



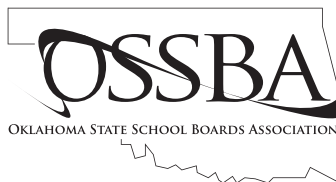
LEGISLATIVE REVIEW

2023

OSSBA

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

Common Education School Districts

FY 23 Supplemental Appropriations: \$131.7 million

- \$87.7 million ad valorem reimbursement
- \$44 million Redbud

FY 24 Appropriations: \$3,863,309,518

- HB 1004x is the General Appropriations bill that appropriates money to all state agencies.
- Includes appropriations approved as part of HB2901:
 - Formula funding: \$500 million increase
 - Redbud funding: \$125 million
 - Literacy pilot: \$3.3 million
 - Security pilot: \$50 million
- Flat budgets for textbooks/instructional materials and education employee flexible benefit allowance
- Public school activities budget of about \$121 million, an increase of \$3.1 million over last year. The changes include:
 - National Board Certified Teachers: \$530,000 decrease
 - Oklahoma School Security Initiative: \$1.4 million increase for school security grants outlined in state law
 - Metrics Software: \$2 million increase to fund “statistical software suite for data management, advanced analytics, multivariate analysis and predictive analytics”
 - Inhalers for all schools: \$250,000 increase to purchase inhalers pursuant to state law
- Language in SB 36x states the state Education Department “shall not decline, refuse participation in or choose not to apply for any federal grant funding that had been received by the agency prior to FY 23 without joint approval” from Senate and House leadership.

FY 25 Appropriations: \$53.3 million

- Literacy pilot: \$3.3 million
- Security pilot: \$50 million

FY 26 Appropriations: \$53.3 million

- Literacy pilot: \$3.3 million
- Security pilot: \$50 million

Career Technology and Higher Education

The proposed career technology budget includes an increased appropriation of about \$22.5 million over FY 23, which will cover the cost of pay raises for classroom instructional teachers.

The higher education budget includes a \$2.1 million appropriation increase for concurrent enrollment and \$17.4 million for the Inspired to Teach scholarship and incentive program.

Finance

[SB 317](#) by Sen. Dewayne Pemberton, R-Muskogee, and Rep. Chris Sneed, R-Fort Gibson, creates reporting requirements for any tax increment or incentive district that is operational for more than nine months. The report is due to the Oklahoma Department of Commerce by the city, town or county that is part of the TIF district each year and must be provided to the public upon request. The report due must include the parties receiving incentives or exemptions; a general description of the property and the improvements to be made; the portion and fair market value of the property to be exempted or that portion of the local taxes to be subject to incentives or to be exempted; the duration of the incentives or exemptions; any additional information necessary to demonstrate compliance with the tax incentives or exemptions; the name of the person who is currently in charge of the implementation of the plan; and the names of the persons who have disclosed an interest. **Signed 5/1/2023; Effective 11/1/2023.**

[HB 1445](#) by Rep. Melissa Provenzano, D-Tulsa, and Sen. Jessica Garvin, R-Duncan, requires the school district to post on its website any material change in the scope of the projects and their purpose as stated at the time the board of education calls the bond election. **Signed 5/2/2023; Effective 11/1/2023.**

[HB 1934](#) creates the Oklahoma Parental Choice Tax Credit Act, creating income tax credits for families who homeschool their children or send their children to private school. Qualified expenses for private school include tuition and fees, of \$5,000-\$7,500 based upon the student's household income ranging from less than \$75,000 and more than \$250,000. Students receiving Lindsey Nicole Henry Scholarship funds may also be eligible for the tax credits. Tax credits are capped at \$155 million for FY 24, \$205 million for FY 25, and \$255 million for FY 26 and beyond. Home school tax credits are \$1,000 per student annually and capped at \$5 million annually. **Effective beginning Tax Year 2024.**

[HB 2901](#) appropriates \$500 million to be distributed to public schools through the State Aid funding formula. The bill also appropriates \$125 million to the School Building Equalization Fund to be distributed to schools through the Redbud School Grants Program. The bill clarifies that, moving forward, if appropriations to the State Aid school funding formula and grants provided

through the Redbud School Grants Program fall below the amounts appropriated in the fiscal year ending June 30, 2024, the tax credits authorized through the Parental Choice Tax Credit Act (HB 1934) shall be reduced proportionately. **Signed 5/25/2023; Effective 7/1/2023.**

[HB 1120](#), part of the House and Senate Education budget plan, increased the Redbud funding level from the state average of nonchargeables to the highest possible percentage based on money available. The revenue source changed from marijuana tax collections to state appropriations, and finally 416 school districts are expected to receive Redbud money, 100 more school districts than the current school year. **Signed 5/25/2023; Effective 7/1/2023.**

[HB 1121](#), part of the House and Senate Education budget plan, provides six-weeks of maternity leave for full-time employees (mothers) who have been employed by the school district for at least one year (1,250 hours).

- Includes classroom instructional employees of Career Techs, Department of Rehabilitation Services, Department of Corrections, Office of Juvenile Affairs
- To be used immediately following the birth of the employee's child
- To be used in addition to and not in place of sick leave
- Cannot deprive employee of any compensation or other benefits that the employee is otherwise entitled
- Creates the Public School Paid Maternity Leave Revolving Fund and requires the Legislature to make an appropriation. If the fund lacks sufficient money, then the state Board of Education shall allocate funds from its public school activities budget
- Creates the Education Employee Paid Maternity Leave Revolving Fund at the Office of Management and Enterprise Services to reimburse paid maternity leave expenses for eligible teachers at career technology services and other state agencies that employ eligible teachers. **Signed 5/25/2023; Effective 7/1/2023.**

[SB 1119](#), part of the House and Senate Education budget plan, requires a teacher pay raise. It requires experienced-based raises for all certified employees including teachers, principals, supervisors, administrators, counselors, librarians, nurses (allows but does not require raises for superintendents and retired teachers who have returned to public school employment and are receiving a monthly retirement benefit) in the following amount:

- \$3,000 (0-4 years)
- \$4,000 (5-9 years)
- \$5,000 (10-14 years)
- \$6,000 (15+ years)
- Includes career technology center classroom instructional employees as well as teachers with the Department of Corrections, Office of Juvenile Affairs, and the Department of Rehabilitation Services;
- Adjusts minimum salary schedule;
- Certified employees employed by a district in 2022-2023 who are paid above the state minimum shall receive a salary increase amount equal to the amount indicated for the step level indicated for the person, provided they remain employed by the same district; and

- Off-the-formula school districts that do not receive Foundation or Salary Incentive Aid will receive funds to pay the salary increase from money allocated to the state Board of Education. **Signed 5/25/2023; Effective 7/1/2023.**

[HB 2902](#), part of the House and Senate Education budget plan, adjusts funding formula weights:

- Transportation 1.39 to 2;
- Economically disadvantaged .25 to .3; and
- Small school 529 ADM to 750 ADM. **Signed 5/25/2023; Effective 7/1/2023.**

Governance

[HB 1441](#) by Rep. Melissa Provenzano, D-Tulsa, and Rep. Adam Pugh, R-Edmond, modifies professional development for teachers, giving a lot of local control to the school district in determining the frequency of teacher professional development programs, except for federal professional development requirements. The bill caps professional development at 150 hours over a five-year period (local, state and federal). The following trainings are what have been modified and must occur the first year a teacher is employed by a district and then once every fifth academic year: training on the recognition of child abuse and neglect; training program emphasizing the importance of recognizing and addressing the mental health needs of students; training on bullying; suicide awareness and prevention; and drug and alcohol abuse. Digital teaching and learning shall be provided initially to new staff then at the discretion of the district. Teachers shall be required to maintain written documentation of all completed professional development. Finally, dysgraphia was added to the dyslexia program per HB 2678 (2022). **Signed 4/19/2023; Effective 7/1/2023.**

[SB 467](#) by Sen. Brenda Stanley, R-Midwest City, and Rep. Nicole Miller, R-Edmond, creates the Interstate Teacher Mobility Compact Act to facilitate and expedite the mobility of teachers through a collective regulatory framework amongst member states. The bill requires that licensure under the compact only pertains to initial granting of a license or certificate. It directs each member state to define, compile, and update a list of licenses that the member state is willing to consider for equivalency. It provides a process for licensure through the compact. The bill also directs the creation of the Interstate Teacher Mobility Compact Commission comprised of states that have enacted the compact. It provides for the commission's powers and duties, membership, meetings, and rule-making authority. **Signed 5/2/2023; Effective 7/1/2023.**

[HB 2678](#) by Rep. Rhonda Baker, R-Yukon, and Sen. Casey Murdock, R-Felt, would prohibit a person from serving on the state Board of Education if they are also on the board of education of a school district (not career techs) supervised by the state Board. **Signed 5/2/2023; Effective 11/1/2023.**

[HB 2314](#) by Rep. Kyle Hilbert, R-Depew, and Sen. Adam Pugh, R-Edmond, allows school districts to provide transportation to students living outside the boundaries of the district. **Signed 5/2/2023; Effective 7/1/2023.**

[HB 1029](#) by Rep. John Talley, R-Stillwater, and Sen. Brenda Stanley, R-Midwest City, requires the SDE Office of Federal Programs to adopt a standard form to be used by all school districts to identify students who are homeless children and youth. Beginning with the 2024-2025 school year, the form shall be completed annually at enrollment by the parent or legal guardian. Districts shall report the results to the SDE, in a manner prescribed by the SDE, by June 1 of each year. **Signed 5/2/2023; Effective 11/1/2023.**

[HB 2559](#) by Rep. Mark McBride, R-Moore, and Sen. Dewayne Pemberton, R-Muskogee, modifies the Oklahoma Future Teacher Scholarship Program (passed into law last year) and renames it the Inspired to Teach Program. Eligibility requirements for the program no longer include that an applicant graduate from an Oklahoma high school. It allows homeschooled students and students who complete the GED to apply. The definition of “full-time student” is modified to include: an undergraduate student enrolled in 12 or more credits required for their degree; an undergraduate student enrolled in a teacher education program who has completed an internship or teaching credit hours and has been approved to take fewer than 12 credit hours; and an undergraduate student enrolled in a teacher education program with a documented disability who has been approved to take fewer than 12 credit hours. Funds for the program were appropriated through SB 28x in the amount of \$17.4 million). **Signed 5/15/2023; Effective 11/1/2023.**

[HB 2180](#) by Rep. Dick Lowe, R-Amber, and Sen. Kristen Thompson, R-Edmond, requires a student enrolled in a virtual charter school alternative education program and who attends a full abbreviated day (meaning 189 hours per quarter or 756 hours per school year) to be counted in full attendance for purposes of computing the average daily attendance and average daily membership. Further, if a student attending a virtual charter alternative education program is reported for truancy twice in the same year, the bill allows the school to seek a waiver on the student’s behalf allowing the student to continue attending the school. Current law prohibits a student from re-enrolling in the same school after two truancy violations in one year. **Signed 6/7/2023. Effective 11/1/2023.**

[HB 2679](#) by Rep. Rhonda Baker, R-Yukon, and Sen. Dave Rader, R-Tulsa, extends the teacher certification pathways pilot program to July 1, 2026, and allows the provider of a teacher certification pathways pilot program to establish a partnership with a college or university, or within an existing novice teacher support program. **Signed 6/7/2023. Effective 7/1/2023.**

[SB 110](#) by Sen. Darrell Weaver, R-Moore, and Rep. Dick Lowe, R-Amber, requires the state Board of Career and Technology Education to divide the territory of a technology center school district with a population of more than 225,000 electors into board zones. Beginning July 1, 2024, the boards of education of each of those Career Tech districts may pass a resolution to continue electing all board members at large, or to require a board member be elected from each district zone. **Signed 6/7/2023; Effective 7/1/2024.**

[SB 677](#) by Senate Pro Tempore Greg Treat, R-Edmond, and Rep. Nicole Miller, R-Edmond, stipulates that the place of residence and mailing address of those

filing Declarations of Candidacy will remain confidential but may be provided to any lawful authority as part of a contest of candidacy or contest of election. It also requires people filing Declarations of Candidacy to provide a voter registration verification form, provided by the Secretary of the Election Board. **Signed 6/7/2023; Effective 6/7/2023.**

[SB 516](#) by Sen. Adam Pugh, R-Edmond, and Rep. Jon Echols, R-OKC, drastically changes the law around charter school sponsoring and authorizing.

- Creates a nine-member statewide charter school board to sponsor all statewide virtual charter schools and allows sponsorship of brick-and-mortar charter schools beginning July 1, 2024.
- It prohibits a member of the Legislature from serving on the board during or two years after his/her term of office expires.
- Removes career technology centers and the State Board of Education as charter school authorizers.
- Directs the Statewide Charter School Board rather than the SDE to provide training to charter school applicants.
- Allows private colleges and universities to become charter school authorizers.
- Removes a requirement that charter school applicants provide demonstration of local support.
- Requires virtual charters to include data about mobility of the student population in their performance framework.
- Restores the prohibition on a charter school from offering curriculum that is the same or similar to the Oklahoma School for the Deaf or Blind.
- Requires (beginning July 1, 2024) charter school applicants to first seek sponsorship from the local school district. If denied, they have 60 days to resubmit. If denied again, the applicant may submit the application to any authorized sponsor.
- Contract terms are initially five years with successive 10-year contract terms.
- Prohibits the Statewide Charter School Board from charging the charter school a fee for administrative or other services.
- Allows the sponsor to approve or deny proposed contracts between the charter school governing board and an educational management organization.
- Requires all of the board members of the charter school to be residents of the state and shall meet no less than 10 months per year in a public meeting within the school district boundaries, or within the state if the board oversees multiple charters. The members of the board would be subject to the same conflict of interest requirements as local school board members and subject to the same instruction and continuing education requirements.
- Requires a charter sponsor to create a separate performance framework for a school designated as an alternative education program.
- Removes the requirement for any school contracting with an EMO to use OCAS to report the total compensation package of the superintendent.
- Requires the charter to be as equally free and open to all students as traditional schools.
- Directs that the Statewide Charter School Board give priority to opening

charter schools that serve at-risk student populations or students from low-performing traditional public schools.

- Requires a school district that proposes a bond to include a charter school located in its district in planning conversations for the bond. **Signed 6/5/2023; Effective 9/1/2023 for Sections 1, 2, 3 and 21. Effective 7/1/2024 for all other sections.**

Curriculum and Graduation Requirements

[HB 1041](#) by Rep. Randy Randleman R-Eufaula, and Sen. Brenda Stanley, R-Midwest City, creates an alternative diploma, with alternative requirements, for severely disabled students who participate in the Oklahoma Alternate Assessment Program beginning with the 2023-2024 school year. The bill clarifies that students participating in the alternative assessment program will not be precluded from attempting to meet the requirements of a standard diploma. The alternate diploma must be standards-based aligned with requirements for a standard diploma and must be obtained by the school year in which the student turns 22. It shall not terminate FAPE (Free Appropriate Public Education) for students with an IEP unless they reach the maximum age of FAPE. The IEP team determines subsequent courses and services for students who receive an alternate diploma. Least restrictive environment requirements still apply. **Signed 4/19/2023; Effective 7/1/2023.**

[SB 429](#) by Sen. John Michael Montgomery, R-Lawton, and Rep. Trey Caldwell, R-Lawton, allows public schools students, including public university students, to wear tribal regalia to graduation ceremonies, whether held at a public or private location. **Law via veto override 5/25/2023; Effective 7/1/2023.**

[HB 2265](#) by Rep. Ronny Johns, R-Ada, and Sen. Darrell Weaver, R-Moore, allows schools to offer an elective course in law enforcement to 11th and 12th grade students. The state Board of Education may coordinate with the Council on Law Enforcement Education and Training (CLEET) to develop instructional materials. **Signed 5/2/2023; Effective 11/1/2023.**

[HB 1397](#) by Rep. Mark Lepak, R-Claremore, and Sen. Micheal Bergstrom, R-Adair, requires the SDE to develop and make available to every public school a curriculum that may be taught as a stand-alone unit or integrated into other courses of study, studying the events of the civil rights movement from 1954-68, the natural law and natural rights principles that Dr. Martin Luther King Jr. drew from that informed his leadership. Also included is the study of other acts of discriminatory injustice committed around the world. **Signed 5/2/2023; Effective 11/1/2023.**

[SB 93](#) by Sen. Dave Rader, R-Tulsa, and Rep. Anthony Moore, R-Clinton, would require students to complete the Free Application for Federal Student Aid (FAFSA) to graduate from high school. The bill includes opt-out provisions if submitted by a parent, adult student or a counselor. **Signed 5/5/2023; Effective 7/1/2023.**

[SB 1118](#) part of the House and Senate Education budget plan, is a literacy pilot program, funded at \$10 million over 3 years for literacy instruction teams to support school districts. Teams will be placed regionally with a minimum of five regional literacy leads and 10 literacy specialists. **Signed 5/25/2023; Effective 7/1/2023.**

Health, Safety and Security

[HB 1542](#) by Rep. Anthony Moore, R-Clinton, and Sen. Brenda Stanley, R-Midwest City, grants civil immunity to any restaurant/school that donates prepared foods at no charge. A school will not be liable for damages caused by the condition of the donated food unless it is grossly negligent, intentional in its actions or knew or should have known about the condition of the food that resulted in the damages. **Signed 4/19/2023; Effective 11/1/2023.**

[HB 2472](#) by Rep. Nick Archer, R-Elk City, and Sen. Lonnie Paxton, R-Tuttle, allows public entities to make an initial payment for a performance-based efficiency contract from any funds available at its disposal. Such payments are required to be offset by savings to the public entity over the term of the agreement. **Signed 4/26/2023; Effective 4/26/2023.**

[HB 2165](#) by Rep. Cynthia Roe, R-Lindsay, and Sen. Bill Coleman, R-Ponca City, requires an individual who is under 21 who purchases, receives, or possess a tobacco, nicotine, or vapor product or attempts to purchase any of these products using false proof of age to complete an education or tobacco use cessation program approved by the court. If the violator fails to complete the court ordered program, a fine not to exceed \$50 may be imposed or a fine not to exceed \$100 may be imposed for subsequent offenses. The violator may also be required to complete a community service program or other appropriate programs or services as the court orders. To ensure all programs and court orders are followed, the court will have jurisdiction over the violator for 12 months. The measure authorizes cities and towns to enact and municipal police officers to enforce ordinances that prohibit and penalize conduct that violates this law. **Signed 5/1/2023; Effective 11/1/2023.**

[SB 147](#) by Sen. Carri Hicks, D-OKC, and Rep. Eddy Dempsey, R-Valiant, amends the Diabetes Management in Schools Act. It requires diabetes medical management plans to indicate whether the parent or legal guardian of a student with diabetes has given written consent for a school nurse, trained school employee, or volunteer diabetes care assistant to administer glucagon to a student experiencing a hypoglycemic emergency or if the student's prescribed glucagon is not available or has expired. The bill allows a school district board of education to elect to stock glucagon and adopt a related policy. It also states that written consent and a waiver of liability for administration of glucagon will be effective for the school year and must be renewed each subsequent school year. The bill allows a licensed physician to write a prescription for glucagon to a school district. **Signed 5/2/2023; Effective 7/1/2023.**

[SB 710](#) by Sen. Paul Rosino, R-OKC, and Rep. Rhonda Baker, R-Yukon, authorizes school nurses or any person designated by the school district to administer an emergency opiate antagonist regardless of whether there is a prescription or standing order in place and provides immunity to the school and its employees or designees who administer the drug in the event of a suspected opioid overdose. **Signed 5/5/2023; Effective 5/5/2023.**

[HB 1634](#) by Rep. Clay Staires, R-Skiatook, and Rep. Micheal Bergstrom, R-Adair, allows for search of shoes, hand and head coverings of students, except religious head coverings. It allows the school superintendent to designate school personnel to transport certain items seized from school sites to a centralized location within the school district or to local law enforcement offices for lawful disposal. While in transport, the designated school personnel shall carry their school identification and a letter from the superintendent confirming their authority to transport the items for disposal. All items transported shall be transported in a locked container. **Signed 5/15/2023; Effective November 1, 2023.**

[SB 26](#) by Sen. Dewayne Pemberton, R-Muskogee, and Rep. Neil Hays, R-Checotah, amends language related to designation and use of restrooms or changing areas for the exclusive use of the male or female sex. The bill provides an exception for a coach entering a locker room before, during, or after an athletic activity when all students are fully clothed, provided that the coach is accompanied by at least one more adult at all times (cannot be a high school student). If the coach is of the opposite sex as the athletic team, then the coach shall be accompanied by someone of the same sex as the team. **Signed 5/25/23. Effective July 1, 2023.**

[HB 2903](#), part of the House and Senate Education budget plan, creates the School Resource Officer (SRO) Pilot Program Bill. It creates the school security revolving fund; defines SRO as a law enforcement officer with sworn authority and training in school-based law enforcement and crisis response who is assigned by an employing law enforcement agency to work collaboratively with one or more schools using community oriented policing concepts. It requires the SRO to receive certain training, including active shooter training. It also allows supplemental expenses including physical security enhancements (school resource officers, cameras, gates, lighting, locks, doors, windows, security geofencing, and ballistic storm shelters). The bill contains supplement not supplant language and provides about \$96,000 per district per year (three years total). **Signed 5/25/2023; Effective 7/1/2023.**

[HB 2904](#) appropriates \$150 million to School Security Revolving Fund in HB 2903. **Signed 5/25/2023; Effective 7/1/2023.**

[SB 100](#) by Sen. Dewayne Pemberton, R-Muskogee, and Rep. Dick Lowe, R-Amber, requires each school district by July 1, 2026, to undergo a risk and vulnerability assessment conducted by the Oklahoma School Security Institute (OSSI) or a nationally qualified risk and vulnerability assessor. The assessment and recommendations may be kept confidential and not subject to the Open Records Act. The assessment shall include recommendations to increase security of school district property. A district is exempt if they have completed an assessment within two years prior to the effective date of the bill. Schools shall conduct re-assessments every five years after the initial assessment. To be eligible for an OSSI Grant Program award, a career tech center or public school shall complete a risk and vulnerability assessment conducted as described above; and agree to expend grant funds on items recommended by the assessment and/or to provide de-escalation and behavioral threat assessment and management training to employees. Recommended items eligible for grant fund expenditures may include, but shall not be limited to, physical security enhancements such as cameras, gates, lighting, locks, doors, windows, security, geo-fencing and ballistic storm shelters. **Signed 6/6/2023; Effective 7/1/2023.**



The 2023 Legislative Review is not all inclusive of every new law affecting 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.

