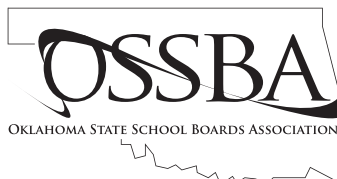


# LEGISLATIVE REVIEW

2018



A PUBLICATION OF THE OKLAHOMA STATE SCHOOL BOARDS ASSOCIATION



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**A publication of the Legal Department of the Oklahoma State School Boards Association**  
2801 North Lincoln Boulevard, Suite 125 • Oklahoma City, OK 73105  
405.528.3571 • 888.528.3571 • 405.528.5695 fax • [www.ossba.org](http://www.ossba.org)

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# 2018 LEGISLATIVE REVIEW

2ND SESSION OF THE 56TH  
OKLAHOMA LEGISLATURE

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## Budget

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**SB 1600** is the FY 2019 general appropriations bill. The total FY 2019 common education appropriation is \$2,912,985,147, which is \$480,188,942 more than FY 2018. The common education budget was increased by 19.74 percent from the final FY 2018 budget. The FY19 appropriation for Career Tech is \$124,337,661, an increase of \$12,568,443 (11.2 percent) from the current-year appropriation of \$111,769,218.

The breakdown is as follows:

- Financial Support of Public Schools (funding formula) - \$2,278,122,289, which is **\$422,501,793 (22.8 percent) more** than in FY 2018.
  - \$1,373,201,301 from the General Revenue Fund
  - \$818,166,976 from the Education Reform Revolving (1017) Fund
  - \$50,470,751 from the Common Education Technology Fund
  - \$3,970,888 from the Mineral Leasing Fund
  - \$32,312,371 from the Lottery Trust Fund
- Instructional Materials (Textbooks) - \$33 million from the General Revenue Fund. This is the first appropriation for instructional materials since FY2016.
- Support of Public School Activities (line items- although the legislature did not give the SBE line items to follow) - \$91,319,026, which is the same as the final allocation for FY 2018.
- Health Benefit Allowance (Flexible Benefit Allowance/FBA) - \$487,383,116, which is **\$24,687,149 more** than in FY 2018, from the General Revenue Fund.
- Administrative and Support Functions of the State Department of Education is appropriated \$15,980,190 from the General Revenue Fund, which is **\$427,670 more** than FY 2018.
- School Consolidation Assistance Fund is appropriated \$3,590,263, which is **\$104,734 more** than FY 2018.
- Oklahoma Teachers Retirement System Dedicated Revenue Revolving Fund is appropriated \$3,590,263, which is **\$104,734 more** than FY 2018.

## Certified Staff Pay Raise

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**HB 1023xx** is the \$353.5 million teacher pay raise bill. It will go into effect with the 2018-2019 school year and is a **permanent** raise for teachers. The bill funds an average \$6,100 teacher pay raise -- the largest teacher pay raise in state history. It increases the minimum salary schedule by at least \$5,000 at every level while providing larger raises for more experienced teachers, including a \$7,700 increase to the minimum salary schedule for a teacher with 25 years of experience. The bill also requires school districts to give the pay increase to teachers even if the district currently pays above the state minimum. *Effective 8/1/18.*

## Support Employee Pay Raise

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**HB 1026xx** provides \$52 million for all non-certified, full-time equivalent (FTE) employees. *Effective 7/1/18.*

## Ad Valorem Reimbursement

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**SB 1600**, the general appropriations bill, also appropriated \$92.7 million for ad valorem reimbursement, which is **\$22.7 million more** than FY 2018 and **\$45.6 million more** than FY2017.

## Operations

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**SB 1398 by Sen. Stephanie Bice** adds operations to the building fund levy, allowing money from a school district's building fund to be used for district operations. This would be considered an operational fund. Enactment of this bill is contingent upon approval of **SJR 70** by a vote of the people on the November 2018 general election ballot.

**HB 2009 by Rep. Michael Rogers** requires the state Department of Education to annually publish on its website a report listing all increases in wages, salaries, rates of pay or fringe benefits and any changes to job class of all school employees. The report will not include job class changes that did not result in an increase in pay. The report must be posted so that it is within one click of the department's homepage. *Effective 8/2/18.*

**HB 2860 by Rep. Tammy West** expands the reporting requirements of the School District Transparency Act to school sites. Prior to the beginning of the 2019-2020 school year, school districts websites will be required to have a link on the home page to the state Department of Education's Oklahoma Cost Accounting System and School District Financial Information website. A requirement to report the total compensation package of school district superintendents is also added. *Effective 11/1/18.*

**HB 2082 by Rep. John Paul Jordan** changes the general election date for school district and technology center district board of education members to the first Tuesday of April and makes the second Tuesday in February the primary election. If only two candidates file, the names will be on the general election ballot. If more than two candidates file, the names will be on the primary election ballot. If one candidate receives more than 50 percent of the votes cast for a primary election, that candidate will be elected. If no candidate receives more than 50 percent of the votes cast, then the top two candidate names will appear on the general election ballot. *Effective 11/1/18.*

**HB 3117 by Rep. Carl Newton** expands from 30 to 60 the number of days a board of education has to declare a seat vacant after a board member has failed to meet continuing education requirements. It requires the state Board of Education to notify a school board member and the superintendent of the school district of the final opportunity for the member to complete the continuing education requirements and the consequences of not completing the requirements. The state board shall notify by certified mail a board member who is not in compliance with the requirements. Upon receipt of the notification, the board member will have 60 days to complete the requirements. If the member does not complete the requirements, the board shall declare the seat vacant. The member will be ineligible to hold, run for re-election or be reappointed to any district board seat for a two-year period. *Effective 11/1/18.*

**HB 3152 by Rep. Jeff Coody** provides that the second degree nepotism prohibitions for board members and candidates for school board member and employment of a board member's relative will not apply to school districts with an average daily membership (ADM) of less than 400, if the district adopts a policy allowing such candidate eligibility and employment. The board member will not be allowed to participate in any personnel matter concerning the member's relative. *Effective 4/23/18.*

**SB 1015 by Sen. Gary Stanislawski** applies only to Tulsa and OKCPS and modifies the definition of a "school district employee" as used in the Larry Dickerson Education Flexible Benefits Allowance Act to include employees of an educational service provider who perform functions that would otherwise be performed by a school district employee, unless otherwise provided for in the contract between the provider and district. *Effective 7/1/18.*

**SB 960 by Sen. Julie Daniels** requires a request for payroll deductions for professional organization dues and political contributions to be in writing. It adds that a request to terminate the deduction can be done by e-mail or fax. A request for initiation of deduction or termination must be completed by the district within five days or by the next pay period, whichever is earlier. It prohibits a school district policy or negotiated agreement from placing other conditions or requirements on requests to initiate or terminate a payroll deduction. The bill requires a school district to immediately reimburse an employee if the district fails to terminate a payroll deduction after the employee makes the request. The amount will double if reimbursement is not made within 30 days. *Effective 8/2/18.*

**HB 2259 by Rep. Dell Kerbs** mandates that every teacher who has reason to believe that a child under the age of 18 is a victim of abuse or neglect report the matter immediately to the Department of Human Services using the DHS hotline and to local law enforcement. *Effective 11/1/18.*

**SB 1150 by Sen. AJ Griffin** requires an officer, employee or board of education member of a school district to notify law enforcement of any verbal threat or act of threatening behavior which reasonably may have the potential of future harm to students, school personnel or school property. It provides immunity from civil liability for good faith reporting. The bill also mandates that every school employee who has reason to believe that a student is a victim of abuse or neglect report the matter promptly to the Department of Human Services using the DHS hotline and to local law enforcement. It defines the term “child abuse and neglect.” *Effective 7/1/18.*

**SB 980 by Sen. AJ Griffin** creates additional teacher certification categories. Beginning with the 2021-2022 school year, the state Department of Education shall provide for the following teacher certificates: Standard, Lead and Master. It establishes the qualifications and requirements to qualify for a Lead Teaching and Master Teaching certificate, which includes a recommendation from the local board of education. It also provides that a person holding a Lead Teaching certificate would contract for an additional 10 days and would receive a salary supplement, the higher of \$3,000 or the district’s daily rate of pay. A person holding a Master Teacher certificate would contract for an additional 15 days and would receive a salary supplement of \$5,000 or the daily rate of pay. The bill directs the department to develop an application process, to implement certificates on a pilot program basis for the 2019-2020 and 2020-2021 school years, and to seek funding for the program. Should the teacher no longer meet the criteria, the teacher shall make application for a standard teaching status. The bill also states that if the teacher moves districts, the Lead and Master status is subject to approval by the new school district board. *Effective 11/1/18.*

**HB 3309 by Rep. Rhonda Baker** changes the teacher residency program to an induction program. New teachers and teachers transitioning to a new role will be considered inductees. It modifies how mentor teachers are selected. It also directs the state Department of Education to administer an induction program for teachers and requires school districts to participate. The bill repeals law granting a resident teacher who is not recommended for certification the right to a hearing before the state Board of Education. *Effective 11/1/18.*

## **Students**

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**HB 3220 by Rep. Jadine Nollan** directs the state Boards of Education and Career and Technology Education to promulgate rules for a competency-based certification system option for teachers and instructors who teach at a technology center school district. *Effective 7/1/18.*

**HB 1340 by Rep. Randy McDaniel** authorizes a one-time distribution to retired members of the state’s public retirement systems if the member has been retired for at least five years as of Oct. 1, 2018. The amount of the distribution

is determined based on the lesser of either 2 percent of the annual retirement benefit or a set amount ranging from \$1,000 to \$1,400. The set amount range is based on the funded ratio of the retirement system. It provides that any increase in retirement benefits after Oct. 1, 2018, shall occur not more than once every two years and shall not be less than \$350 for members who have been retired at least 20 years. *Sections 1 & 3 Effective 10/1/18; Section 2 Effective 9/1/18.*

**SB 1198 by Sen. Gary Stanislawski** reauthorizes the income tax checkoff for the Public School Classroom Support Revolving Fund. Taxpayers can contribute to the fund by indicating on their income tax form that they wish to donate all or a portion of their tax refund. The income tax checkoff must be reauthorized every four years. *Effective 7/1/18.*

**SB 929 by Sen. Gary Stanislawski** updates the terms and definitions of disabilities and medical impairment that are used in the State Aid Formula. It adds definitions for “other health impairment,” “autism” and “traumatic brain injury.” It also adds new pupil weights for other health impairment, autism and traumatic brain injury that are used in the weighted pupil category calculations at 2.4, 2.4 and 1.2 respectively. *Effective 7/1/18.*

**HB 3536 by Rep. Chad Caldwell** adds water metering devices that increase efficiency or accuracy of water measurement and energy reduction as energy conservation contracts. It also modifies the selection and contracting procedures for energy conservation contracts. If school districts choose to enter into an energy conservation contract, the law requires certain preliminary analysis and an energy conservation audit. *Effective 11/1/18.*

**HB 1334 by Rep. Chuck Hoskin** expands the powers and duties of a board of education to include conveyance of real property to an Indian Housing Authority. Current law allows conveyance to a local political subdivision or higher education institution. *Effective 8/2/18.*

**HB 2177 by Rep. John Bennett** allows a city, county, school district or other political subdivision to display in its building or grounds replicas of historical documents. Historical documents include the Ten Commandments, Magna Carta, Mayflower Compact, Declaration of Independence, United States Constitution, Bill of Rights, Oklahoma Constitution and other historically significant documents in the form of statues, monuments, memorials, tablets or any other display that respects the dignity and solemnity of such documents. It authorizes the Attorney General to provide a defense for any legal challenge of a display. *Effective 8/2/18.*

**SB 1197 by Sen. Gary Stanislawski** modifies the student performance level labels and descriptions used for assessments administered pursuant to the Oklahoma School Testing Program Act. The current labels are: advanced;



proficient; limited knowledge; and unsatisfactory. The new labels are: advanced; proficient; basic; and below basic. Proficient is defined to mean students who demonstrate mastery over challenging grade-level subject matter, can analyze and apply the knowledge to real-world situations, are ready for the next level of education and are on track to be ready for college and career. Basic is defined to mean students who demonstrate partial mastery of the essential knowledge and skills that are foundational for proficient work at their grade level and that they are not yet on track to be ready for college and career. *Effective 8/2/18.*

**HB 2911 by Rep. Mickey Dollens** modifies the definition of an “Individual Career and Academic Plan (ICAP).” It adds military careers, apprenticeship programs and career and technology programs leading to certification or licensure as postsecondary career opportunities that may be explored by students. *Effective 11/1/18.*

**HB 3311 by Rep. Rhonda Baker** modifies the subject matter standards for history, social studies and United States Government to include the content of the United States naturalization test. It requires the subject matter standards for United States Government to emphasize civics. It also requires the United States History assessment to emphasize civics. *Effective 7/1/18.*

**SB 1370 by Sen. Jason Smalley** expands the core curriculum high school graduation requirements by allowing acceptance and successful completion of one year of a full-time, three-hour career and technology program leading to an industry credential/certificate or college credit to count toward the mathematics requirements. The state Board of Career and Technology Education will determine which programs will count and will update the list of programs every three years. It requires a school designee to meet with parents of a student under the age of 18 prior to the student enrolling in the core curriculum. It also allows other mathematics courses with the content and/or rigor equal to or above Algebra I to count towards the mathematics requirements for the core curriculum and in lieu of computer science, one year of a full-time, three-hour career and technology program leading to an industry credential/certificate or credit. *Effective 7/1/18.*

**SB 1196 by Sen. Gary Stanislawski** directs the Oklahoma State Regents for Higher Education to ensure that eligible high school students in all Oklahoma high schools be encouraged and provided opportunities to participate in concurrent enrollment. It expands the maximum tuition waiver for high school seniors to 18 credit hours. It also adds a maximum of nine credit hours of tuition waivers for high school juniors if funds are available. It requires the state regents to issue annual reports on concurrent enrollment. *Effective 7/1/18.*

**HB 3221 by Rep. Jadine Nollan** requires the United States history component required in the social studies curriculum to include information about

Juneteenth, a day commemorating the emancipation of enslaved African Americans. The bill also directs the state Board of Education to adopt a timeline for the transition of an electronic delivery system for statewide assessments. It allows schools to continue offering paper versions of the assessments upon approval of the state board. *Effective 7/1/18.*

**SB 950 by Sen. Gary Stanislawski** allows school employees to assist a student in applying sunscreen if a parent or legal guardian has provided written authorization. It also requires a school to permit a student to possess and self-apply sunscreen without the written authorization of a parent, legal guardian or physician. *Effective 7/1/18.*

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***The 2018 Legislative Review is not all inclusive of every new law effecting education and is meant as a reference guide only. Legal information provided by OSSBA is non-binding and is not intended to replace the advice of the school district's retained legal counsel.***

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