule 210:10-1-18.1 Right to Appeal Transfer Application Upon Denial, cont'd

- The rule includes mandatory information for SBE's prescribed appeal form.
- Upon receipt of notice of an appeal to SBE, but no later than 5 days before the date at which SBE is scheduled to consider the appeal, the Receiving Board may submit a written response to the appeal of no more than 5 pages.
- If the Parent doesn't submit the Receiving Board's adopted capacity policy, the Receiving Board shall provide a copy of the policy.



CCOSA

OAC Rule 210:10-1-18.1 Right to Appeal Transfer Application Upon Denial, cont'd

- No later than 10 days from the date of consideration of the appeal request, SBE will provide the Parent and denying district with notice of the time and place of the SBE meeting at which it will consider the appeal
- The Parent and district will have an opportunity to appear in person or by authorized representative or attorney to address SBE at the meeting



CCOSA

OAC Rule 210:10-1-18.1 Right to Appeal Transfer Application Upon Denial, cont'd

- If a Receiving Board hasn't adopted a policy to determine transfer capacity, there shall be a presumption that Receiving District has capacity to accept the student, and the Receiving Board shall have the burden to present evidence demonstrating that it doesn't have capacity.
- If a Receiving Board hasn't adopted a capacity policy, it can't reject a transfer request for the acts and reasons outlined in 70 O.S. § 24-101.3 or a "history of absences."



CCOSA

OAC Rule 210:10-1-23. Prohibition of race and sex discrimination

- [OAC Rule 210:10-1-23](#) states that OSB's policy is to prohibit discrimination on the basis of race or sex in the form of bias, stereotyping, scapegoating, classification, or the categorical assignment of traits, morals, values, or characteristics based solely on race or sex.
- Oklahoma Public Schools shall be prohibited from engaging in race or sex-based discriminatory acts by utilizing these methods, which result in treating individuals differently on the basis of race or sex or the creation of a hostile environment.



CCOSA

OAC Rule 210:10-1-23. Prohibition of race and sex discrimination, cont'd

- Includes definitions of “Public School,” “Course,” and “Teacher.”
 - **“Course” means any program or activity where instruction or activities tied to the instruction are provided by or within a Public School, including courses, programs, instructional activities, lessons, training sessions, seminars, professional development, lectures, coaching, tutoring, or any classes.**
- Applies to all Oklahoma Public Schools and any Teacher, administrator, or other Public School employee.



CCOSA

OAC Rule 210:10-1-23. Prohibition of race and sex discrimination, cont'd

- Nothing in rule shall be intended to prohibit a Public School from employing lawful methods to address discrimination consistent with the requirements of the Equal Protection Clause of the 14th Amendment, Title VI, Title IX, and 70 O.S. § 24-157 (the state law underlying this rule).
- Nothing in rule shall interfere with mandated activities required of a Public School pursuant to a court order of desegregation.
- Nothing in rule shall be construed to prevent teaching of history, social studies, English language arts, biology, or any other subject matter area consistent with the Oklahoma Academic Standards as adopted and approved by SBE and approved by the Legislature.



CCOSA

OAC Rule 210:10-1-23. Prohibition of race and sex discrimination, cont'd

- Nothing in rule shall be interpreted to prohibit lawful consideration of sex, as authorized by Title IX, including but not limited to providing single-sex programs, establishing separate sex facilities (bathrooms and locker rooms), or sex-specific athletic teams.
- Prohibits the same list of items set out in the underlying law.
- To ensure compliance, the following requirements shall apply to all aspects of Public School Course(s) or activities, and to any Public School, Teacher, administrator, other employee, or other individual, group, or representative of a Public School:



CCOSA

OAC Rule 210:10-1-23. Prohibition of race and sex discrimination, cont'd

- Oklahoma Public Schools shall be prohibited from:
 - Providing, contracting to provide, offering, or sponsoring any Course(s) that includes, incorporates, or is based on discriminatory practices identified in the underlying law and repeated in the rule (“discriminatory practices”)



CCOSA

OAC Rule 210:10-1-23. Prohibition of race and sex discrimination, cont'd

- Using any public or private monies, property, or any other assets, or resources to engage in race or sex-based discrimination, including “discriminatory practices.”
- Adopting programs or utilizing textbooks, instructional materials, curriculum, classroom assignments, orientation, interventions, or counseling that include incorporate, or are based on “discriminatory practices.”
- Executing contracts/agreements with internal or external entities, persons, companies, or businesses to provide services, training, PD, or any other assistance that includes, incorporates, or is based on “discriminatory practices.”



CCOSA

OAC Rule 210:10-1-23. Prohibition of race and sex discrimination, cont'd

- Receiving or applying to receive any monies, including state, federal, or private funds, that require as a condition of receipt, adoption of a Course(s), policies, curriculum, or any other instructional material that includes, incorporates, or is based on “discriminatory practices.”
- Adopting diversity, equity, or inclusion plans that incorporate “discriminatory practices.”
 - Public School diversity officers shall be prohibited from providing any service or performing duties that include, incorporate, or are based on “discriminatory practices.”



CCOSA

OAC Rule 210:10-1-23. Prohibition of race and sex discrimination, cont'd

- Mandating diversity training that includes, incorporates, or is based on “discriminatory practices,” whether for employees, contractors, staff members, parents, students, or any other individual or group.
- Adopting policies, including grading or admissions policies, or providing any other benefit or service that applies to students or any school employee differently on the basis of race or sex, unless specifically permitted by Title IX, including segregated classes, programs, training sessions, extracurricular activities, or affinity groups unless otherwise permitted by Title IX.



CCOSA

OAC Rule 210:10-1-23. Prohibition of race and sex discrimination, cont'd

- Requiring students to complete surveys or using the results from surveys to teach “discriminatory concepts.”
- Joining any group or association that requires, as a condition of membership, Teachers, administrators, or other employees of a school district, charter school, or virtual charter school to teach, provide instruction, or offer any Course that includes, incorporates, or is based on “discriminatory practices.”



CCOSA

OAC Rule 210:10-1-23. Prohibition of race and sex discrimination, cont'd

- Parents/legal guardians of students enrolled in Oklahoma Public Schools shall have the right to inspect curriculum, all instructional materials used by a public School as part of the educational curriculum, classroom assignments, and lesson plans to ensure compliance with underlying law.
 - No Public School shall interfere with or infringe upon the fundamental rights of parents to determine their child's education.



CCOSA

OAC Rule 210:10-1-23. Prohibition of race and sex discrimination, cont'd

- Includes other requirements applicable to SBE and OSDE.
- Public Schools shall be required to adopt policies and procedures, including incorporating into employee and student handbooks the requirements of underlying law and this rule.
 - The adopted policy must specifically notify individuals of the right to file complaints under the rule.
 - Public Schools shall ensure that the parent/legal guardian of all students enrolled in the school are annually notified of the nondiscrimination requirements of the underlying law and rule.



CCOSA

OAC Rule 210:10-1-23. Prohibition of race and sex discrimination, cont'd

- Public Schools shall be required to develop a process for students, parents, teachers, school staff, and members of the public to file a complaint alleging violation of the underlying law or rule.
 - To be accepted for investigation, the complaint must meet/include specific criteria.
- Public Schools shall be required to designate at least 1 employee to receive reports of violations filed by students, parents, teachers, school staff, or members of the public.



CCOSA

OAC Rule 210:10-1-23. Prohibition of race and sex discrimination, cont'd

- The designated employee(s)' contact information, including phone number and email, shall be included in the policies and materials the Public School adopted and shall be publicly available on its website.
- The designated employee(s) shall notify the complainant that the complaint has been received and whether it will be investigated within 10 days of receipt.
- Public Schools shall ensure that designated employee(s) are unbiased and free of any conflicts of interest.



CCOSA

OAC Rule 210:10-1-23. Prohibition of race and sex discrimination, cont'd

- Public Schools shall be required to investigate all complaints that meet/include the specific criteria and make a determination as to whether a violation occurred.
 - Public Schools must conclude the complaint investigation within 45 days of receipt of the complaint.
 - Complainant shall be notified in writing of a final determination, including findings of whether a violation occurred, within 45 days of receipt of the complaint.
 - Public Schools can receive, process, and investigate these complaints in the same manner as all other complaints of discrimination, as long as they comply with the specific requirements of the rule.



CCOSA

OAC Rule 210:10-1-23. Prohibition of race and sex discrimination, cont'd

- A complainant may file a complaint directly with a Public School or directly with OSDE, but can't file complaints against both simultaneously.
- A complainant who believes a Public School incorrectly refused to investigate a complaint or has evidence that it reached an incorrect determination may subsequently file a complaint with OSDE.
- Public Schools shall be evaluated annually to ensure compliance with the underlying law and rule.
 - A Public School's failure to comply with the underlying law or rule shall at least result in being classified "Accredited With Deficiency, with further accreditation consequences for failure to timely correct deficiencies.



CCOSA

OAC Rule 210:10-1-23. Prohibition of race and sex discrimination, cont'd

- If OSDE determines that a Public School failed to comply with accreditation standards, including this rule, OSDE shall report the information to SBE for further action within 90 days.
- Public School designated employee(s) shall report each complaint filed to OSDE within 10 days of resolution of the complaint.
- OSDE shall report to SBE monthly on complaints reported and filed.
- Any Public School employee(s) who fails to timely file reports with SBE may be subject to suspension or revocation of their license or certificate. (Note: rule requires report of complaints to OSDE, not SBE.)



CCOSA

OAC Rule 210:10-1-23. Prohibition of race and sex discrimination, cont'd

- The provisions of the rule shall apply to superintendents, principals, supervisors, librarians, school nurses, classroom teachers, or other personnel performing instructional, administrative, and supervisory services in the Public Schools.
- Violation of the underlying law or rule as determined by OSDE may result in proceedings to suspend the license or certificate of school employee(s).
- SBE shall initiate proceedings to revoke the license or certificate of any school employee for “willful violation” of the underlying law or any rule requirement.



CCOSA

OAC Rule 210:10-1-23. Prohibition of race and sex discrimination, cont'd

- Retaliation is prohibited against any individual for filing a complaint; exercising any right or privilege conferred by or referenced in the rule; or exercising any right or privilege secured by a law referenced in the rule.
- Public Schools shall be prohibited from retaliating against any student, parent, Public School employee, or any other individual for filing a complaint or exercising any right conferred by or referenced in the rule.
- A school employee who retaliates against a complainant shall be subject to disciplinary action (license or certificate suspension or revocation).



CCOSA

OAC Rule 210:10-1-23. Prohibition of race and sex discrimination, cont'd

- OSDE shall be authorized to investigate complaints of retaliation filed with it under the rule.
- A Teacher who files a complaint or otherwise discloses information Teacher reasonably believes evidences a violation of the underlying law or rule shall be entitled to Whistleblower Protections provided in applicable laws.
- A Teacher or other school employee who willfully, knowingly, and without probable cause makes a false report under this rule may be subject to proceedings for suspension or revocation of license or certificate.



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OAC Rule 210:10-1-23. Prohibition of race and sex discrimination, cont'd

- The rule also explains how school employees can pursue complaints of employment discrimination.



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

- [OAC Rule 210:1-5-6](#) updates procedural language, including the process by which subpoenas are issued to individuals to attend the hearing to testify as a witness.
- Provides a timeline to file a motion to quash a subpoena or subpoena duces tecum.
- Changes the process to enforce a subpoena and permits the party seeking enforcement to do so in a court of competent jurisdiction.
- Provides that the attorney for OSDE shall present evidence to the Board at the hearing and, if SBE doesn't have counsel, its Chairperson may request the Attorney General to provide counsel to perform certain tasks.



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OAC Rule 210:1-5-6. Suspension and/or revocation of certificates, cont'd

- Provides that, upon suspension or revocation of an individual's certificate, OSDE notifies the superintendent or board of education, if the superintendent is the holder of the suspended or revoked certificate, of the district that most recently employed the individual.



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OAC Rules 210:10-15-1. Purpose (OSDE - Textbooks)

- [OAC Rule 210:10-15-1](#) introduces OSDE's expanded role in the textbook selection process for Oklahoma public schools.



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

- [Rule 210:10-15-1](#) provides that, every year, pursuant to a change in state law, OSDE shall 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.
- State law governs the composition of subject area review teams (“teams”).
- Teams are selected according to the application process and subject matter criteria established by OSDE and the Committee.



CCOSA

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

- In reviewing proposed textbooks and other instructional materials, teams shall use the rubric developed by the Committee in consultation with OSDE.
- After review and individual scoring, each team shall submit its documentation and recommended rating to the Committee, which shall consider, but isn’t required to accept the team rating.
- After the Committee verifies the review process “has been conducted in a fair and scrupulous manner,” the Committee shall adopt a final rating for each textbook before putting it on the approved list.



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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 textbook, including the team's recommendations, shall be publicly posted on the Committee web page on OSDE's website.
- Five or more district boards of education may petition SBE to add a book, textbook series, or other applicable instructional materials to the Committee's approved list.
- Districts can get guidance about this process from OSDE's Office of Accreditation or the OSDE website.
- SBE must approve the petition(s) before the materials are added to the Committee's approved list.



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

- Any Oklahoma school district may purchase with state textbook funds materials approved by petition.
- For instructional materials approved by petition that don't exist in a hard copy form, the publisher shall provide the Committee with copies in one or more appropriate digital storage formats.



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OAC Rule 210:15-11-3. Criteria for pilot early childhood program pursuant to Title 70 O.S. § 10-105.4

- [OAC Rule 210:15-11-3](#) includes several updates, including reducing the minimum operational length of the program to 46 weeks per year, with children served for 44 of those weeks.
- Changes the credential requirements for lead teachers and assistant teachers and provides that teachers who don't meet those requirements will receive a "plan of correction" and meet requirements within a 2-year period.



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OAC Rule 210:15-27-4. Individualized Program of Reading Instruction

- [OAC Rule 210:15-27-4](#) clarifies that Tier I instruction provides all students a minimum of 90 minutes of daily reading instruction.



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

- [OAC Rule 210:20-9-110](#) changes the language for counselors participating in alternative placement programs.
- Provides that school counselors' professional education instruction must include at least 2 college credit courses addressing components of a comprehensive school counseling program, including but not limited to data-informed decision making, closing achievement and opportunity gaps, school counseling, ethical standards, and improving student achievement, attendance, and discipline.



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OAC Rule 720:10-1-2. Definitions (State Textbook Committee - Textbook Selection)

- [OAC Rule 720:10-1-2](#) changes the definitions of "Ancillary Material," "Comprehensive Material or Comprehensive Program," and "Supplementary Materials" for purposes of the Committee's Textbook Selection process.



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OAC Rule 720:10-3-5. Materials to be considered for adoption. (Bidding Procedures)

- [OAC Rule 720:10-3-5](#) adds “review teams” to the lists of entities to whom copies of textbooks, samples of other materials, and hardware and equipment essential to review materials are provided.



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OAC Rule 720:10-3-6. Ancillary materials and supplementary materials

- [OAC Rule 720:10-3-6](#) provides different procedures for review and approval of “ancillary materials” and “supplementary materials.”
- Ancillary materials listed with textbooks in the annual requisition must be approved by the State Textbook Committee with the corresponding comprehensive materials or programs being bid unless designated as free, and, if not available with the textbooks, may be submitted out of cycle.
- Supplementary materials aren’t reviewed or approved by the Committee.



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OAC Rule 720:10-3-6. Ancillary materials and supplementary materials, cont'd

- Before selection, the local district textbook committee should conduct a rigorous review process for supplementary materials to be purchased with State Textbook funds.
- Supplementary materials should supplement adopted comprehensive materials or programs but not replace them.



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OAC Rule 720:10-5-1. Advisors & OAC Rule 720:10-5-5. Consideration of new materials due to unusual or extraordinary circumstances (Procedures for Evaluating and Voting to Select Textbooks)

- [OAC Rule 720:10-5-1](#) has been revoked because subject area advisors are no longer needed since the Legislature changed the law and OSDE amended its previous rule to allow OSDE to establish subject area “review teams” to assist the State Textbook Committee in the selection process.
- [OAC Rule 720:10-5-5](#) replaces a reference to “advisors” with “review team members.”



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OAC Rule 720:10-7-2. Contract (Contracts and Bonds)

- [OAC Rule 720:10-7-2](#) deletes the requirement that the execution date of contracts between the State Textbook Committee and persons, firms, or corporations is December 31 of each year.



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OAC Rule 720:1-1-2. Duties of Committee & OAC Rule 720:1-1-3 Selection of vice-chairperson; quorum (State Textbook Committee – Administrative Operations)

- [OAC Rule 720:1-1-2](#) deletes as Committee duties the selection of a chairperson and the use of advisors in examining books submitted for adoption.
- [OAC Rule 720:1-1-3](#) deletes reference to election of a chairperson and clarifies that 7 members – a majority of the Committee – must be present to form a quorum.



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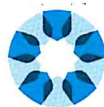
OAC Rule 720:1-1-5. Calendar

- [OAC Rule 720:1-1-5](#) deletes from the Committee's annual schedule local textbook presentations for Committee members and their advisors.



Notes





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The 2022 CCOSA Law Booklet is intended as a helpful reference guide only. This booklet does not necessarily include every new law connected to education. Legal information provided in this document is non-binding and is not intended to replace the advice of the school district's retained legal counsel.