

RAO Legislative Update (Thursday, May 13, 2021)

New Laws as of (5.10.21)

[HB1014](#) – Makes all records in the State Department of Health’s possession, concerning any person who has participated in a public health investigation or who may have any communicable or noncommunicable disease, which is required to be reported by law, confidential records of the department and outside the scope of the Oklahoma Open Records Act. These records may be released pursuant to existing allowances, so long as the release is in accordance with the Health Insurance Portability and Accountability Act (HIPAA) of 1996. Additionally, students having a communicable disease will be prohibited from attending a private or public school, with enforcement responsibility being placed with the school, rather than the teacher. Clarifies that a student may return to school with permission from the local county health department or State Department of Health. Now in effect.

[HB1046](#) – Requires each school district to post a copy or hyperlink of the most recent financial audit on the front page of its website. Effective November 1, 2021.

[HB1103](#) – Requires public schools to administer the Oklahoma Prevention Needs Assessment (OPNA) survey every two years beginning in the 2022-2023 school year, for the purpose of improving student mental health and substance abuse outcomes. Requires the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) to assist in administering the survey, maintain all collected data, and develop a waiver process allowing schools to administer an alternate assessment to meet the requirement. Lastly, the Assessment will only be administered as federal funding is available. Effective November 1, 2021.

[HB1104](#) – Requires schools to collect student tribal affiliation data alongside other demographic data collected as part of the “Student Data Accessibility, Transparency and Accountability Act of 2013”. Effective 90 days after Sine Die.

[HB1568](#) – Creates Maria’s Law, requiring the State Board of Education to mandate that all schools provide instruction in mental health, emphasizing the interrelation between physical and mental well-being, beginning with the 2022-2023 school year. Requires the Board, in consultation ODMHSAS, to revise the Oklahoma Academic Standards for Health and Physical Education and develop age-appropriate resources for students in grades K-12, which will be made available on the Department of Education website. Additionally, local school districts may enter into agreements with nonprofits and other community partners to provide this education to students. Directs the Board to develop rules to implement the provisions. Effective November 1, 2021.

[HB1593](#) – Revises the frequency for certain professional development requirements including training on the importance of digital teaching and learning standards, recognizing and addressing the mental health needs of students, emphasizing the importance of incorporating workplace safety training into curriculum, and in-service training on alcohol and drug abuse.

Each training program must be completed during a teacher's first year of employment at a district and be retaken at specified intervals. Effective November 1, 2021.

[HB1643](#) – Creates a crime for “doxing”, or otherwise using an electronic device to knowingly publish personally identifiable information of a peace officer or public official and causing reasonable fear of death or serious bodily injury. The crime is a misdemeanor punishable by up to 6 months in the county jail, a fine of up to \$1,000 or both. A second or subsequent offense is punishable by up to 1 year in the county jail, a fine of up to \$2,000 or both. Allows elected county officials and peace officers to request that the county assessor not make their information available on the internet. Effective November 1, 2021.

[HB1715](#) – Repeals the requirement that students must pass the 8th grade English Language Arts (ELA) test to receive their driver's permit. Now in effect.

[HB1775](#) – Prohibits any employee of a school district, including a charter school, from requiring or incorporating certain course material related to inherent superiority or inferiority on the basis of race or sex. Clarifies that this prohibition does not apply to concepts aligned to the Oklahoma Academic Standards. Additionally, the bill prohibits any institution of higher education from requiring any employee or student to engage in any form of mandatory sexual diversity training or counseling, provided voluntary counseling be allowable. Lastly, the State Board of Education and the State Regents for Higher Education must develop rules to implement these provisions subject to Legislative approval. Effective November 1, 2021.

[HB1789](#) – Permits local governmental units to create or contract with a purchasing cooperative to achieve better value or terms in contracts. Any purchasing cooperative or interlocal cooperative may use a single legal newspaper of the state to meet the notice and publication requirements for statewide purchasing projects, and a newspaper within the boundaries of the cooperative to meet notice requirements for local or regional projects. Effective November 1, 2021.

[HB1876](#) – Clarifies that personal information of current and former public employees, such as teachers and other school staff, including home addresses, home phone numbers, Social Security numbers, private email addresses and mobile numbers are not open to public inspection or disclosure, with the exception of public records created using a private email address or mobile phone. Now in effect.

[HB1963](#) – Requires the Governor to make a temporary appointment for a local school board should the board ever have insufficient membership to attain a quorum and conduct business. Effective November 1, 2021.

[HB1967](#) – Requires a school bus driver witnessing a vehicle passing a bus while loading or offloading students to report this traffic violation on or before the end of the next business day, rather than within 24 hours. Effective November 1, 2021.

[HB1968](#) – Eliminates duplicative annual school expenditures report for Gifted and Talented (GT) programs that must be provided to OSDE by August 1. Effective upon its passage and approval.

[HB2030](#) – Requires the Oklahoma subject matter standards for history, social studies, and U.S. Government to include the study of important historical documents, including the Constitution, Declaration of Independence, Emancipation Proclamation, and Federalist Papers; simulations of the democratic process; and lessons on the structure and relationship between the levels of government. Beginning with the class of 2021, students are required to earn a passing score of 60 out of 100 questions on the United States naturalization test to graduate high school. School districts must offer the test at least once per year, beginning as early as eighth grade, and provide retakes as often as requested until a passing score is earned. Students with disabilities who are assessed through the Oklahoma Alternate Assessment Program (OAAP) are exempt from the requirement. Effective November 1, 2021.

[HB2078](#) – Revises the calculation of Oklahoma’s school funding formula beginning with the 2022-2023 school year, requiring that Initial State Aid be allocated based on the weighted average daily membership (WADM) from the preceding school year rather than the higher of the prior two years. Requires that the mid-year adjustment be allocated based on either the WADM of the first nine weeks of the current school year, or the WADM of the preceding school year, whichever is higher, rather than the highest WADM of the current or prior two school years. Lastly, the allowable percentages of general fund carryover are increased from between three and eight percent, depending on the general fund collections of the district, and excess carryover penalties for fiscal years 2024 and 2025 are waived. The bill’s provisions are contingent on the enactment of S.B. 783. Effective July 1, 2022.

[HB2465](#) – Permits the Department of Public Safety to approve and enter into agreements with local school districts, the Oklahoma Department of Career and Technology Education, or institutions of higher education to act as approved written examination proctors with regard to any original Class A, B, C or D driver license. Now in effect.

[HB2749](#) – Requires school districts receiving more than \$2,500 in Reading Sufficiency Act (RSA) appropriations, to spend a minimum of 10% of those funds on professional development on the Science of Reading for pre-k through fifth grade teachers beginning in the 2022-2023 school year. The professional development must include training on the cognitive science of how students learn to read, and be selected from an approved list of evidence-based programs compiled by the State Department of Education prior to June 30, 2022. Effective 90 days after Sine Die.

[HB2862](#) – Raises the thresholds for competitive bidding requirements. For public construction contracts, the amount is raised from \$50,000 to \$100,000. The limit that may be negotiated with a qualified contractor is raised from \$5,000 to \$10,000. The limit on contracts under an emergency authority declared by the governing body of a public agency is raised from \$75,000 to \$150,000. Effective November 1, 2021.

[SB13](#) – Requires a teacher whose certificate is suspended by the State Board of Education to be placed on suspension while proceedings for revocation or other action are pending before the Board. These actions do not preclude the initiation of due process procedures under the Teacher Due Process Act. Effective July 1, 2021.

[SB21](#) – Requires, rather than permits, local boards of education to adopt a policy regarding district-wide suicide awareness training for staff, beginning in the 2021-2022 school year. Districts may provide suicide awareness training to students grade 7-12 beginning in the 2022-2023 school year. Effective July 1, 2021.

[SB22](#) – Requires a local school board electing to dispose of real or personal property under lease to provide the right of first refusal to purchase the property to the current lessee. If the board receives an offer for the property, it must provide notice to the current lessee, allowing thirty days after receipt of the notice to inform the board whether the lessee will purchase the property on the same terms and conditions in the notice, provided any non-cash consideration may be paid in cash at fair market value. Effective July 1, 2021.

[SB68](#) – Allows the children of active duty military personnel to pre-enroll in a local school district prior to moving to Oklahoma and be considered in compliance with school residency requirements prior to arrival. Effective July 1, 2021.

[SB69](#) – Allows the children of active duty military personnel to pre-enroll in statewide virtual charter schools prior to moving to Oklahoma and be considered in compliance with school residency requirements prior to arrival. Effective July 1, 2021.

[SB89](#) – Creates the Health Education Act, requiring that all PK-12 students receive instruction on the Oklahoma Health Academic Standards beginning in the 2023-2024 school year. Directs the Department to develop a micro-credential for teachers assigned the responsibility of teaching health education and to create professional development programs to help teachers provide health education instruction. Teachers providing stand-alone health education courses must be certified in physical or health education and the Department may issue 2-year provisional certificates in this area. Effective July 1, 2021.

[SB90](#) – Provides that an affidavit of publication provided by a publisher or authorized employee will constitute conclusive proof that the newspaper has published the notice, advertisement, or publication. This provision applies to required school district publications, such as advertising general obligation bonds for construction projects prior to an election. Effective November 1, 2021.

[SB104](#) – Authorizes physical therapy sessions to be provided in person or remotely via telehealth to individuals or groups and defines telehealth and telecommunication. Effective November 1, 2021.

[SB121](#) – Requires local boards of education to adopt a policy allowing school employees who are lactating to take paid break time to maintain their milk supply and comfort. This break time may run concurrently with any break time already provided to the employee and the board must make a reasonable effort to provide a private, sanitary room for expressing milk or breastfeeding. Effective July 1, 2021.

[SB128](#) – Creates the Seizure-Safe Schools Act, requiring each school site with a student who is known to have a seizure disorder, to have at least one employee who has training to administer or assist with self-administration of seizure medication and recognize symptoms of seizures and take steps to respond by Jan. 1, 2022. The State Board of Education may develop rules to assist in the development and implementation of the program. Lastly, school employees who take actions in compliance with the act are exempt from disciplinary proceedings and will have immunity from civil liability. Now in effect.

[SB132](#) – Amends the Oklahoma Higher Learning Access Program (OHLAP) to allow students in public or private high schools to enroll in the program prior to their eleventh-grade year, instead of prior to their tenth grade year, or prior to turning 16-years-old if educated by other means. Effective July 1, 2021.

[SB252](#) – Requires all public high schools to offer a minimum of one grade-appropriate computer science course to students each year. All public middle and elementary schools must offer instruction aligned to the Oklahoma Academic Standards for Computer Science, which may be offered through a stand-alone course or within an existing course. These requirements are to take effect beginning in the 2024-2025 school year. Starting June 30, 2025, each school district will submit an annual report to OSDE regarding the computer science courses offered. Effective November 1, 2021.

[SB267](#) – Beginning July 1, 2021 a retired teacher may return as a classroom teacher with no earnings limitation provided they have been retired for at least one year and have not been employed at a school district during that time. The bill's provisions expire after three years. Effective July 1, 2021.

[SB302](#) – Grants visiting teams in all regular high school athletic competitions the same rights to radio broadcast, video stream, and telegraphic play-by-play accounts as the home team beginning in the 2021-22 school year, provided the visiting team has either a valid agreement between a media organization and the school's board of education, or a curricular program for providing home game streaming to students. Effective July 1, 2021.

[SB317](#) – Allows anyone aged 16 or older currently enrolled in high school and a work-ready program, to be licensed as a student electrical intern under the Construction Industries Board (CIB) after completing a national criminal background check as required by the Board. A student intern certificate will be effective for one year, separate from the existing apprenticeship certificate, and issued upon payment of a fee after meeting requirements prescribed by the Board. Lastly, places of cap of one intern per physical job site under direct supervision by a

single journeyman or contractor, provided the intern will not count towards the cap on apprentices allowed to work under a single supervisor. Interns are prohibited from working on high voltage systems defined by the National Electrical Code. Effective November 1, 2021.

[SB347](#) – Prohibits municipalities and political subdivisions from holding elections on the second Tuesday of December 2021, the second Tuesday of January 2022, or the first Tuesday of March 2022, for the offices of U.S. Representative, State Senator, State Representative and County Commission districts. Following the reapportionment of these districts the State Election Board will need time to properly implement new voting precincts. The second Tuesday of June of odd-numbered years is exempt from this prohibition for the purpose of holding a special election to fill a vacancy in any county, school district, technology center school district, municipality, fire protection district or other political subdivision authorized to call elections. Now in effect.

[SB403](#) – Makes it unlawful for any person(s) to interfere with or disrupt the business or public meetings of a political subdivision. Now in effect.

[SB619](#) – Permits the governing body of any school to obtain liability insurance coverage to protect a student who participates in an apprenticeship, internship or mentorship program. Prohibits schools from charging the student or parent for the cost of providing insurance. Authorizes the State Board of Education to develop rules to review apprenticeships, internships and mentorships to determine if they are eligible for academic credit toward graduation. Effective July 1, 2021.

[SB642](#) – Requires school districts to provide all students grades 10 through 12 an opportunity to take the Armed Services Vocational Aptitude Battery (ASVAB) Test and consult with a military recruiter beginning in the 2021-2022 school year. Effective July 1, 2021.

[SB683](#) – Retroactively removes the requirement that full-time non-classified optional personnel be regularly employed for more than one year to participate in the Oklahoma Teachers Retirement System (OTRS) from August 2, 1969 through the bill's effective date. Upon the effective date, current personnel who are regularly employed for at least 20 hours per week will have thirty days to opt out of the System or be enrolled automatically. The option for membership and the ensuing thirty-day opt out window will also apply to all eligible new hires. Effective July 1, 2021.

[SB783](#) – Enacts significant reforms to Oklahoma's school transfer statutes, namely, revising the guidelines for accepting and denying student transfers, limiting students to a maximum of two out-of-district transfers per school year, requiring school districts to list enrollment capacities on their websites and to report transfer approvals and denials to the State Department of Education, which must in turn post the information on its website and share it with OEQA. The bill creates a two-level appeal process for transfer denials, beginning with local school boards and ending with the State Board of Education. Lastly, the state's emergency transfer law is repealed. The bill's provisions are contingent on the enactment of H.B. 2078. The revised

transfer provisions and requirements will take effect beginning on January 1, 2022. Now in effect.

[SB807](#) – Requires that school support employees be entitled to pay for any time lost when a school district is closed due to an epidemic or order issued by an authorized health officer. Effective July 1, 2021.

[SB809](#) – Adds campus police officers, including school resource officers, to the list of officers entitled to receive the continued custody and possession of the sidearm and badge upon retirement due to length of service, beginning November 1, 2021. Now in effect.

[SB980](#) – Adds the offenses of child sexual exploitation or permitting child sexual exploitation and soliciting sexual conduct or communication with a minor by use of technology to the list of crimes allowing the court to authorize law enforcement to intercept wire or electronic communications. Effective November 1, 2021.

[SB1031](#) – Extends many of the Open Meeting Act flexibilities for public bodies to hold meetings by teleconference or videoconference put into place last session and that expired Nov. 15, 2020. To ensure virtual meetings remain transparent and accessible to the public, new requirements have been implemented including a requirement that documents and other materials be provided on a public body's website and that meetings with a videoconference option ensure the option is indeed provided, alongside access codes or passwords as necessary. These exemptions are to remain in effect until Feb. 15, 2022, or until 30 days after the expiration of the Governor's COVID-19 state of emergency, whichever occurs first. Took effect on February 10, 2021.