



Legislative Information

2020 Legislative Review

Signed into law

Budget

[SB 1922](#) is the general appropriations bill which appropriates money to all state agencies.

Key takeaways for the FY 2021 Budget:

State Aid Appropriation – Decrease of 4.58% (\$110.8 million); Flexible Benefit Allowance (FBA) – Increase of 6.5% (\$32.8 million); Public School Activities- \$101 million (No Change); FY 2021 Common Education Budget – Decrease of 2.55% (\$78.2 million); Oklahoma Medical Marijuana Authority Revolving Fund- \$30 million transfer to the 1017 fund; FY 2021 Career Tech Budget- Decrease of 3.8%, excluding FBA.

[HB 4153](#) outlines how the state Education Department can spend part of the education budget, also known as a “limits” bill. You may see the breakdown [HERE](#).

Key takeaways from the bill:

- Reading Sufficiency Act will be reduced \$1 million, from \$12 million to \$11 million;
- Alternative education funding will be reduced \$1 million, from \$11 million to \$10 million;
- Imagine Math is added as a new \$1 million line-item.

[HB 3964](#) by Rep. Chad Caldwell, R-Enid, and Sen. Gary Stanislawski, R-Tulsa, waives the penalty for the fiscal year that begins July 1, 2019 (FY 2020) for school districts that exceed their statutorily allowed general fund carryover balances. *Effective 7/1/2020*

[SB 1925](#) by Sen. Roger Thompson, R-Okemah, and Rep. Kevin Wallace, R-Wellston, increases the 2020 budget limits for education. Specifically: payroll, salaries or wages, including tax-sheltered deferment contracts and longevity payments authorized by state statutes from \$16,246,097 to \$17,042,565; professional and personal services contracts from \$70 million to \$78,164,577; other operating funds from \$2,984,704,957 to \$2,988,368,227; expenditure of federal funds from \$700 million to \$760 million; for a TOTAL INCREASE IN FUNDS from \$3,770,951,054 to \$3,843,575,369.

[HB 3350](#) by Rep. Avery Frix, R-Muskogee, and Sen. Roger Thompson, R-Okemah, provides a cost-of-living benefit increase or (COLA) for several state retirement systems, including



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Teacher's Retirement. For OTRS members receiving benefits as of June 30, 2019, and who continue to receive benefits on or after July 1, 2020, will receive an increase in benefits as follows:

- Zero if the person is retired less than two years as of July 1, 2020;
- 2% if the person is retired for at least two years but less than five years as of July 1, 2020;
- 4% if the person has been retired for five or more years as of July 1, 2020.

Effective 7/1/2020

A Note on Class Size:

At the beginning of session with the budget outlook, we predicted there would be enough new money into the funding formula for class-size mandates for kindergarten and first grade to be enforceable this coming school year. This is no longer the case due to the revenue failure and on-going economic situation caused by COVID-19.

Voucher Accountability

HB 1230 by Rep. Mark McBride, R-Moore, and Sen. Darrel Weaver, R-Moore, increases transparency of the vouchers that fund private schooling for students through the Lindsey Nicole Henry scholarship program. It requires the state Education Department to compile and post an annual report that includes information on the number and amount of each voucher by each participating private school, the number of vouchers denied and disaggregated data on voucher recipients. HB 1230 requires more information about the program be readily available on the state Education Department's website, including:

- The total number and amount of scholarships awarded and reported for each participating private school;
- The total number of scholarships denied;
- The total number and amount of scholarship payments suspended for each participating private school;
- Data on participating students, disaggregated by years of participation in the program, grade level, gender, economically disadvantaged status, racial and ethnic groups and disability category.

Effective: 90 days after adjournment



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Charter Schools

HB 2905 by Rep. Shelia Dills, R-Tulsa, and Sen. Dewayne Pemberton, R-Muskogee, increases transparency and accountability for virtual charter schools by:

- Tightening the definition for attendance and engagement for full-time virtual education (including student orientation).
- Requiring student transfers when going from a resident district to a statewide virtual charter school.
- Strengthening communications between school districts, so residential school districts can better track where students are receiving educational services.
- Designating a three-day timeline for virtual charter school to transmit the student records to the resident school district if a student returns to the resident district.
- Establishing a grace period for students to withdraw a virtual charter school transfer without penalty.
- Clarifies and strengthens attendance policies for virtual charter schools.
- Protects taxpayer dollars by ensuring virtual charter schools can't count for funding students who are prohibited from attending a virtual charter school because of truancy.

Effective 7/1/2020

SB 212 by Sen. Gary Stanislawski, R-Tulsa, and Rep. Rhonda Baker, R-Yukon, changes the way virtual charter schools are funded. It removes the mandate that virtual schools continuously have their weighted average daily membership calculated by multiplying the enrollment by 1.333. The bill makes it so this calculation only happens for a virtual school's first year in operation. It removes language requiring the initial allocation of State Aid for virtual charter schools to be based on actual enrollment multiplied by 1.333 for each initial allocation. It removes language directing the weighted membership of nonresident, transferred students enrolled in online courses to be based on the weighted average daily membership of the preceding school year. The bill also states that the weighted calculation for a statewide virtual charter school that experiences a significant decline in membership is to be based on the first nine weeks of the current school year rather than the preceding school year or the second preceding school year. It defines "significant decline in membership" as a decrease of 15% or more in the average daily membership from the preceding school year to the first nine weeks of the current school year. *Effective 7/1/2020*

HB 3369 by Rep. Jon Echols, R-OKC, and Sen. Kim David, R-Porter, reduces from 5% to 3% that amount of state aid a charter sponsor can retain from the charter school for administrative services. It prohibits a sponsor from retaining any additional state aid or charge the charter any



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additional fee above the 3% amount unless additional services are rendered. It also requires the charter sponsor to provide to the SDE financial records documenting any state funds retained by the sponsor for administrative services rendered the previous year. The bill creates the "Charter School Closure Reimbursement Revolving Fund" (Fund). All monies accruing to the fund may be used by the SDE for the purpose of reimbursing charter school sponsors for costs incurred due to the closure of a charter school. Within 30 days of the first nine weeks of each school year, each charter school shall pay to the fund an amount equal to \$5 per student based on average daily membership. If the fund has a balance of \$1 million or more on July 1, no payment would be required for the following school year. *Effective 11/1/2020*

Certification

HB 3142 by Rep. Melissa Provenzano, R-Tulsa, and Sen. Dewayne Pemberton, R-Muskogee, amends the certification requirements to become a school principal. It waives the requirement of completing an education administration program approved by the Oklahoma Commission for Teacher Preparation if the candidate completed a master's degree program in education before July 1, 2005, that included competencies substantially equal to those in the approved programs. *Effective 11/1/2020*

SB 1115 by Sen. Ron Sharp, R-Shawnee, and Rep. Danny Sterling, R-Tecumseh, allows the state Board of Education to renew the emergency or provisional certificate of a person who has been employed by a school district for at least two years if the individual has not passed competency examinations; he or she submits a portfolio of work including evidence of progress toward standard certification to the SBE; the employing district renews the contract for the ensuing fiscal year; the superintendent provides a reason for the renewal; and the district provides evidence of the district's inability to hire a teacher with a standard certificate. The bill states individuals employed by a school district under an emergency or provisional certificate aren't career teachers and aren't entitled Teacher Due Process protections. It allows the SBE, in consultation with the Commission for Educational Quality and Accountability (OEQA), to grant an exception to the subject area examination requirement in a field that does not require an advanced degree if the candidate has an advanced degree in a subject that is substantially comparable to the content assessed on the subject area examination. The measure requires the degree to be from an institution accredited by a national or regional accrediting agency recognized by the U.S. Department of Education. *Effective 11/1/2020*

SB 1436 by Sen. Gary Stanislawski, R-Tulsa, and Rep. Nicole Miller, R-Edmond, would create a new certificate for special education that is comprehensive; it creates a pathway to go from mild-moderate to severe-profound, allowing a micro-credential certification in severe-profound if the teacher already have mild-moderate certification. *Effective: 7/1/2020*



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SB 1125 by Sen. Adam Pugh, R-Edmond, and Speaker Charles McCall, R-Atoka, removes most barriers to teachers certified to teach out-of-country. It directs the state Board of Education to issue those teachers a certificate in the grade level/ subject area most closely aligned with the out-of-country certificate, and prohibits the individual from being required to take any competency exams. They must meet any other criteria established by the Board. The person must still pass a criminal history background check. *Effective 7/1/2020*

Mandates

SB 661 by Sen. Brent Howard, R-Altus, and Speaker Charles McCall, R-Atoka, allows meetings of public bodies to take place via teleconference or video conference. The new law change is effective until the earlier of Nov. 15, 2020, or until the governor terminates the state of emergency. For more information on agenda posting, executive session, minutes, public participation and more, please see our [coronavirus FAQs](#).

HB 2804 by Rep. Mike Sanders, R-Kingfisher, and Sen. Stephanie Bice, R-OKC, is a recommendation from the Dyslexia Task Force. Beginning with the 2022-2023 school year, any K-3rd grader found to not be meeting target reading levels shall be screened for dyslexia. The SDE is to come up with the tools/ screening instruments for schools to use. Beginning June 30, 2023, districts will be required to submit data related to the number of students screened, screening tools used, number of people doing the screening, interventions used, and number of students participating in interventions. *Effective 11/1/2020*

HB 3398 by Rep. Jadine Nollan, R-Sand Springs, and Sen. Dewayne Pemberton, R-Muskogee, requires any teacher employed by an Oklahoma public school who does not have an Oklahoma criminal history record check as well as a national criminal history record check on file, to have these background checks completed upon the next renewal of his or her teaching certificate. Any other person employed by the district who does not have an Oklahoma criminal history record check as well as a national criminal history record check on file, will have until July 1, 2022, to complete the background checks. Further, the bill prohibits school boards from entering into contracts with teachers who do not hold an Oklahoma criminal history record check. *Effective 90 days after adjournment*

HB 3400 by Rep. Rhonda Baker, R-Yukon, and Sen. Gary Stanislawski, R-Tulsa, requires that beginning with the 2024-2025 school year, all public high schools must make a minimum of four advanced placement courses available to its students. Access can be offered at the district, career-tech in the district, online by the Statewide Virtual Charter School Board, or another district. The Statewide Virtual Charter School Board must maintain an online learning platform



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to provide high-quality online learning for Oklahoma students, with an emphasis on STEM. It will be available to all districts. *Effective beginning the 2024/2025 school year*

[HB 3466](#) by Rep. Tammy West, R-Bethany, and Sen. Gary Stanislawski, R-Tulsa, amends the composition of the State Textbook Committee and makes it subject to the Open Meeting and Open Records Acts. It also states the committee must select textbooks for grades pre-K through 12; creates a rubric identifying books that meet standards and creates a mechanism for selecting the textbook review teams. If the local textbook committee doesn't choose a book from the state list, it must notify the local board as to why it went with different material. *Effective 11/1/2020*

[SB 1198](#) by Sen. Rob Standridge, R-Norman, and Rep. Sherrie Conley, R-Newcastle, requires school districts to coordinate with local emergency services to develop a plan for emergency medical services at school athletic events. The plan must be updated annually and placed on file with the emergency service provider and at the district. *Effective 7/1/2020*

Veto

Budget Bills

Governor Stitt vetoed multiple bills this session, including education funding bills, but the Legislature held successful veto override votes on all of those bills.

[SB 1595](#) was vetoed by the Governor. After it passed both the House and Senate, businesses and chambers of commerce statewide acted against it. The bill declared that a manufacturer that previously had qualified for the ad valorem tax exemption was deemed to have satisfied the exemptions requirements for the period beginning Jan. 1, 2020, and ending Dec. 31, 2020. It would have exempted manufacturers if the first year of exempt treatment occurred on or after Jan. 1, 2021. The bill repealed the section, which includes definitions of qualifying manufacturers, beginning Jan. 1, 2021.

Didn't advance

[SB 407](#) by Sen. Dave Rader, R-Tulsa, and Rep. Jon Echols, R-OKC, would have made significant changes to the state's Equal Opportunity Scholarship Act. The act has largely served to incentivize private school scholarship donations in exchange for lucrative tax credits for individuals and companies. The bill would have:

- Increased the cap of total available tax credits to at least \$20 million.
- Equalized the available tax credits between private and public schools and making tax-credit eligible direct donations to public schools and local education foundations.



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- Established annual public reporting requirements not contained in existing law.

SB 1170 by Sen. Tom Dugger, R-Stillwater and Rep. Toni Hasenbeck, R-Elgin, would have required all school board members whether elected in a February primary election or April general election to be seated at the first school board meeting following the April election. This would have ensured no one's board term was cut short or longer than it was supposed to be by an outright winner in a February primary.

HB 3396 by Rep. Jadine Nollan, R-Sand Springs, and Sen. Gary Stanislawski, R-Tulsa, would have allowed the governor to appoint a local school board member to the local board of education in the unlikely event that there are no longer enough board members on the board to allow for a quorum and thus comply with the Open Meeting Act and carry on with school business.

HB 1992 by Rep. Jadine Nollan, R-Sand Springs, and Sen. Darrell Weaver, R-Moore, would have allowed cities and towns to create public safety districts and levy a property tax of up to 5 mills within the municipality. It would have required 60% voter approval and would have been permanent unless voters repeal it. It could have been used for police, fire and emergency medical services equipment and operations.

HB 2776 by Rep. Lonnie Sims, R-Jenks, and Sen. Dave Rader, R-Tulsa, would have allowed counties to create hazard mitigation districts and levy a property tax of up to 2 mills within the county. It would have required 60% voter approval and would have been permanent unless voters repealed it. It could have been used for hazard mitigation activities.

HB 4026 by Speaker Charles McCall, R-Atoka, and Sen. Frank Simpson, R-Ardmore, would have allowed two-year colleges to establish a funding district and increase property taxes up to 10 mills if approved by a majority of voters in the funding district. This bill would have allowed two-year colleges to seek bond issues.

SB 1364 by Sen. Gary Stanislawski, R-Tulsa, and Rep. Zach Taylor, R-Seminole related to the State Public Common School Building Equalization Fund. The bill stated that the fund would have been used to aid districts in acquiring buildings, defined as acquiring school sites by lease or purchase, improving school sites, constructing, repairing, remodeling or equipping buildings, or acquiring school furniture, fixtures or equipment. School districts were defined as school districts and charter schools which have no assessed valuation and did not include virtual charter schools. SBE would have solicited proposals from districts and charters for one-time capital expenditure grants which shall comprise 25% of the fund and for multi-year facility grants which shall comprise 75% of the fund for facility expenditures, including building lease payments, utilities and building maintenance. Grant priority would have first been awarded to



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school districts that have no assessed valuation or were the 25 school districts with the lowest assessed valuation as reported in the estimate of needs; 2nd priority to the next 50 schools with lowest assessed valuation and so on. School district that submitted a one-time capital expenditure grant would not have received more than \$4 million. For a multi-year facility grant, the amount would have been equal to the state financial support of public schools per WADM reported to districts by the SDE on the initial state aid allocation notice multiplied by 6%. SBE would have prorated grants if not sufficient funds.

[SB 1758](#) by Sen. Gary Stanislawski, R-Tulsa, and Rep. Zach Taylor, R-Seminole, would have redirected 75% of the marijuana sales tax currently earmarked for the general revenue fund to benefit common education and placed it into the Common School Building Equalization Fund.

[SJR 31](#) by Sen. Joe Newhouse, R- Broken Arrow and Rep. Kyle Hilbert, R-Depew, called for a statewide vote to amend the state Constitution to change how ad valorem tax exemptions for manufacturing are granted and eventually **eliminate** millions of dollars in reimbursements to school districts and career technology centers. Beginning in 2023, county commissioners would have decided whether manufacturing businesses would qualify for an ad valorem tax exemption. If approved by the county, school districts and career technology centers would not have received a state reimbursement for the foregone property tax.

[HB2786](#) by Rep. Mark Vancuren, R-Owasso, and Sen. Chris Kidd, R-Waurika, would have mandated certain punishments for children in grades K-5 who "assault, attempt to assault, or act in a way that could reasonably cause bodily injury to a school employee or volunteer" and would have required the immediate removal of a child from the classroom.

- It would have mandated the school to either require in-school suspension or, prior to returning to the classroom:
 - require a mental health evaluation of the student by the Department of Mental Health and Substance Abuse Services; or
 - require presentation of a doctor's note reflecting evaluation by a pediatrician determining whether the student needs counseling; or
 - require a recommendation by the district that the student receive counseling prior to returning to the classroom and that the student provide proof of completion of services prior to returning.
- The school would not have been required to pay for the evaluations/ treatment.
- The school could have utilized out-of-school suspension in accordance with existing law.

[SB 441](#) rules- the Legislature believes they have one more legislative session to take action on the rules. There were no votes taken on the rules.

The FY21 Education Budget

	FY21	FY20	Change
State aid	\$2,300,970,699	\$2,411,771,057	(\$110,800,358)
Certified FBA	\$347,081,644	\$322,414,199	\$24,667,445
Support FBA	\$188,455,377	\$180,277,721	\$8,177,656
TRS Credit	\$34,000,000	\$24,175,685	\$9,824,315
Textbooks	\$33,000,000	\$33,000,000	
NBCT	\$2,000,000	\$2,950,000	(\$950,000)
Speech Path Bonus	\$2,900,000	\$3,625,000	(\$725,000)
State Education Department	\$15,027,640	\$16,246,097	(\$1,218,457)
School lunch	\$3,500,000	\$3,500,000	
SoonerStart/Early Intervention	\$14,400,341	\$14,400,341	
Reading Sufficiency Act	\$11,000,000	\$12,000,000	(\$1,000,000)
Early childhood initiative	\$12,000,000	\$12,000,000	
Alternative education	\$10,000,000	\$11,000,000	(\$1,000,000)
Testing	\$4,205,685	\$9,600,000	(\$5,394,315)
Secure Schools	\$2,350,000	\$3,000,000	(\$650,000)
Teach for America	\$2,000,000	\$2,000,000	
Advanced Placement	\$1,000,000	\$1,300,000	(\$300,000)
Great Expectations	\$300,000	\$400,000	(\$100,000)
TLE	\$125,000	\$250,000	(\$125,000)
OK Arts Institute		\$200,000	(\$200,000)
Street School	\$100,000	\$180,000	(\$80,000)
Teacher induction		\$150,000	(\$150,000)
Standards implementation		\$150,000	(\$150,000)
Ag in the Classroom	\$38,000	\$38,000	
Imagine Math		\$1,000,000	\$1,000,000