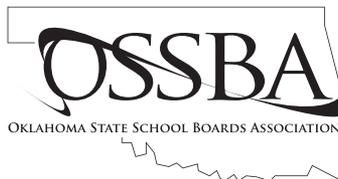


# LEGISLATIVE REVIEW

2020

Oklahoma State School Boards Association

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**  
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## Budget

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[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 HB 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 2741](#) by Rep. Kevin Wallace, R-Wellston and Sen. Roger Thompson, R-Okemah, increases the percentage of sales, individual income and corporate income tax revenue apportioned to Education Reform (HB 1017) Revolving Fund beginning Sept. 1, 2020 through the end of fiscal year 2022. The increases are offset by equivalent percentage reductions of revenue dedicated to the Teachers’ Retirement System of Oklahoma (OTRS). Collections would be restored to OTRS beginning FY 2023. Fiscal Impact: \$73,154,862.

**Effective 4/9/2020**

[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 Teacher’s Retirement. 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**

[HB 2742](#) by Rep. Kevin Wallace, R-Wellston, and Sen. Roger Thompson, R-Okemah, modifies the apportionment schedules of the insurance premium tax for fiscal years 2021 and 2022 by reducing the percentage apportioned to the Oklahoma Firefighters Retirement, Police Pension and Law Enforcement Employees Retirement Systems and directing a portion of each source to the 1017 Fund. Collections would be restored to the systems beginning FY 2023. Fiscal Impact: \$38,815,000.

**Effective 9/1/2020**

## **Other Finance Related Bills**

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[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 1803](#) by Sen. John Haste, R-Broken Arrow, and Rep. Tammy Townley, R-Ardmore, creates the Imagination Library Fund to help develop and promote the Imagination Library Program in Oklahoma. The fund is designed to encourage pre-school children to read by providing books to the homes of children age birth to five, on a monthly basis. The state Education Department is to manage and promote the program and oversee the fund. The program is to be funded by 50% private funds and 50% appropriated funds. The SDE is authorized to retain up to 10% of the money for operating expenses.

**Effective 8/27/2020**

### ***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

## Voucher Accountability

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[HB 1230](#) by Rep. Mark McBride, R-Moore, and Sen. Darrell 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 8/27/2020**

## Charter Schools

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[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.
- Clarifying and strengthening attendance policies for virtual charter schools.
- Protecting 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 to be more consistent with the funding mechanism for other public schools. It removes the mandate that virtual schools be funded based on weighted average daily membership multiplied by 1.333, except for the first year. It removes language directing the weighted membership of nonresident, transferred students enrolled in online courses 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% the 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 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**

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[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 to complete 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; if he or she submits a portfolio of work including evidence of progress toward standard certification to the SBE; if the employing district renews the contract for the ensuing fiscal year; if the superintendent provides a reason for the renewal; and if 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**

[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**

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[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-3<sup>rd</sup> grader found to not be meeting target reading levels shall be screened for dyslexia. The SDE must develop or identify 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 8/27/2020**

[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 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 services provider and at the district.

**Effective 7/1/2020**

[HB 3223](#) by Rep. Jon Echols, R-OKC and Sen. Darrell Weaver, R-Moore, allows schools and colleges that are authorized to dissect, operate upon, and experiment on bodies, to retain tissue from bodies and to donate the tissue to a person or entity for the purpose of training a dog to search for human remains. Tissue transferred to such a person or entity shall not be transferred, sold, or used for any other purpose than training dogs to search for human remains.

**Effective 11/1/2020**

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*The 2020 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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