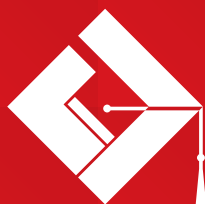


# 2018 LEGISLATION



OKLAHOMA STATE DEPARTMENT OF  
**EDUCATION**  
— CHAMPION EXCELLENCE —



2018 LEGISLATION

JOY HOFMEISTER  
STATE SUPERINTENDENT *of* PUBLIC INSTRUCTION  
OKLAHOMA STATE DEPARTMENT *of* EDUCATION

Dear Educator:

The Oklahoma State Department of Education is excited to provide to you the **4<sup>th</sup> Annual Red Banner Book** as a resource to help you stay informed of state education legislation.

New laws that emerge from legislative session each year can be overwhelming. The impact on districts, schools and classrooms across Oklahoma can be significant or minimal, immediate or delayed, positive or troubling — but there is one constant: You need to know the law.

This book is not intended to be all-inclusive nor serve as legal advice, but it will give you a general overview of this year's new laws and legislative actions affecting public education.

This year we are excited to report landmark legislation to give all certified educators a significant pay raise, on average \$6,100, and \$1,250 for each support employee (H.B. 1023xx and H.B. 1026xx). Additionally, the Legislature approved the largest budget for common education in state history – more than \$2.9m including an increase in funding to the State Aid Formula and the restoration of \$33m for textbooks and instructional materials (S.B. 1600).

Thank you for your service to the children of Oklahoma. You already have so much to navigate, and an onslaught of new requirements doesn't make things any simpler.

Please remember that the Oklahoma State Department of Education is here to serve you. I hope to hear your questions, concerns and ideas. Never hesitate to get in touch.

Thank you,

A handwritten signature in black ink, reading "Joy Hofmeister".

Joy Hofmeister  
State Superintendent of Public Instruction



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## **H.B. 1155**

RE: H.B. 1155

SUBJECT: State employee salaries and classifications

House Bill 1155 becomes effective November 1, 2018. This bill requires the Office of Management and Enterprise Services to report all increases in wages or changes in title or classification of state employees.

- Section 1(G): Requires the Office of Management and Enterprise Services to file a quarterly report listing, by agency, all increases in wages, salaries or rates of pay and any changes to title or classification of each employee.
  - Requires the report to be submitted to the Governor, President Pro Tempore of the Senate and Speaker of the House.

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 74 O.S. §840-2.17



## H.B. 1280

RE: H.B. 1280

SUBJECT: Professions and Occupations

House Bill 1280 becomes effective November 1, 2018. This bill expands the powers of the Construction Industries Board to expand course offerings and promote workforce opportunities.

- Section 1(A): Expands the powers of the Construction Industries Board (CIB) to include the authority to enter into contracts with the Oklahoma Department of Career and Technology Education or any vocational school, technical school or education institution receiving state appropriations which offers secondary and postsecondary coursework in electrical, mechanical, plumbing or roofing trades for the purpose of:
  - Developing and implementing instructional courses on state statutes and rules or statewide-adopted trade codes in order to advance identified trades, or
  - Developing and implementing a workforce development program that may consist of community and school presentations.
- Section 1(C): Allows transfers to the Skilled Trade Education and Workforce Development Fund for the purposes of developing instructional materials on laws, statutes and rules for the identified trades and for equipment, materials, personnel and other costs for curriculum and implementation of the workforce development program.
- Section 1(D): Requires the Skilled Trade Education and Workforce Development Fund to be used only for the advancement of trade-related education and workforce development.
- Section 1(E): Creates the “Skilled Trade Education and Workforce Development Fund” which will consist of annual transfers from fines received by the Mechanical Licensing, Electrical, Plumbing or Roofing Contractor Revolving Funds. All funds are to be spent by the CIB for workforce development for the identified skilled trades and the contract defined in Section 1.

Should you have any questions related to this bill, please contact Dr. Cindy Koss, Deputy Superintendent of Academic Affairs and Planning, at (405) 522-6369 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 59 O.S. §1000.4a

Amendment to: 59 O.S. §1018, 1151.20, 1694, 1850.13



## H.B. 1334

RE: H.B. 1334

SUBJECT: Powers of school district boards

House Bill 1334 becomes effective August 2, 2018. This bill allows a board of education to convey real property to an Indian housing authority.

Current law allows for a board of education to dispose of personal or real property no longer needed by the district by sale, exchange, lease, lease-purchase, sale and partial lease back, or other method, allowing for real property to be conveyed to a local political subdivision or institution within the State System of Higher Education.

- Section 1(A)(11): Adds the ability for a board of education to convey real property to an Indian tribe, band or nation housing authority within the state.

Should you have any questions related to this bill, please contact Ms. Renee McWaters, Executive Director of State Aid, at (405) 522-0124 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §5-117

Helpful statutory reference: 63 O.S. §1057



## H.B. 1340

RE: H.B. 1340

SUBJECT: Public Retirement Systems

House Bill 1340 becomes effective September 1, 2018. This bill requires public retirement systems to make a one-time distribution to its retired members as of October 1, 2018.

- Section 1: States legislative findings that, “a benefit increase which balances the financial concerns of the retiree populations with the obligation to ensure funding adequacy for the retirement systems is consistent with [the Legislature’s] obligations with respect to prudent and conservative management.”
- Section 2(f): Expands the definition of “nonfiscal retirement bill” to include a bill that provides for a one-time increase in retirement benefits, does not result in a permanent increase in the gross annual retirement benefit and occurs only once according to statutory authorization which does not exceed
  - the lesser of 2% of the gross annual retirement benefit of the member or \$1,000 if the funded ratio of the retirement system would not be less than 60% and not greater than 80% after the benefit increase is paid;
  - the lesser of 2% of the gross annual retirement benefit of the member or \$1,200 if the funded ratio of the retirement system would be greater than 80% and not greater than 100% after the benefit increase is paid; or
  - the lesser of 2% of the gross annual retirement benefit of the member or \$1,400 if the funded ratio of the retirement system would be greater than 100% after the benefit increase is paid.
  - “Funded ratio” is defined to mean the figure derived by dividing the actuarial value of assets of the applicable retirement system by the actuarial accrued liability of the applicable retirement system.
  - NOTE: The Oklahoma Teachers’ Retirement System had a funded ratio of 70.4% as of June 30, 2017.
- Section 3(A): Defines “public retirement system” to include The Teachers' Retirement System of Oklahoma, among others.

- Section 3(C): Requires a public retirement system to make a one-time distribution to its retired members if the member has been retired for five years or more as of October 1, 2018.
- Section 3(E): Requires increases in retirement benefits to be provided by specific authorization of law.
- Section 3(F): Prohibits increases in retirement benefits from being provided more than once every two years. Requires the increase in benefits to members retired for at least 20 years to be not less than \$350.

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law not codified

New law at: 62 O.S. §3501

Amendment to: 62 O.S. §3103



## H.B. 2009

RE: H.B. 2009

SUBJECT: State Department of Education

House Bill 2009 becomes effective August 2, 2018. This bill requires the OSDE to publish a report of all salary increases for school personnel.

- Section 1: Requires the Oklahoma State Department of Education (OSDE) 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 for school district employees.
  - Requires the report is to be published within one click of the homepage.
  - Job class changes that did not result in an increase in pay are to be excluded.
  - Requires the OSDE to publish the information within 60 days following the submission of the July 15 personnel reports.

Should you have any questions related to this bill, please contact Ms. Heather Butler, Director of School Personnel, at (405) 521-3360 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. §3-104.9





## H.B. 2082

RE: H.B. 2082

SUBJECT: Election dates

House Bill 2082 becomes effective November 1, 2018. This bill changes the requirements for dates of primary and general elections of school board members.

- Section 1(A)(1): Requires the *general* election of members of the board of education of every school district and technology center school district to be held on the first Tuesday of April of each year.
- Section 1(A)(2): Requires the *primary* election of members of the board of education of every school district and technology center school district to be held on the second Tuesday of February, except in the year of a Presidential Preferential Primary held in February. In this case, the primary election is required to be held on that day.
- Section 1(A)(3): Clarifies that if there are only *two* candidates then both will appear on the general election ballot.
- Section 1(A)(4): Requires *all* candidates to appear on the primary election ballot if there are more than two. A candidate that receives more than 50% of the votes cast in the primary election is elected; however, if no candidate receives more than 50% of the votes cast, then the two candidates with the *highest* number of votes will appear on the general election ballot.

Should you have any questions related to this bill, please contact Mr. Jason Pittenger, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 26 O.S. §13A-103



## H.B. 2177

RE: H.B. 2177

SUBJECT: Election dates

House Bill 2177 becomes effective August 2, 2018. This bill allows for displays of historical documents that have been recognized to commemorate freedom, the rule of law or history.

- Section 1(A): States that certain historical documents, monuments and writings have been recognized to commemorate freedom, the rule of law and the rich history of Oklahoma and the United States.
- Section 1(B): States that the Ten Commandments, Magna Carta Declaration of Independence, United States Constitution, Bill of Rights, Oklahoma Constitution, and other such historically significant documents are recognized throughout the world.
- Section 1(C): States that such documents are treasures that should be displayed proudly and resolutely in public buildings and on public grounds.
- Section 2(A): Authorizes every county, municipality, city, town, school or other political subdivision to display replicas of historical documents including but not limited to those listed in Section 1 in the form of monuments, memorials, tablets or other displays that respect the dignity and solemnity of such documents and in a manner consistent with the context of other documents contained in such a display.
- Section 2(B): Authorizes the Oklahoma Attorney General to prepare and present a legal defense of any such display in the event that the legality or constitutionality is challenged.

Should you have any questions related to this bill, please contact Mr. Jason Pittenger, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law not codified

Amendment to: 25 O.S. §2101



## H.B. 2259

RE: H.B. 2259

SUBJECT: Child abuse or neglect

House Bill 2259 becomes effective November 1, 2018. This bill changes the requirements for reporting of child abuse or neglect by teachers.

Existing law requires every person having reason to believe that a child under the age of 18 is a victim of abuse or neglect to report the matter promptly to the Department of Human Services (DHS).

- Section 1(B)(1): Changes the requirement for reporting of child abuse or neglect to require reporting *immediately*.
- Section 1(B)(2)(a): Requires every *teacher* having reason to believe that a child under the age of 18 is a victim of abuse or neglect to report the matter *immediately* to DHS.
  - Requires reports to be made to the DHS statewide centralized hotline for reporting of child abuse or neglect. Requires any allegation of abuse or neglect reported in any manner to a county office to be immediately referred to the hotline. Excludes actions where a court may grant custody by abandonment to a qualified relative from the reporting requirement.
- Section 1(B)(2)(b): Requires every *teacher* having reason to believe that a student 18 years or older is a victim of abuse or neglect to report the matter *immediately* to local law enforcement.

NOTE: See also S.B. 1150 for additional reporting requirements.

Should you have any questions related to this bill, please contact Mr. Jason Pittenger, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 10A O.S. §1-2-101

Helpful statutory reference: 30 O.S. §2-117



## H.B. 2523

RE: H.B. 2523  
SUBJECT: Labor

House Bill 2523 becomes effective November 1, 2018. This bill clarifies periods of time which are excluded from unemployment benefit claims.

- Section 2: Clarifies that for *employees of educational institutions*, unemployment benefits will not be paid for the period between academic years or terms or during established and customary vacation periods or holiday recesses to individuals who performed services – in an instructional, research or principal administrative capacity for an educational institution and for services performed in any other capacity – if an individual has reasonable assurance that they will return to perform services *in any such capacity* for a second academic year or term.
- Section 3: Clarifies that for *employees of educational service contractors*, unemployment benefits will not be paid for the period between academic years or terms or during established and customary vacation periods or holiday recesses to individuals who performed services – in an instructional, research or principal administrative capacity for an educational institution and for services performed in any other capacity – if an individual has reasonable assurance that they will return to perform services *in any such capacity* for a second academic year or term.
  - If an individual has employment with an educational service contractor and with a noneducational employer(s) during the base period of the individual's benefit year, the individual may become eligible for benefits during the between-term denial period, based only on the noneducational employment.
  - "Educational service contractor" is defined to mean a private business entity contracted with an educational institution, including schools, to provide on-site or on-campus workers assigned tasks by the educational institution.

Should you have any questions related to this bill, please contact Ms. Heather Butler, Director of School Personnel, at (405) 521-3360 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 40 O.S. §2-209.1



## **H.B. 2553**

RE: H.B. 2553

SUBJECT: Teachers' retirement

House Bill 2553 becomes effective August 2, 2018. This bill makes several updates to the laws governing the Teachers' Retirement System, including allowing the Board to terminate its Tax-Sheltered Annuity Program.

- Section 1(5): Allows the Board of Trustees of the Teachers' Retirement System to terminate its Tax-Sheltered Annuity (403(b)) Program in accordance with the requirements of federal law and in a way that minimizes financial harm to program participants.
  - To minimize harm, an employer that sponsors a local tax-sheltered annuity program and has participants with an account balance must permit the provider of the annuity program to be a provider in the local program and to offer the same investment options to program participants that were available under the annuity program. Such offer must continue for a two-year period as long as the program provider continues to provide the investment option.
  - Program participants may transfer the balance of any contributions to any other approved provider under the local program at any time.
  - If a local program only offers the annuity program, the employer shall permit the program to continue as a provider in the local program, or terminate both programs at the same time resulting in the employer being prohibited from contributing to any 403(b) program on behalf of any employee for 12 months.
- Section 2(5): Clarifies that the Medical Board will make recommendations as to eligibility for disability retirement to the System and directs that the System will rely on and give full considerations to their conclusions and recommendations.
  - If the Medical Board does not find that a member applying for disability retirement is mentally or physically incapacitated for performance of duty or is otherwise eligible for disability retirement, the application shall then be considered by the Board of Trustees.

- Section 3(3): Deletes from the definition of “maximum average salary amount,” the requirement that a member have been employed for at least 12 months prior to retirement in order to use the maximum final average salary to compute retirement benefits.
  - NOTE: This limitation exists elsewhere in statute making this language redundant.

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §17-102.3, 17-105, 17-116.2C



## **H.B. 2825**

RE: H.B. 2825

SUBJECT: Statewide Temporary Assistance Responsibility Systems

House Bill 2825 becomes effective November 1, 2018. This bill requires DHS to expand agreements to link recipients of the STARS program with CareerTech and other training.

- Section 1(C)(5): Expands the responsibilities of the Department of Human Services regarding the “Statewide Temporary Assistance Responsibility Systems (STARS)” to include continuing to explore and expand opportunities for agreements with additional service providers including but not limited to community colleges, technology centers and community resources in order to provide direct referral and link recipients with career and technology education and training programs.

Should you have any questions related to this bill, please contact Dr. Cindy Koss, Deputy Superintendent of Academic Affairs and Planning, at (405) 522-6369 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 56 O.S. §230.50





## H.B. 2860

RE: H.B. 2860

SUBJECT: School District Transparency Act

House Bill 2860 becomes effective November 1, 2018. This bill requires the OSDE transparency website to include school site data and superintendent compensation.

- Section 1(B): Requires the Oklahoma State Department of Education (OSDE) to include school site expenditure data on its transparency website.
  - Requires school districts that have a website to provide a link on the homepage to the OSDE transparency website, or provide the same information within one click of their homepage by 2019-20.
- Section 1(C)(8): Updates the calculation for per-pupil expenditure to match existing statute where it is defined to mean the aggregate current expenditures of school districts, from all funding sources, plus the direct support aggregate current expenditures of the state for the day-to-day operations of schools and school districts from all funding sources, divided by the aggregate student membership number (October 1) for the same fiscal year for which the expenditures are determined.
- Section 1(C)(9): Requires the OSDE transparency website to include the total compensation package for district superintendents including base salary, insurance, retirement and other fringe benefits including exempted nonadministrative services such as teaching in the classroom or serving as a principal, counselor or library media specialist.
- Section 1(I): Requires the OSDE to undertake activities to annually inform parents, schools and other stakeholders about the availability of district and site expenditure data and how to use the transparency website.

Should you have any questions related to this bill, please contact Ms. Katherine Black, Executive Director of Financial Accounting, at (405) 522-0275 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §5-135.4

Helpful statutory reference: 70 O.S. §1-124, 18-124



## H.B. 2911

RE: H.B. 2911

SUBJECT: Individual Career and Academic Plan

House Bill 2911 becomes effective November 1, 2018. This bill adds specific exploratory postsecondary career opportunities to the Individual Career and Academic Plan.

Existing law defines Individual Career and Academic Plan (ICAP) to mean an individualized plan developed by the student and the student's parent/guardian, in collaboration with their school counselors, administrators, teachers and other school personnel, that is used to help establish personalized academic and career goals, explore postsecondary career and educational opportunities, educational opportunities, align coursework and curriculum, apply to postsecondary institutions, secure financial aid and ultimately enter the workforce.

- Section 1(A): Clarifies the definition of ICAP directing that postsecondary career opportunity exploration include but not be limited to, military careers, apprenticeship programs, and career and technology programs leading to certification or licensure.

Should you have any questions related to this bill, please contact Dr. Cindy Koss, Deputy Superintendent of Academic Affairs and Planning, at (405) 522-6369 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §1210.508-4



## H.B. 2933

RE: H.B. 2933

SUBJECT: Professions and occupations

House Bill 2933 becomes effective November 1, 2018. This bill allows for a one-time one-year waiver of licensure/certification fees for low-income applicants.

- Section 1(A): Requires every administrative body and state agency with authority over any occupational or professional license or certification, excluding health care professions, to grant a one-time one-year waiver of any fees associated with such licensure or certification to low-income individuals.
  - “Low-income individual” is defined to mean an individual who is enrolled in a state or federal public assistance program, including, but not limited to, the Temporary Assistance for Needy Families (TANF), Medicaid or the Supplemental Nutrition Assistance Program (SNAP), or whose household adjusted gross income is below 140% of the federal poverty line or a higher threshold to be set by the executive branch department that oversees business regulation.
  - Applicants must present satisfactory evidence to the licensing body.
- Section 1(B): Directs each administrative body or state agency to promulgate rules for implementation.

Should you have any questions related to this bill, please contact Mr. Jeff Smith, Executive Director of Teacher Certification, at (405) 521-3337 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 59 O.S. §4003



## H.B. 3117

RE: H.B. 3117

SUBJECT: Boards of education

House Bill 3117 becomes effective November 1, 2018. This bill changes the requirements for notification and completion of instructional requirements for school board members.

- Section 1(D): Requires school boards to declare the seat vacant of a member not completing instructional requirements after election, reelection or appointment within 60 days, changed from 30 days, of the date indicated on the certified notice sent by the State Board of Education.
  - School board members forced to vacate a seat are ineligible to be reappointed, run for election or hold a board seat for two years, changed from three years.
- Section 2(D): Requires school boards to declare the seat vacant of a member not completing continuing education instructional requirements within 60 days, changed from 30 days, of the date indicated on the certified notice sent by the State Board.
  - School board members forced to vacate a seat are ineligible to be reappointed, run for election or hold a board seat for two years, changed from three years.
- Section 3: Requires the State Board of Education to notify board members *and the district superintendent* of the final opportunity to complete the instructional requirements and the consequences of not doing so by mail before March 1 of each year.
  - Requires the State Board of Education to notify the board member and the superintendent by certified mail if the member does not complete the requirements, allowing the board member to have 60 days after receipt of the certified notice to complete the requirements. If the member does not complete the requirements within 60 days the school board must declare the seat vacant.

Should you have any questions related to this bill, please contact Mr. Jason Pittenger, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §5-110, 5-110.1, 5-110.2



## **H.B. 3152**

RE: H.B. 3152

SUBJECT: School district employment

House Bill 3152 becomes effective April 23, 2018. This bill allows certain districts to adopt policies allowing individuals to be closely related.

Existing law prohibits school board members and employees of the same school district from being related within the second degree by affinity or consanguinity with certain exceptions.

- Section 1(C)(2): Creates an exception to the existing prohibitions in school districts with an Average Daily Membership (ADM) of less than 400 where the board of education has adopted a policy allowing candidate eligibility and allowing a board member to be related within the second degree by affinity or consanguinity to any employee of the school district governed by the board of education.
- Section 2(D): Creates an exception to the existing prohibitions in school districts with an Average Daily Membership (ADM) of less than 400 where the board of education has adopted a policy allowing for employment of an individual who is who is related to a member of the board of education within the second degree of consanguinity or affinity to be employed by the school district.

Should you have any questions related to this bill, please contact Mr. Jason Pittenger, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §5-113, 5-113.1



## H.B. 3220

RE: H.B. 3220

SUBJECT: Teacher and instructor certification

House Bill 3220 becomes effective July 1, 2018. This bill requires a new certification for CareerTech teachers.

- Section 1(F): Directs the State Board of Education and the State Board of Career and Technology Education to promulgate rules for a certification system option specifically for teachers and instructors in the technology center school districts.
  - Requires the certification system to be competency-based in which the competencies are to reflect industry-based skills, standards and certifications.

Should you have any questions related to this bill, please contact Mr. Jeff Smith, Executive Director of Teacher Certification, at (405) 521-3337 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §6-189



## H.B. 3221

RE: H.B. 3221  
SUBJECT: Education

House Bill 3221 becomes effective July 1, 2018. This bill requires Juneteenth to be included in the social studies standards and requires the State Board of Education to adopt online assessments.

- Section 1(A): Requires the U.S. History component of the social studies curriculum for all students to include information about Juneteenth commemorating emancipation of enslaved African Americans.
- Section 1(D): Defines “curriculum,” for this purpose, to mean the subject matter standards adopted by the State Board of Education and gives school districts the exclusive authority to determine instruction, specific course curricula, reading lists and instructional materials.
- Section 2(F): Requires the State Board of Education to implement an electronic delivery system for all state assessments and directs the Board to adopt a timeline for transition.
  - Allows a school district to choose to continue to offer printed assessments by providing a request for approval and justification for such request to the Board. Directs the State Department of Education to publish and make known the date by which districts wishing to make a request for printed assessments must do so.

Should you have any questions related to this bill, please contact Ms. Brenda Beymer-Chapman, Director of Social Studies Education, at (405) 522-3523, Mr. Craig Walker, Executive Director of Assessment, at (405) 522-1677 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §11-103.6b, 1210.507, 1210.541  
Helpful statutory reference: 70 O.S. §11-103.6, 11-103.6a





## **H.B. 3222**

RE: H.B. 3222

SUBJECT: Academic Achievement Award Program

House Bill 3222 becomes effective November 1, 2018. This bill repeals the Academic Achievement Award Program.

- Section 1: Repeals the Academic Achievement Award (AAA) Program which provided monetary awards to qualified employees at school sites that attained the highest levels of improvement and overall student achievement as measured by academic performance data scores established by the State Board of Education.

Should you have any questions related to this bill, please contact the Office of Accountability, at (405) 522-5169, or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Repeals: 70 O.S. §3-152.1



## H.B. 3309

RE: H.B. 3309  
SUBJECT: Education

House Bill 3309 becomes effective November 1, 2018. This bill changes the terminology of the Teacher Residency Program to Teacher Induction Program and updates the requirements.

- Section 1(5): Changes “Resident teacher” to “Inductee” and deletes language that limited the definition to only those that have graduated from an education program at a college or university.
- Section 2: Changes “resident teacher” to “inductee” and “Residency Program” to “induction program.”
- Section 3(7): Changes “Residency committee” to “induction” and eliminates references to residency committees.
  - “Induction” is defined to mean a program that provides support, mentorship and coaching to educators at the beginning of their careers or as they transition to new roles within a school or district. Induction programs assist in all matters concerning classroom management and professional development. Induction programs may involve a committee, but are not required to do so.
- Section 3(9): Changes “Resident teacher” to “inductee.”
  - “Inductee” is defined to include any certified teacher who has completed a program of education at an accredited institution of higher education and has successfully completed the competency examinations, individuals seeking the alternative placement teaching certificate, and individuals issued an emergency or provisional certificate. It also includes all teachers working in a new role, including classroom teachers transitioning to a new role.
- Section 3(11): Changes “Resident teacher” to “Inductee” and deletes language that limited the selection of mentor teachers. Requires a mentor teacher to be a current or former classroom teacher and have a minimum of two years of classroom teaching experience as a certified teacher. Requires a mentor teacher, when possible, to have participated in mentor teacher professional development and have expertise in the teaching field of the inductee.

- Section 4(A): Requires the State Department of Education, in consultation with the Office of Educational Quality and Accountability to administer the induction program as approved by the State Board of Education as funds are available. The program is required to include:
  - Guidance to districts for successful induction programs;
  - Training for districts including the selection, function and duties of mentors; and
  - Resources for appropriate professional development, support, mentorship and coaching for inductees and mentors.
- Section 4(B): Authorizes the State Board of Education to promulgate rules for administration of the induction program.
- Section 4(C-G): Repeals outdated language regarding placement of a resident teacher in a residency committee.
- Section 5(E): Changes “residency program” to “induction program.”
- Section 6: Repeals language that provided for a hearing for any resident teacher not recommended for certification upon completion of the residency program.

Should you have any questions related to this bill, please contact Dr. Robyn Miller, Deputy Superintendent for Educator Effectiveness and Policy Research, at (405) 522-3332, or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §1-116, 6-122.3, 1-182, 6-195, 11-103.7

Repeals: 70 O.S. §6-203

Helpful statutory references: 70 O.S. §6-187



## H.B. 3311

RE: H.B. 3311

SUBJECT: Education standards and assessments

House Bill 3311 becomes effective July 1, 2018. This bill requires the standards for social studies to include the content of the U.S. naturalization test and requires the U.S. History assessment to include an emphasis on civics.

- Section 1(A)(8): Requires the subject matter standards for history, social studies, and U.S. Government to include the content of the U.S. naturalization test, with an emphasis on the specific content of the test and the ideas and concepts it references.
  - Requires the U.S. naturalization test to be made available in physical and electronic online formats as an optional assessment tool for teachers.
- Section 1(A)(9): Requires the subject matter standards for U.S. Government to include an emphasis on civics.
  - “Civics” is defined to mean the study of the rights and duties of Oklahoma and United States citizens and of how those governments work.
- Section 2(E)(1)(c): Requires the U.S. History assessment to include an emphasis on civics.

Should you have any questions related to this bill, please contact Ms. Brenda Beymer-Chapman, Director of Social Studies Education, at (405) 522-3523, Mr. Craig Walker, Executive Director of Assessment, at (405) 522-1677 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §1210.508, 11-103.6



## H.B. 3313

RE: H.B. 3313  
SUBJECT: Education

House Bill 3313 becomes effective May 10, 2018. This bill adds a speech-language pathologist as a member of the Dyslexia and Education Task Force.

- Section 1(A): Extends the creation of the “Dyslexia and Education Task Force” until July 1, 2019, changed from December 31, 2018.
- Section 1(B): Increases the number of members of the task force to 21 from 20.
- Section 1(B)(21): Adds a new member of the task force who is to be a speech-language pathologist, appointed by the Speaker of the House. The member is to be appointed within 30 days of the effective date of the bill, May 10, 2018.
- Section 1(I): Requires the task force to submit a report of its findings to the Legislature and Governor no later than July 1, 2019, changed from December 31, 2018.

Should you have any questions related to this bill, please contact Mr. Todd Loftin, Executive Director of Special Education Services, at (405) 522-3237, or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: HB 2008, 2017



## H.B. 3372

RE: H.B. 3372

SUBJECT: Powers of school district boards

House Bill 3372 becomes effective July 1, 2019. This bill transfers duties of the computer-assisted mass appraisal system from the OK Tax Commission to the OSU Center for Local Government Technology and establishes a revenue source and fund to support implementation of the system across counties.

- Section 1(B): Increases the advanced accreditation units required for assessors from four to five and requires the new unit to include the topic of cadastral mapping.
- Section 1(E-F): Requires all expenses incurred in the performance of duties imposed upon the OSU Center for Local Government Technology to be paid out of the County Government Education-Technical Revolving Fund created in Section 5.
- Section 1(G): Requires the OSU Center for Local Government Technology, in cooperation with the County Assessors' Association, to provide administration, support, training and implementation of the computer-assisted mass appraisal computer software system to any county using the services provided by the Ad Valorem Division of the OK Tax Commission and to other counties upon request.
- Section 1(H): Transfers all powers, duties, responsibilities, property, assets, liabilities, fund balances, encumbrances and obligations of the Ad Valorem Division of the OK Tax Commission relating to the computer-assisted mass appraisal system to the OSU Center for Local Government Technology.
- Section 2(B): Transfers all monies remaining in the Computer-Assisted Mass Appraisal Implementation Revolving Fund to the County Government Education-Technical Revolving Fund.
- Section 4(B): Changes the apportionment of the first \$0.55 of each \$0.75 collected from the sale of documentary tax stamps. Requires, after 5% is retained by county clerks, a transfer of \$500,000 plus 3% of the remainder of funds to the County Government Education-Technical Revolving Fund.

- Section 5: Creates the “County Government Education-Technical Revolving Fund” to receive the stated apportionment of documentary stamp revenues. Requires all monies to be used by the OSU Center for Local Government Technology and the Oklahoma Cooperative Extension Service County Training Program for the purpose of education, training, research, software and computer modernization.
- Section 6: Distributes funding from the County Government Education-Technical Revolving Fund to the OSU Cooperative Extension Service and the OSU Center for Local Government Technology for the computer-assisted mass appraisal computer software system.
  - Allows any county not participating in the computer-assisted mass appraisal software system to apply for a refund or rebate as funds are available after the computer-assisted mass appraisal software acquisition is complete and associated costs are paid.
- Section 7: Establishes a reserve account within the County Government Education-Technical Revolving Fund consisting of any revenue not otherwise apportioned up to \$2 million to serve as a contingency for adverse conditions if distributions are in sufficient to support the purpose. Any amount exceeding \$2 million is to be transferred to the state General Revenue Fund.

Should you have any questions related to this bill, please contact Ms. Renee McWaters, Executive Director of State Aid, at (405) 522-0124 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 68 O.S. §2816, 2947, 3201, 3204  
 New law at: 68 O.S. §2947.1, 2947.2, 2947.3





## H.B. 3375

RE: H.B. 3375

SUBJECT: State-tribal gaming

House Bill 3375 becomes effective August 2, 2018. This bill enables tribal casinos to operate non-house-banked table games involving a wheel, ball or dice.

Current law prohibits dice games and roulette wheels from casinos in Oklahoma.

- Section 1(H): Changes prohibitions on dice games and roulette wheels to prohibit only house-banked table games involving dice and roulette wheels.
- Section 2(A): Adds an additional game offering to the definition of “covered games” in the Model Tribal Gaming Compact as reflected in state statute.
  - Defines “non-house-banked table games” to mean any table game including but not limited to those table games involving a wheel, ball or dice, operated in a nonelectronic environment in which the tribe has no interest in the outcome of the game.
- Section 2(B): Requires any tribe that has a compact with the state that wishes to add non-house-banked tribal games to execute a supplement to the compact.
- Section 3: Requires the apportionment of fees received under Gaming Compact Supplements to be in the same manner as in the Model Tribal Gaming Compact: 12% to the Oklahoma Higher Learning Access Trust Fund and 88% to the Education Reform Revolving Fund (i.e., 1017 Fund).

Should you have any questions related to this bill, please contact Mr. Matt Holder, Deputy Superintendent of Finance and Federal Programs, at (405) 522-3713 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 3A O.S. §262, 280

New law at: 3A O.S. §280.1

Helpful statutory references: 3A O.S. §281



## H.B. 3536

RE: H.B. 3536

SUBJECT: Energy Conservation

House Bill 3536 becomes effective November 1, 2018. This bill includes water-metering as a type of energy conservation and changes the contract process for implementing conservation measures.

Existing law defines types of “energy conservation measures” and allows boards of education to enter into contracts for the purposes of implementing such measures to reduce the energy consumption of school facilities.

- Section 4(A)(9): Adds to the definition of “energy conservation measures,” water-metering devices that increase efficiency or accuracy of water measurement and reduce energy consumption.
- Section 4(F): Changes the terms of energy conservation contracts to allow the repayment period of the lease-purchase agreement to not exceed 20 years, changed from 15 years, or the weighted average equipment life of any equipment to be installed under the energy conservation contract.
- Section 4(G): Changes the process for competitive proposal procedures for energy conservation contracts, requiring that prior to entering into any such contract, the board of education is to solicit a request for qualification (RFQ) from energy service company providers.
  - The RFQ must solicit quotations and specify the relative importance of guaranteed savings, price, financial performance and stability, quality, technical ability, experience and other evaluation factors.
- Section 4(I): Requires the board and the offeror selected through the RFQ to enter into a memorandum of understanding requiring the provider to perform a preliminary analysis of the physical features and operating history of the facility under consideration. The school district is to have no financial obligation for the analysis.
- Section 4(J): Requires the provider to perform a detailed energy performance audit, after completion of the analysis, to provide a cost basis for operating the facilities under an

efficiency contract. The audit must provide the district information necessary to make a financial decision regarding a long-term performance-based contract. The cost of such audit may then be rolled into the terms of the contract. However, should a district determine not to move forward, it will be obligated to pay the sum stipulated by the audit contract.

NOTE: The bill adds similar provisions for cities, counties and other political subdivisions.

Should you have any questions related to this bill, please contact Mr. Jason Pittenger, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §5-131.2



## H.B. 3538

RE: H.B. 3538

SUBJECT: Oklahoma Education Lottery Act

House Bill 3538 becomes effective November 1, 2018. This bill allows lottery players to submit lottery-sponsored promotions and second-chance drawing promotions through an online application.

- Section 1(A): Allows entries submitted by lottery players for lottery-sponsored promotions and second-chance drawing promotions to be submitted using a web application provided by the Oklahoma Lottery Commission. Requires entries for such promotions to be obtained through purchase of lottery tickets, receipt of an entry-eligible lottery ticket or receipt of a promotional entry from the Commission or a retailer
- Section 1(B): States that such promotions are not considered illegal Internet gambling activities and requires that should a court of law determine that these provisions allow any other form of Internet gambling activities that the provisions will become null and void.

NOTE: The expanded options should enhance lottery sales and revenues, though an exact estimate is not available.

Should you have any questions related to this bill, please contact Mr. Matt Holder, Deputy Superintendent of Finance and Federal Programs, at (405) 522-0124 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 3A O.S. §724.5



## H.B. 3592

RE: H.B. 3592

SUBJECT: Higher Education

House Bill 3592 becomes effective November 1, 2018. This bill requires repayment of OHLAP (i.e., Oklahoma's Promise) funds when a student drops a course during the add/drop period.

- Section 1(A): Requires Oklahoma Higher Learning Access Program (OHLAP) scholarship funds to be returned if a student withdraws from the class for which they were used.
  - This requirement only applies when a student withdraws during the add/drop period.
- Section 1(B): Directs the Oklahoma State Regents for Higher Education to promulgate rules for implementation.

Should you have any questions related to this bill, please contact Ms. Kristin Atchley, Executive Director of Counseling, at (405) 521-3549 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. §2606



## H.B. 3705

RE: H.B. 3705

SUBJECT: Education Funding

House Bill 3705 contains the appropriation for common education passed prior to April 1 as required by 62 O.S. §3486. It appropriates \$2,912,348,009 to the State Board of Education.

NOTE: H.B. 3705 was later repealed by the general appropriations bill, S.B. 1600. This bill summary is provided purely for comparison purposes only.

- Sections 1-16: Appropriates \$2,912,348,009 to the State Board of Education for Fiscal Year 2019 (FY19), which is *\$463,948,180 more* than was initially appropriated in FY18.
- Financial Support of Public Schools (i.e., funding formula) is appropriated \$2,277,912,819, which is *\$406,935,153 more* than beginning FY18.
  - \$ 1,431,531,136 from the General Revenue Fund
    - Requires the State Board of Education to designate adequate amounts for increased compensation for certified personnel as provided in H.B. 1023xx and for support employees as provided in H.B. 1026xx.
  - \$762,726,125 from the Education Reform Revolving Fund (i.e., 1017 Fund)
  - \$47,372,299 from the Common Education Technology Fund
  - \$2,850,000 from the Mineral Leasing Fund FY19
  - \$1,120,888 from the Mineral Leasing Fund FY17
  - \$30,326,734 from the Oklahoma Lottery Trust Fund FY19
  - \$1,985,637 from the Oklahoma Lottery Trust Fund FY17
- Support of Public School Activities is appropriated \$91,319,026 from the General Revenue Fund, which is *\$755,007 less* than beginning FY18.
- Textbooks and instructional materials is appropriated \$33,000,000 from the General Revenue Fund, which is *\$33,000,000 more* than in FY18.
- Health Benefit Allowance (i.e., Flexible Benefit Allowance/FBA) is appropriated 487,383,116 from the General Revenue Fund, which is *\$24,687,149 more* than in FY18.
  - \$315,478,030 for Certified Employees

- \$171,905,086 for Support Personnel
- Administrative and Support Functions of the State Department of Education is appropriated \$15,552,520 from the General Revenue Fund, which is *\$128,585 less* than beginning FY18.
- School Consolidation Assistance Fund is appropriated \$3,590,264, which is *\$104,735 more* than FY18.
  - \$3,369,638 from the Oklahoma Lottery Trust Fund FY19
  - \$220,626 from the Oklahoma Lottery Trust Fund FY17
- Oklahoma Teachers' Retirement System Dedicated Revenue Revolving Fund is appropriated \$3,590,264, which is *\$104,735 more* than FY18.
  - \$3,369,638 from the Oklahoma Lottery Trust Fund FY19
  - \$220,626 from the Oklahoma Lottery Trust Fund FY17

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.



## H.B. 3712

RE: H.B. 3712

SUBJECT: Revenue and taxation

House Bill 3712 becomes effective May 10, 2018. This bill restores funding from the Highway and Railroad Maintenance Funds that were appropriated to the Special Cash Fund in S.B. 1600.

Existing statute apportions sales tax receipts to a variety of state funds including 83.61% to the General Revenue Fund and 10.46% to the Education Reform Revolving Fund (i.e., 1017 Fund).

- Section 1(C)(1): Apportions from the monies to the General Revenue Fund, \$25 million to the State Highway Construction and Maintenance Fund and \$4 million to the Oklahoma Railroad Maintenance Revolving Fund for the month ending August 31, 2018.
- Section 1(C)(2): Apportions from the monies to the General Revenue Fund, \$25 million to the State Highway Construction and Maintenance Fund and \$4 million to the Oklahoma Railroad Maintenance Revolving Fund for the month ending September 30, 2018.
- Section 1(C)(3): Apportions from the monies to the General Revenue Fund, \$30 million to the State Highway Construction and Maintenance Fund and \$4 million to the Oklahoma Railroad Maintenance Revolving Fund for the month ending October 31, 2018.
- Section 2: States the intent of the Legislature that these provisions are to restore funding appropriated to the Special Cash Fund by S.B. 1600 from the State Highway Construction and Maintenance Fund and the Oklahoma Railroad Maintenance Revolving Fund.

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 68 O.S. §1353





## S.B. 793

RE: S.B. 793

SUBJECT: Drug offense penalties

Senate Bill 793 becomes effective November 1, 2018. This bill changes the terms of punishment for controlled dangerous substances near a school.

Existing law sets terms of punishment for any person transporting a controlled dangerous substance, with the intent to distribute, within 2,000 feet of a public or private elementary or secondary school.

- Section 1(B): Sets imprisonment time limits and fines for transporting a controlled dangerous substance, with the intent to distribute:
  - Schedule I or II drugs, excluding marijuana, resulting in a felony: not more than seven years, changed from not less than five years, and a fine of not more than \$100,000
    - Second conviction: not more than 14 years
    - Third conviction: not more than 20 years
  - Schedule III, IV, V or marijuana, resulting in a felony: not more than five years, changed from not less than five years and a fine of not more than \$20,000
    - Second conviction: not more than 10 years
    - Third conviction: not more than 15 years
  - Imitation controlled substance, resulting in a misdemeanor: not more than one year and a fine of not more than \$1,000
    - Second conviction resulting in a felony: not more than two years, changed from not more than five years, and a fine of \$5,000
- Section 1(F)(1): Changes the terms of punishment for a first offense to eliminate the requirement that the offender serve a minimum of 50% of his or her sentence prior to becoming eligible for earned credits toward the completion of the sentence.
- Section 1(F)(2): Changes the terms of punishment for a second offense to eliminate the requirement that the offender serve a minimum of 85% of his or her sentence prior to becoming eligible for earned credits toward the completion of the sentence. Instead,

requires a term of imprisonment, fine or both, not exceeding three times the statutory authorization.

- Second and subsequent violations are not subject to the statutory provisions of suspended sentences, deferred sentences or probation.

NOTE: The bill makes several other changes to punishment regarding controlled dangerous substances not relevant to schools.

Should you have any questions related to this bill, please contact Mr. Brad Clark, General Counsel, at (405) 522-3274 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 63 O.S. §2-401



## **S.B. 880**

RE: S.B. 880

SUBJECT: STEM education

Senate Bill 880 becomes effective July 1, 2018. This bill transfers responsibility for designating STEM Communities and Regions to CareerTech.

Existing law establishes a process for designation as a STEM Community or STEM Region.

- Section 1(A)(4): Transfers the responsibility for the creation, sustainment and execution of the subcommittee governing the application process from the Coalition for the Advancement of Science and Mathematics Education in Oklahoma (CASMEO) to the Department of Career and Technology Education.

Should you have any questions related to this bill, please contact Dr. Cindy Koss, Deputy Superintendent of Academic Affairs and Planning, at (405) 522-6369 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §1210.407



## **S.B. 925**

RE: S.B. 925

SUBJECT: State government

Senate Bill 925 becomes effective November 1, 2018. This bill changes the process required for a state agency to privatize a given function, program, service, unit or division.

- Section 1(A): Requires an agency prior to privatizing a function, program, service, unit or division valued at \$1 million or more, changed from \$100,000 or more, to perform a cost analysis and provide a copy to the Office of Management and Enterprise Services.
- Section 1(B): Requires the cost analysis to include a provision for the protection and retention of third-party revenues such as grant contracts, federal matching programs, federal pass-through payments, sponsored programs and payment incentives being received as a result of the performance of the entity being considered for privatization.
- Section 2(A): Requires agencies to notify employees impacted by the proposed privatization of a given function, program, service, unit or division. The notification must give employees the opportunity to submit cost-savings recommendations for improving the operations, efficiency or organization of the entity being considered for privatization.
- Section 2(B): Requires agencies to provide necessary information about the delivery of services to employees as they develop recommendations.
- Section 2(C): Requires any recommendations to be considered separate and apart from the bid process. Requires the agency to make a final determination whether to accept the winning bid or the employee recommendations.
- Section 2(D): Requires agencies to notify the Office of Management and Enterprise Services and the Governor, Speaker and President Pro Tempore of their intention to solicit bids after notifying employees as required by Section 2(A).

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 74 O.S. §588.1, 589



## S.B. 929

RE: S.B. 929

SUBJECT: State Aid Formula

Senate Bill 929 becomes effective July 1, 2018. This bill updates the definitions for special education categories.

- Section 1(A): Updates disability category definitions for the state aid funding formula:
  - “Visual impairment,” changed from “Vision impaired,” defined to include partial sight and blindness.
  - “Specific learning disability,” changed from “Children with learning disabilities,” defined to exclude learning problems that are primarily the result of visual, hearing or motor disabilities, of intellectual disability, of emotional disturbance or of environmental, cultural or economic disadvantage.
  - “Deafness,” changed from “Deaf or hard-of-hearing,” defined to mean a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child’s educational performance.
  - “Intellectual disability,” changed from “Educable mentally handicapped.”
  - “Emotional disturbance,” changed from “Emotionally disturbed,” defined to mean a condition exhibiting characteristics, defined by statute, over a long period of time and to a marked degree that adversely affects educational performance.
  - “Hearing impairment” defined to mean an impairment in hearing, whether permanent or fluctuating, that adversely affects a child’s educational performance but that is not included under the definition of “deafness.”
  - “Multiple disabilities,” changed from “Multiple handicapped,” defined to mean concomitant impairments (e.g., intellectual disability – blindness or intellectual disability – orthopedic impairment), the combination of which causes such severe educational needs that the student cannot be accommodated in special education programs solely for one impairment. Does not include deaf-blindness.

- “Orthopedic impairment,” changed from “Physically handicapped,” defined to mean a severe orthopedic impairment that adversely affects a child's educational performance including impairments caused by a congenital anomaly, by disease such as poliomyelitis and bone tuberculosis, and impairments from other causes such as cerebral palsy, amputations and fractures or burns that cause contractures.
  - “Other health impairment” defined to mean having limited strength, vitality or alertness including a heightened alertness to environmental stimuli resulting in limited alertness with respect to the educational environment that adversely affects educational performance and is due to chronic or acute health problems.
  - “Speech or language impairment,” changed from “Speech impaired.”
  - Eliminates definition for “Trainable mentally handicapped.”
  - “Deaf-blindness,” changed from “Deaf/Blind.”
  - “Autism” defined to mean a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three adversely affecting educational performance. Does not apply if adverse educational performance is primarily due to an emotional disturbance.
  - “Traumatic brain injury” defined to mean an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. Does not apply to brain injuries that are congenital or degenerative or to brain injuries induced by birth trauma.
- Section 2(B)(2): Adds new pupil category weights:
    - Autism: 2.4
    - Traumatic Brain Injury: 2.4
    - Other Health Impairment: 1.2

Should you have any questions related to this bill, please contact Ms. Renee McWaters, Executive Director of State Aid, at (405) 522-0124, Mr. Todd Loftin, Executive Director of Special Education Services, at (405) 522-3237 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §18-109.5, 18-201.1



## S.B. 950

RE: S.B. 950

SUBJECT: Sunscreen in schools

Senate Bill 950 becomes effective July 1, 2018. This bill allows students to possess and self-apply sunscreen.

- Section 1(A)(2): Allows a school nurse, or in the absence of a nurse, an administrator or designated school employee to assist a student in applying sunscreen.
  - Requires the written authorization of the parent or guardian of the student.
- Section 1(C): Requires schools to keep a record of the name of the student to whom the medicine was administered, the date the medicine was administered, the name of the person who administered the medicine, and the type or name of the medicine which was administered, including the application of sunscreen, when administered by a nurse, or other employee.
- Section 1(E): Requires schools to permit students to possess and self-apply sunscreen without the written authorization of a parent, legal guardian or physician.
  - “Sunscreen” is defined to mean a compound topically applied to prevent sunburn.
- Section 1(F): Requires the school to keep the written authorization to apply sunscreen on a student on file.

NOTE: Existing law exempts nurses, administrators and designated employees from liability for civil damages for any personal injuries to the student which result from acts or omissions in administering any medicine, which includes sunscreen. Immunity does not apply to acts or omissions constituting gross, willful or wanton negligence.

Should you have any questions related to this bill, please contact Ms. Savannah Owen, Director of PE and Health, at (405) 522-1576 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §1-116.2



## S.B. 960

RE: S.B. 960

SUBJECT: School employee payroll deductions

Senate Bill 960 becomes effective August 2, 2018. This bill places new requirements on payroll deductions including that requests be made in writing.

- Section 1: Requires *written* request by a school employee in order for a school district to make payroll deductions for professional organization dues and/or political contributions.
  - Allows a school employee to request *at any time* in writing, which is defined to include by email or fax, to terminate or initiate deductions.
  - Existing law requires requests to be honored within five business days or by the next pay period, whichever is earlier.
  - Prohibits a district policy or negotiated agreement from placing any other conditions or requirements (e.g., personal hand delivery) on any employee to initiate or terminate a payroll deduction and makes existing policies and agreements null and void.
  - Requires any district failing to terminate deductions within five business days to immediately reimburse the employee the amount of all deductions made after the employee's request, the amount of which will double every 30 days until paid in full.

Should you have any questions related to this bill, please contact Mr. Jason Pittenger, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §5-139





## S.B. 980

RE: S.B. 980

SUBJECT: Teachers

Senate Bill 980 becomes effective November 1, 2018. This bill defines the requirements for two new teaching certificates: lead and master.

- Section 1(H): Requires the State Board of Education to issue a lead teaching certificate to any candidate who applies and would otherwise be qualified for a teaching certificate and has at least five years of experience as a teacher, participates in a meaningful program of professional development and has earned a “highly effective” or “superior” rating on their evaluation.
  - A lead teacher *may* have a teaching load of 75% or less in order to allow the teacher to mentor other teachers.
- Section 1(I): Requires the State Board of Education to issue a master teaching certificate to any candidate who applies and would otherwise be qualified for a teaching certificate and has at least seven years of experience as a teacher and has earned a “superior” rating on their evaluation *or* has earned a “highly effective” rating *and* also has earned National Board certification.
  - A master teacher *may* have a teaching load of 50% or less in order to allow the teacher to spend time on co-teaching, co-planning, peer reviews and other duties mutually agreed upon by the superintendent and the master teacher. A master teacher may be used to satisfy the qualitative evaluation component for teachers.
  - A master teacher may assume leadership roles including but not limited to planning and delivery of professional development activities to improve instructional strategies, facilitation of an instructional leadership team, mentoring other teachers and participation in evaluation of other teachers.
- Section 1(J): Requires the State Board of Education to adopt rules for a renewal schedule and associated fees for lead and master teaching certificates which allow a teacher that no longer meets the requirements to apply for a standard certificate.

- Section 1(K)(1): Requires contract terms for lead teachers to include an additional 10 days and an additional \$3,000 in annual salary or the district’s daily rate of pay, whichever is higher, in addition to contracted base salary.
- Section 1(K)(2): Requires contract terms for master teachers to include an additional 15 days and an additional \$5,000 in annual salary or the district’s daily rate of pay, whichever is higher, in addition to contracted base salary.
  - Requires a teacher with a lead or master teaching certificate who changes school districts during the life of the certificate to seek approval from the new employing school district for the contractual terms required by statute.
- Section 1(L): Requires a teacher eligible for the lead or master certificate to apply to the State Board of Education for the following year. The application, to be developed by the State Department of Education (OSDE), must be accompanied by a recommendation from the local board of education and determination that the applicant has met the statutory criteria. Requires the local school board and superintendent to consider their ability to fulfill the additional contractual terms required by statute before making such a recommendation.
- Section 1(M): Requires the OSDE to make the new teaching certificates available for those receiving a recommendation from their district beginning in the 2021-22 school year.
- Section 1(N): Requires the OSDE to identify school districts to pilot the new certificates in the 2019-20 and 2020-21 school years dependent upon funding from public-private partnerships, philanthropic organizations or federal grants.
- Section 1(O): Requires the OSDE to seek funding to administer the program. In the event that funding is unable to be secured, the OSDE is relieved of the requirement to implement Sections K-N.
- Section 1(P): Requires the State Board of Education to promulgate rules to implement the program.
- Section 2: Repeals the “Empowering Teachers to Lead Act” which defined a framework of teacher career paths, leadership roles and compensation.

Should you have any questions related to this bill, please contact Dr. Robyn Miller, Deputy Superintendent for Educator Effectiveness and Policy Research, at (405) 522-3332 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §6-190

Helpful statutory reference: 70 O.S. §6-101.10, 6-101.16

Repeals: 70 O.S. 6-301, 6-302, 6-303



## **S.B. 1015**

RE: S.B. 1015

SUBJECT: Larry Dickerson Education Flexible Benefits Allowance Act definitions

Senate Bill 1015 becomes effective July 1, 2018. This bill expands those eligible for FBA to include educational service providers under certain conditions.

- Section 1(7): Changes the definitions of “school district employee,” for the purposes of the Flexible Benefit Allowance (FBA), to include employees of an educational service provider contracted with a school district who performs functions that would otherwise be performed by a school district employee unless otherwise provided for in the contract.
  - Contracted educational services may include but are not limited to the delivery of instructional service in core and noncore academic subjects.

NOTE: The provisions of this bill are only applicable to school districts with an average daily membership (ADM) of 30,000 or more where all or part of the district is located in a county having a population of more than 500,000.

Should you have any questions related to this bill, please contact Ms. Renee McWaters, Executive Director of State Aid, at (405) 522-0124 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §26-103

Helpful statutory reference: 70 O.S. §5-117



## **S.B. 1074**

RE: S.B. 1074

SUBJECT: Speech-Language Pathology and Audiology Licensing Act

Senate Bill 1074 becomes effective May 7, 2018. This bill adds provisions pertaining to speech-language pathology assistants.

- Section 1(A)(3): Adds “licensed speech-language pathology fellow” and “licensed speech-language pathology assistant” to the Speech-Language Pathology and Audiology Licensing Act.
- Section 1(A)(4): Redefines “Speech-language pathologist” (SLP) to mean a person who represents himself or herself to be a speech-language pathologist and who meets the qualifications to provide services defined as the practice of speech-language pathology.
- Section 1(A)(5): Defines “Speech-language pathology assistant” (SLPA) to mean any person who, after acquiring academic coursework, fieldwork, and on-the-job training, performs tasks prescribed, directed, and supervised by licensed speech-language pathologists. Allows the speech-language pathology assistant to implement prescribed therapies in children and adults in specific treatment areas in which he or she has academic and clinical training and under the license of a speech-language pathologist.
- Section 1(A)(9): Adds to the definition of “practice of speech-language pathology” rendering evaluation, examination, counseling or habitation and rehabilitation of social communication, cognitive communication, feeding or swallowing for individuals with such disorders by SLPs or SLPAs. Services may also be provided for persons who want to learn how to communicate more effectively including but not limited to accent modification and other forms of communication enhancement. A SLP is permitted to perform such basic audiometric tests and hearing therapy procedures consistent with his or her training. A SLPA will only perform duties under the supervision of a licensed SLP.
- Section 1(A)(10): Redefines “Audiologist” to mean a person who represents himself or herself to be an audiologist and who meets the qualifications to provide services defined as the practice of audiology.
- Section 1(A)(13): Changes the definition of “practice of audiology” to mean rendering prevention, identification, assessment or rehabilitation for persons who have or are suspected of having a hearing or balance disorder. An audiologist may perform vestibular assessments for individuals of any age suspected of having a balance disorder and then

provide appropriate rehabilitation once diagnosed by a physician. An audiologist may also select, fit and dispense hearing aids and hearing-assistive technology. The audiologist may perform assessments to assist in determining candidacy for special hearing technology such as cochlear implants or bone conduction systems, and provide follow-up services. An audiologist may provide consultation regarding noise control and participate in noise-conservation programs which may include fitting of hearing-protection devices. Audiologists may participate in research related to all of these.

- NOTE: The bill also adds or amends definitions for clinical fellow, feeding or swallowing disorders, vestibular or balance disorders, telepractice, and store-and-forward technologies.
- Section 1(C): Requires anyone not holding the credentials for independent practice of speech pathology to hold the designation of assistant and work under supervision.
- Section 3: Changes the requirements to be a licensed speech-language pathologist, audiologist, speech-language clinical fellow or speech-language pathology assistant. Allows a temporary license to authorize an applicant to practice speech-language pathology or audiology for the time period between the submission of the application and approval by the Board of Examiners, which expires upon approval or 10 calendar days following denial.
- Section 5: Requires meetings of the Board of Examiners to be subject to the Open Meetings Act.

Should you have any questions related to this bill, please contact Mr. Todd Loftin, Executive Director of Special Education Services, at (405) 522-3237 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 59 O.S. §1603, 1604, 1605, 1606, 1609, 1617, 1619



## **S.B. 1141**

RE: S.B. 1141

SUBJECT: Occupational training

Senate Bill 1141 becomes effective November 1, 2018. This bill clarifies the responsibilities for agencies, boards and commissions to expedite licensure or certification for members of the military and their spouses.

- Section 1(C): States that any state licensing or certification authority which fails to implement rules or laws for recognizing appropriate military training and experience for its occupational or professional licensing or certification is deemed in violation of the requirements of the Post-Military Service Occupation, Education and Credentialing Act.
- Section 2: Clarifies that each agency, board or commission is to establish procedures to expedite licensing and certification to military spouses.

Should you have any questions related to this bill, please contact Mr. Jeff Smith, Executive Director of Teacher Certification, at (405) 521-3337 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 59 O.S. §4100.4, 4100.5



## **S.B. 1150**

RE: S.B. 1150

SUBJECT: School employees

Senate Bill 1150 becomes effective July 1, 2018. This bill adds a requirement for reporting threatening behavior and explicitly defines the types of child abuse that must be reported.

- Section 1: Defines “threatening behavior” to mean any verbal threat or threatening behavior, whether or not it is directed at another person, which indicates potential for future harm to students, school personnel or school property.
  - Requires an officer, employee or board member of a school district to notify law enforcement of any threatening behavior and exempts him or her from discipline and civil liability for acting in good faith if he or she reasonably believes a person is exhibiting threatening behavior. States that these requirements are not intended to impose a specific liability on a district.
- Section 2(A): Requires a school employee with reason to believe a student is a victim of abuse or neglect to report the matter promptly to the Department of Human services hotline and to local law enforcement.
- Section 2(B): Defines the “child abuse and neglect” that must be reported to include: child abuse; sexual abuse/exploitation; contributing to the delinquency of a minor; trafficking; incest; forcible sodomy; taking or enticing a child away; involving a minor in participation or distribution of child pornography; facilitating, encouraging, offering or soliciting sexual conduct with a minor; causing, inducing, persuading or encouraging a minor to engage in or securing a minor for prostitution or any other lewd or indecent act; rape; making any oral, written or electronically or computer-generated lewd/indecent proposals to a minor under the age of 16.

NOTE: See also H.B. 2259 for additional reporting requirements.

Should you have any questions related to this bill, please contact Mr. Jason Pittenger, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. §24-100.8, 1210.163



## S.B. 1171

RE: S.B. 1171

SUBJECT: Creating the Work-based Learning Program

Senate Bill 1171 becomes effective July 1, 2018. This bill creates the Work-based Learning Program and a registration process for these opportunities.

- Section 1(A): Creates the Work-based Learning Program and gives authority over it to the Governor's Council on Workforce and Economic Development. Directs the council to coordinate the program with the State Department of Education, State Regents for Higher Education, State Department of Career and Technology Education, Board of Private Vocational Schools, Secretary of State and business entities.
  - Gives the Oklahoma Office of Workforce Development the duty to develop and maintain the program, focusing on increasing the number of registered apprenticeships and internship programs, defined as paid and unpaid work experience by the U.S. Department of Labor, to at least an aggregate of 20,000 positions by the end of the 2020.
  - Requires all partners to provide their expertise, time and resources as necessary to advance and sustain the work-based learning goals of Oklahoma Works, to assist with publishing an annual progress report showing each agency's steps and accomplishments toward meeting statewide workforce goals and to align state agencies, boards and commissions and the private business sector in meeting Oklahoma Works goals.
- Section 1(B): Requires the Work-based Learning Program to include
  - coordination of work-based learning opportunities to connect youth and adults in public and private sectors;
  - work toward increasing the number of youth and adults participating successfully in public and private work-based learning opportunities;
  - setting standards for equality and fair access to quality work-based learning experiences for all Oklahomans, including the specific groups required under the federal Workforce Innovation and Opportunity Act (WIOA);



- promoting quality work-based learning experiences which are developmentally appropriate, identifying learning objectives, exploring multiple aspects of an industry, developing workplace skills and competencies, assessing performance, providing opportunities for work-based reflection, linking appropriate next steps and complying with state and federal labor laws;
- convening industry partners to develop industry-specific standards for internships to aid employers with the creation of rigorous internship programs; and
- prioritizing paid work-based learning experiences to ensure equity and access.
- Section 1(C): Requires organizations seeking to be a registered Work-based Learning Program to either register with the U.S. Department of Labor or file an annual certificate with the Oklahoma Secretary of State.
  - Among other things, the certificate must include the number and type of work-based learning opportunities proposed, the estimated term of each opportunity, the proposed occupations and estimated number of hours per week, if available.
- Section 1(E): Requires the organization to provide an annual summary upon renewal including, among other things, the number of opportunities posted and hired, the type of opportunities (e.g., internship, apprenticeship) and academic hours awarded.
- Section 1(G): Requires the Secretary of State to charge a fee of \$50 for the original application and \$25 for each renewal.
- Section 1(H): Requires registered organizations to recruit participants through job postings on the state labor market exchange system in order to coordinate statewide career pathway efforts.
- Section 1(I): Requires the Secretary of State to transfer not more than \$850,000 annually from the Secretary of State revolving fund, based on the Governor's Council for Workforce Development annual budget, to support administration of the program and business registration to help enable the development of the state's talent pipeline.

Should you have any questions related to this bill, please contact Dr. Cindy Koss, Deputy Superintendent of Academic Affairs and Planning, at (405) 522-6369 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 74 O.S. §5003.10e



## S.B. 1196

RE: S.B. 1196

SUBJECT: Concurrent enrollment

Senate Bill 1196 becomes effective July 1, 2018. This bill expands student eligibility for tuition waivers for concurrent enrollment.

- Section 1(A)(1): Directs the State Regents for Higher Education, in cooperation with the State Board of Education, to actively encourage concurrent enrollment for *eligible* high school students, changed from students of exceptional ability, on high school, college and university campuses and via online courses.
- Section 1(A)(2): Requires the Regents and the Oklahoma State Department of Education (OSDE) to establish requirements with an emphasis on course readiness and to ensure availability to all high school students.
- Section 1(C): Prohibits denial in any course to an otherwise *eligible* student, changed from qualified student.
- Section 1(D): Expands tuition waiver to the equivalent of the amount of resident tuition for a maximum of 18 credit hours in the senior year, changed from 6 hours per semester.
  - Requires eligible high school juniors to be entitled to a tuition waiver equivalent to the amount of resident tuition for a maximum of 9 credit hours in the junior year subject to the availability of funds and only after the high school senior concurrent enrollment program is fully funded.
  - Deletes the requirement that the Regents establish an application process and criteria for prioritizing applicants on the basis of need, timeliness of application and other factors as determined.
- Section 1(F): Requires the Regents to issue an annual report on the concurrent enrollment program by December 1 which includes the number of participating students, students receiving tuition waivers, high school graduation rate for participating students and the number of participating students who earned an associate's or bachelor's degree.
  - Requires the report to be posted on the Regent's and the OSDE website.

NOTE: The State Regents for Higher Education were appropriated \$8,464,823 to fund the concurrent enrollment expenditures required by this bill in the general appropriations bill, S.B. 1600, which is an increase of \$7,500,000 over FY 18.

Should you have any questions related to this bill, please contact Ms. Kristin Atchley, Executive Director of Counseling, at (405) 521-3549 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §628.13



## S.B. 1197

RE: S.B. 1197

SUBJECT: Performance levels in schools

Senate Bill 1197 becomes effective August 2, 2018. This bill changes the performance labels and descriptions for the Oklahoma School Testing Program (OSTP).

Existing law requires the Commission for Educational Quality and Accountability (OEQA) to determine and adopt student performance levels and corresponding cut scores for the Oklahoma School Testing Program (OSTP).

- Section 1(C): Directs the OEQA to adopt performance levels that are labeled and defined as follows:
  - Advanced: indicates that students demonstrate superior performance on challenging subject matter (NOTE: no changes were made to this level);
  - Proficient: indicates that students demonstrate mastery over *challenging*, changed from appropriate, grade-level subject matter, can analyze and apply such knowledge to real-world situations, that students are ready for the next grade, course, or level of education, and that students are on track to be ready for college or career;
  - Basic: previously Limited Knowledge, indicates that students demonstrate partial mastery of the essential knowledge and skills that are foundational for proficient work at their grade level or course and that students are not on track to be ready for college or career; and
  - Below Basic: previously Unsatisfactory, indicates that students have not performed at least at the Basic level.

Should you have any questions related to this bill, please contact Mr. Craig Walker, Executive Director of Assessment, at (405) 522-1677 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §1210.541



## **S.B. 1198**

RE: S.B. 1198

SUBJECT: Public School Classroom Support Revolving Fund contributions

Senate Bill 1198 becomes effective July 1, 2018. This bill renews the income tax checkoff for the Public-School Classroom Support Revolving Fund.

Existing law allows an individual or corporate taxpayer who is entitled to receive a state income tax refund to contribute to the Public-School Classroom Support Revolving Fund by designating the contribution on their tax form. The State Board of Education is directed to award one or more grants annually to classroom teachers for supplies, materials or equipment on a statewide competitive basis contingent on the amount of funds available in the fund.

- Section 1(D): Reauthorizes income tax checkoff effective January 1, 2019.

NOTE: All income tax checkoffs expire four years after enactment unless reauthorized by the Legislature.

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §1-122

Helpful statutory reference: 68 O.S. §2368.18, 70 O.S. §1-123

*See also:* Oklahoma Administrative Code (OAC) 210:40-31-1 for rules concerning grant awards



## **S.B. 1303**

RE: S.B. 1303

SUBJECT: Oklahoma Lottery Commission rules

Senate Bill 1303 becomes effective November 1, 2018. This bill allows lottery tickets to be purchased with a debit card.

- Section 1(2): Allows sales of lottery tickets or shares to be made by debit card, which was previously prohibited.

NOTE: The ability for lottery participants to utilize a debit card may provide the opportunity for increased sales, however a reliable estimate has not been determined.

Should you have any questions related to this bill, please contact Mr. Matt Holder, Deputy Superintendent of Finance and Federal Programs, at (405) 522-3713 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 3A O.S. §710



## **S.B. 1332**

RE: S.B. 1332

SUBJECT: Alcoholic beverages

Senate Bill 1303 becomes effective October 1, 2018. This bill allows an existing establishment selling low-point beer near a school to continue to be in business under a new license.

Existing law prohibits any mixed beverage establishment, beer and wine establishment or bottle club which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, or package store, to be located within 300 feet of any public or private school, with certain exceptions.

- Section 1(C)(2): Directs that the prohibition does not apply to establishments to sell low-point beer licensed prior to October 1, 2018, which were already permitted to be located within 300 feet of any public or private school. These existing establishments may have any existing license in effect on October 1, 2018, transferred to a mixed beverage license. However, if such an establishment ceases to regularly be open to the public or changes ownership, the prohibition will go back into effect.

Should you have any questions related to this bill, please contact Mr. Jason Pittenger, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 37A O.S. §2-139



## S.B. 1370

RE: S.B. 1370  
SUBJECT: Schools

Senate Bill 1370 becomes effective July 1, 2018. This bill allows for certain career and technology programs leading to an industry credential to be used to satisfy a math credit as part of the core curriculum units.

Existing law allows students to opt out of the college preparatory/work ready curriculum units required in order to graduate and instead enroll in the core curriculum units with parental approval.

- Section 1(C): Requires a parent/guardian to meet with a designee of the school district prior to enrollment in the core curriculum for students under the age of 18.
  - A parent/guardian was previously allowed, but not required to meet with the district before choosing the core curriculum.
- Section 1(D)(2)(g): Allows for 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 be taken in place of Computer Science and to count toward the two units of mathematics required to be above Algebra I.
  - The State Board of Career and Technology Education is directed to promulgate rules to define the accepted industry-valued credentials which are industry-endorsed or industry-aligned. The list of accepted industry-valued credentials is required to be reviewed annually and updated at least every three years by the Board.
- Section 1(D)(2)(j): Clarifies that any other mathematics course with content and/or rigor equal to or above Algebra I may be used to satisfy the two units of mathematics required to be above Algebra I.

Should you have any questions related to this bill, please contact Dr. Cindy Koss, Deputy Superintendent of Academic Affairs and Planning, at (405) 522-6369 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §11-103.6





## S.B. 1398

RE: S.B. 1398

SUBJECT: Building fund for schools

Senate Bill 1398 becomes effective contingent upon certification of election results favoring passage of the Constitutional Amendment proposed in Senate Joint Resolution 70. This bill expands the allowable use of the building fund to include operations.

Existing law states that the building fund of any school district is to consist of all monies derived from the building fund levy of 5 mills as voted on by the people of a school district.

- Section 1: Expands the building fund to be the “building and operations” fund and the corresponding levy to be the “building and operations fund levy.”
  - Allows monies from this fund to be used for purposes *including but not limited to* erecting, remodeling, repairing, or maintaining school buildings, for purchasing furniture, equipment and computer software, for repairing and maintaining computer systems and equipment, for paying energy and utility costs, for purchasing telecommunications utilities and services, for paying fire and casualty insurance premiums, for purchasing security systems, for paying salaries of security personnel, or for one or more, or all, of these purposes.
  - Allows the building and operations fund to be a current expense fund, deleting the prohibition that the monies not be considered part of the general operating fund. Also, deletes the prohibition that monies derived from the proceeds of the ad valorem school levies (39 mills) not be placed in the building fund.

Should you have any questions related to this bill, please contact Mr. Matt Holder, Deputy Superintendent of Finance and Federal Programs, at (405) 522-3713 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §1-118



## S.B. 1475

RE: S.B. 1475

SUBJECT: Creating the Occupational Licensing Review Act

Senate Bill 1475 becomes effective July 1, 2018. This bill creates the Occupational Licensing Advisory Commission to review each occupational or professional license and make recommendations to the Legislature.

- Section 2: Creates the Occupational Licensing Advisory Commission, consisting of 12 appointed members: the Labor Commissioner; two members of the House; two members of the Senate; Chief Information Officer of the Office of Management and Enterprise Services, four members by the Governor including a member of the medical community, a member of a trade profession, a member of the business community and a member representing a not-for-profit advocating for low-income/disadvantaged persons.
  - Requires the Commission to be subject to the Open Records Act. Prohibits members from serving on any board, agency, committee or commission that regulates the occupation/profession they represent. Requires the Department of Labor to provide staff and administrative support to the Commission.
  - Requires the Commission to conduct a review of each license not less than once every four years and make recommendations to the Legislature.
  - Requires the Commission to hold an annual public meeting to present findings on any license it has reviewed and allow public comment. It may hold a vote to recommend to the Legislature that a license be maintained, modified or repealed.
  - Requires any recommendations to the Legislature to be provided in a report to the Governor, the Senate and the House prior to the Legislative deadline for requesting legislation and to be posted on the Department of Labor's website.

Should you have any questions related to this bill, please contact Mr. Jeff Smith, Executive Director of Teacher Certification, at (405) 521-3337 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 40 O.S. §800, 800.1



## **S.B. 1517**

RE: S.B. 1517

SUBJECT: Trauma-Informed Care

Senate Bill 1517 becomes effective November 1, 2018. This bill creates the Task Force on Trauma-Informed Care until November 1, 2021 to identify and update a set of best practices to better serve children and youth who have experienced or are at risk of experiencing trauma.

- Section 1(A): Creates the Task Force on Trauma-Informed Care until November 1, 2021 and requires it to identify, evaluate, recommend, maintain and update a set of best practices with respect to children and youth (and families as appropriate) who have experienced or are at risk of trauma (e.g., adverse childhood experiences (ACEs)).
- Section 1(B): Requires the task force to have 17 members including an employee or designee of the SoonerStart division of the Oklahoma Department of Education (OSDE) and an employee or designee of OSDE who is not in the SoonerStart division.
- Section 1(C): Requires appointments to be made by December 1, 2018.
- Section 1(D)(1): Requires the task force to, within one year and annually thereafter, identify and evaluate promising, evidence-based and evidence-informed best practices; make recommendations and distribute them to state, local and tribal agencies, other relevant organizations and associations including schools, and the general public; and maintain and update the best practices as appropriate.
- Section 1(D)(2): Requires the task force to, within two years, prepare a strategy report describing how member agencies will collaborate, prioritize options for and implement a coordinated approach to trauma prevention with a focus on ACEs, and identify appropriate interventions as well as supports for children and youth – and their families as appropriate – that have experienced or are at risk of experiencing trauma.
- Section 1(D)(3): Requires the task force to, within one year and at least annually thereafter, coordinate research, data collection, evaluation of models and trauma prevention among members of the task force; identify service gaps and solicit feedback; and establish procedures to enable shared technical expertise.
- Section 1(E): In order to identify, evaluate, recommend, maintain and update the set of best practices, the task force is required to do the following:

- Consider findings from evidence-based, evidence-informed and promising practice-based models that reflect the science of healthy development and demonstrate effectiveness or positive measurable outcomes;
- Solicit feedback from higher education faculty, community practitioners, professional associations representing the experience of people that provide services to obtain observations and practical recommendations, and the public;
- Recommend models for settings where individuals may come into contact with children, youth and their families who have experienced or are at risk of experiencing trauma; and
- Recommend best practices including:
  - Guidelines for training front-line service providers in understanding and identifying early signs and risk factors of trauma, including through screening processes;
  - Implementing appropriate responses;
  - Implementing procedures or systems for quick referral using partnerships that co-locate or integrate services such as by providing services at school-based health centers, and that ensure screening, support and treatment;
  - Educating children and youth to understand trauma, identify signs, effects and symptoms, and build resilience and coping skills;
  - Multi-generational interventions and community interventions for underserved areas that have faced acute or long-term exposure to trauma;
  - Assisting parents and guardians in understanding eligibility for and obtaining health benefits coverage;
  - Utilizing trained nonclinical providers such as peer support, mentors, clergy and community;
  - Collecting and utilizing data from screenings, referrals and services;
  - Improving disciplinary practices in early childhood education and schools including use of positive disciplinary strategies to reduce incidences of punitive disciplinary actions like school suspensions and expulsions;
  - Providing training to child care providers and school personnel; and
  - Incorporating trauma-informed considerations into educational, pre-service and continuing education opportunities for professional and educational entities.
- Section 1(F-G): Authorizes the task force to meet as many times as needed to perform its duties and makes it subject to the Open Meetings Act. Prevents members of the task force from receiving compensation or travel reimbursement.

Should you have any questions related to this bill, please contact Ms. Kristin Atchley, Executive Director of Counseling, at (405) 521-3549 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law not codified



## **S.B. 1566**

RE: S.B. 1566

SUBJECT: Oklahoma historical sites

Senate Bill 1566 becomes effective November 1, 2018. This bill allows for development of educational programs and materials to promote Oklahoma historical sites.

- Section 1: Allows the OK Tourism and Recreation Department to coordinate with the OK Historical Society and OK State Department of Education to develop educational programs and materials for schools that promote learning about and visiting historical sites, and to promote tourism and heritage preservation throughout the state. Allows the Department of Transportation to participate by developing and placing markers along highways recognizing historical sites.
  - Requires implementation to be contingent upon the availability of funding.
  - Gives the participating agencies authority to seek and use public and/or private funding, grants and donations to implement and maintain the project. Funds received are to be deposited into the Heritage Preservation Revolving Fund.
  - Allows the participating agencies to use state-appropriated funding as is appropriate and in the normal course of their responsibilities and duties.
- Section 2: Expands the permitted uses of the Heritage Preservation Revolving Fund of the OK Historical Society to include support and maintenance of the stated programs and materials.

Should you have any questions related to this bill, please contact Ms. Brenda Beymer-Chapman, Director of Social Studies Education, at (405) 522-3523 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law not codified

Amendment to: 53 O.S. §417



## **S.B. 1581**

RE: S.B. 1581

SUBJECT: State leave sharing program

Senate Bill 1581 becomes effective November 1, 2018. This bill creates the Leave of Last Resort Bank for state employees who have exhausted all other leave options.

- Section 1(H): Allows state employees to receive donated annual or sick leave from employees within their employing entity and other state entities as long as the employee first exhausts all available leave options within the employing state entity.
- Section 1(O): Directs the Office of Management and Enterprise Services (OMES) to designate an employee as the shared leave liaison who can assist employees unable to obtain the needed donated leave. The liaison is required to inform agencies and employees of their rights, ensure employees sharing leave meet the criteria, coordinate outreach efforts between state entities, ensure employees have exhausted all options before requesting last resort leave and coordinate leave requested from the Leave of Last Resort Bank.
- Section 1(P): Creates the Leave of Last Resort Bank to be made available to qualifying employees unable to secure shared leave. The Bank is to be funded by voluntary donations of annual and sick leave from employees retiring or leaving state service made in writing on his or her final day of service.
  - Directs OMES to promulgate rules and regulations for implementation.

Should you have any questions related to this bill, please contact Mr. Bill Connolly, Executive Director of Human Resources, at (405) 522-3319 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law not codified

Amendment to: 53 O.S. §417



## **S.B. 1582**

RE: S.B. 1582

SUBJECT: Oklahoma Education Lottery Trust Fund

Senate Bill 1582 becomes effective March 5, 2018. This bill replaces funding in the Education Lottery Trust Fund that was determined to have been supplanted.

- Section 1: Appropriates \$19,892,744 to the Oklahoma Education Lottery Trust Fund from the Unclaimed Property Fund.
  - NOTE: This appropriation was made upon the finding by the State Board of Equalization that funds were used to supplant funding for education. Forty-five percent is appropriated to common education in S.B. 1600.

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Helpful statutory reference: 3A O.S. §713(E)



## **S.B. 1583**

RE: S.B. 1583

SUBJECT: Revenue Stabilization Fund

Senate Bill 1583 becomes effective November 1, 2018. This bill changes the threshold for deposits to be made into the Revenue Stabilization Fund.

- Section 1(B): Increases the amount of revenue, as certified by the Board of Equalization, that must be deposited into the General Revenue Fund to be \$6.6 billion, changed from \$5.73 billion, in the year prior to a deposit into the Revenue Stabilization Fund for determinations in fiscal years beginning on or after July 1, 2019.

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 62 O.S. §34.102





## S.B. 1600

RE: S.B. 1600

SUBJECT: General appropriations

Senate Bill 1600 §1-123 and 130-133 become effective on July 1, 2018. This bill is the general appropriations (GA) bill and makes appropriations to the various agencies of the executive, legislative and judicial branches of state government. It appropriates \$2,912,985,147 to the State Board of Education.

- Sections 1-17: Appropriates \$2,912,985,147 to the State Board of Education for Fiscal Year 2019 (FY19), which is *\$464,585,318 more* than was initially appropriated in FY19.
- Financial Support of Public Schools (i.e., funding formula) is appropriated \$2,278,122,289, which is *\$407,144,623 more* than beginning FY18.
  - \$ 1,373,201,301 from the General Revenue Fund
    - Requires the State Board of Education to designate adequate amounts for increased compensation for certified personnel as provided in H.B. 1023xx and for support employees as provided in H.B. 1026xx.
  - \$818,166,976 from the Education Reform Revolving Fund (i.e., 1017 Fund)
  - \$50,470,751 from the Common Education Technology Fund
  - \$2,850,000 from the Mineral Leasing Fund FY19
  - \$210,984 from the Mineral Leasing Fund FY17
  - \$909,904 from the Mineral Leasing Fund FY15
  - \$30,326,735 from the Oklahoma Lottery Trust Fund FY19
  - \$1,985,638 from the Oklahoma Lottery Trust Fund FY17
- Support of Public School Activities is appropriated \$91,319,026 from the General Revenue Fund, which is *\$755,007 less* than beginning FY18.
- Textbooks and instructional materials is appropriated \$33,000,000 from the General Revenue Fund, which is *\$33,000,000 more* than in FY18.
- Health Benefit Allowance (i.e., Flexible Benefit Allowance/FBA) is appropriated \$315,478,030 from the General Revenue Fund, which is *\$24,687,149 more* than in FY18.
  - \$315,478,030 for Certified Employees
  - \$171,905,086 for Support Personnel

- Administrative and Support Functions of the State Department of Education is appropriated \$15,980,190 from the General Revenue Fund, which is *\$299,085 more* than beginning FY18.
  - NOTE: This increase is dedicated to pay raises for state employees contained in H.B. 1024xx.
- School Consolidation Assistance Fund is appropriated \$3,590,263, which is *\$104,734 more* than FY18.
  - \$3,369,637 from the Oklahoma Lottery Trust Fund FY19
  - \$220,626 from the Oklahoma Lottery Trust Fund FY17
- Oklahoma Teachers' Retirement System Dedicated Revenue Revolving Fund is appropriated \$3,590,263, which is *\$104,734 more* than FY18.
  - \$3,369,637 from the Oklahoma Lottery Trust Fund FY19
  - \$220,626 from the Oklahoma Lottery Trust Fund FY17
- Section 127: Special Cash Fund is appropriated \$80,000,000 from the State Highway Construction and Maintenance Fund. (Funding is replaced in H.B. 3712).
- Section 128: Special Cash Fund is appropriated \$12,000,000 from the Oklahoma Railroad Maintenance Revolving Fund. (Funding is replaced in H.B. 3712).
- Section 129: The Ad Valorem Reimbursement Fund is appropriated \$92,700,000 from the Special Cash Fund of the State Treasury for the purpose of reimbursing counties for school districts that claim a loss of revenue due to exemptions of certain ad valorem taxes.
  - Section 129 becomes effective June 15, 2018.
  - NOTE: Section 127 and 128 are relevant in order to fulfill the obligations stated in Section 129.
- Section 137: Repeals H.B. 3705.

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.



## S.J.R. 35

RE: S.J.R. 35

SUBJECT: The Vision Fund

Senate Joint Resolution 35 is referred to the people for their approval or rejection. This resolution proposes creation of the Oklahoma Vision Fund.

- Section 1(A): Creates the “Oklahoma Vision Fund” to support the operation of state government and provide tax relief.
- Section 1(B): Provides that the fund will consist of legislative appropriations, deposits and apportionments provided by law, 5% of the total actual revenue from the gross production tax on oil and gas for each fiscal year beginning July 1, 2020 which will increase in increments of 2/10 of a percent each year, and investment and income returns from the fund principal.
- Section 1(C): Directs 4% of the average annual amount of the principal of the Vision Fund for the immediately preceding five complete fiscal years to be apportioned to the General Revenue Fund as determined by the State Treasurer. Deposits will not begin before July 1, 2020.
- Section 1(D): Directs the State Treasurer to invest the balance of the Vision Fund, taking care to minimize the risk of large loss, unless circumstances indicate it is not prudent.
- Section 1(E): Allows monies to be invested in equity of lawful for-profit business enterprises, whether denominated as shares, stock, membership interests or similar equity securities.
- Section 1(F): Prohibits more than 5% of monies from being used for debt service payments due on bonds or other financing instruments issued by the state, political subdivisions or other governmental entities.
- Section 2: Proposes the following gist for the proposal:
  - This measure would create a new fund called the “Oklahoma Vision Fund” in the Oklahoma Constitution. Money could be appropriated to the Fund. Beginning July 1, 2020, five percent (5%) of gross production taxes on both oil and gas would be deposited into the Fund. After that fiscal year, the percentage would increase by two-tenths percentage points each year. Other monies could be

deposited into the Fund if provided by law. The State Treasurer would deposit four percent (4%) of the principal amount of the Fund into the State General Revenue Fund each year. The Fund would be subject to an investment standard known as the prudent investor rule. The Fund could be invested in stocks and similar securities. Not more than five percent (5%) of the monies in the Fund could be used for payment of debt obligations issued by the State of Oklahoma, state government entities or local government entities.

Should you have any questions related to this bill, please contact Mr. Matt Holder, Deputy Superintendent of Finance and Federal Programs, at (405) 522-3713 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Helpful statutory reference: Okla. Const. art. 10, §44 and art. 10, §15



## **S.J.R. 70**

RE: S.J.R. 70

SUBJECT: Ad valorem usage authorization

Senate Joint Resolution 70 is referred to the people for their approval or rejection. This resolution proposes an amendment the Oklahoma Constitution to expand the allowable use of the building fund to include operations.

Existing Constitutional provisions allow for a building fund for a school district which may be used for erecting, remodeling or repairing school buildings and for purchasing furniture by a rate of taxation of not more than 5 mills on the dollar of assessed value of the taxable property in the school district.

- Section 1(A): Expands the building fund to be the “building and operations” fund and adds “operations as deemed necessary by a school district” as an allowable use of the fund.
- Section 1(B): Allows a school district to, upon approval of a majority of electors in the district, make the ad valorem levy for a “building and operations” fund permanent.
- Section 2: Proposes the following gist for the proposal:
  - This measure amends Section 10 of Article 10 of the Oklahoma Constitution. It expands the uses permitted for certain ad valorem taxes levied by a school district. Currently, tax revenue is placed in a building fund. The fund is changed to allow use for operations. The operations would be those deemed necessary by a school district.

NOTE: S.B. 1398 is a companion bill to S.J.R. 70, which would update the statute to reflect the constitutional change should the resolution be approved by a majority vote of the people of the state.

Should you have any questions related to this bill, please contact Mr. Matt Holder, Deputy Superintendent of Finance and Federal Programs, at (405) 522-3713 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §1-118



## **S.J.R. 72**

RE: S.J.R. 72

SUBJECT: Education subject matter standards

Senate Joint Resolution 72 was submitted to the Secretary of State for inclusion in The Oklahoma Register May 3, 2018. This resolution approves the Oklahoma Academic Standards for Computer Science.

- States the requirement of the Legislature to approve in whole or in part, disapprove in whole or in part or amend in whole or in part subject matter standards adopted by the State Board of Education and submitted to the Speaker of the House of Representatives or a designee and the President Pro Tempore of the Senate or a designee for legislative review.
- States that the State Board of Education submitted the adopted Oklahoma Academic Standards for Computer Science as required on March 19, 2018.
- Section 1: Approves, in whole, the Oklahoma Academic Standards for Computer Science as adopted by the Board and submitted to the Legislature.

Should you have any questions related to this bill, please contact Mr. Levi Patrick, Assistant Executive Director of Instruction, at (405) 522-3525 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Helpful statutory reference: 70 O.S. §11-103.61



## **H.B. 1010xx**

RE: H.B. 1010xx

SUBJECT: Revenue and taxation

House Bill 1010 of the 2nd Extraordinary Session becomes effective June 27, 2018. This bill proposes five new tax levies estimated to increase revenue by a total of \$474,696,000 in FY 19.

- Section 1: Declares the bill to be a general revenue bill according to the OK Constitution.
- Section 2(A): Levies a new tax on the sale of cigarettes at a tax rate of 50 mills per cigarette (i.e., \$1.00 per pack), in addition to the taxes required by existing statute.
  - Expected to result in an increase of \$152,074,000 in revenue for FY 19.
- Section 2(B): Apportions the revenue from the cigarette tax to the General Revenue Fund for collections prior to July 1, 2019 and to the State Health Care Enhancement Fund thereafter.
- Section 3-5: Changes the tax on little cigars to equal the tax placed on cigarettes, changed from 4 mills per cigar.
  - Expected to result in an increase of \$954,000 in revenue for FY 19.
- Section 6(A): Imposes a tax of \$0.06 per gallon of diesel fuel and \$0.03 per gallon of gasoline, in addition to the taxes required by existing statute.
  - Expected to result in an increase of \$53,004,000 and \$51,979,000 respectively in revenue for FY 19.
- Section 6(B): Apportions the revenue from the fuel tax to the General Revenue Fund for collections prior to July 1, 2019 and to the Rebuilding Oklahoma Access and Driver Safety Fund thereafter.
- Section 7: Increases the tax on the production of oil, gas, or oil and gas wells spudded prior to June 27, 2018 to 5%, changed from 2%, for the first 36 months of production.
  - Provides that should the people approve adoption of State Question 795 (which would have increased the rate to 7%), the taxes in Section 7 would be reduced to 2% for the first 36 months of production and 7% thereafter.

- Eliminates various tax rates for different types of wells drilled at different times.
- Expected to result in an increase of \$71,120,000 in revenue from natural gas and \$99,365,000 in revenue from oil for FY 19.
- Section 8(A)(10): Apportions 80% of the gross production tax levied on natural gas at the rate of 5% to the General Revenue Fund until the apportionment equals the moving five-year average at which time the amount exceeding the average will be apportioned to the Revenue Stabilization Fund.
  - Apportions 10% to the County Highway Fund and 10% to be allocated to school districts on an average daily attendance (ADA) per capita basis.
- Section 8(A)(11): Apportions any amount of the gross production tax levied on oil at the rate of 5% exceeding the moving five-year average to the Revenue Stabilization Fund after all other apportionments have been met.
  - Apportions 23.75% to the Common Education Technology Revolving Fund, 23.75% to the Higher Education Capital Revolving Fund, 23.75% to the Student Aid Revolving Fund, 3.28% to the County Bridge and Road Improvement Fund, 5% to the Oklahoma Water Resources Board Rural Economic Action Plan Water Projects Fund beginning July 1, 2019, 10% to the County Highway Fund, 10% to be allocated to school districts on an average daily attendance (ADA) per capita basis, and 0.47% to the Statewide Circuit Engineering District Revolving Fund.
- Section 8(C): Existing law restricts the Common Education Technology Revolving Fund, Higher Education Capital Revolving Fund, Student Aid Revolving Fund, Rural Economic Action Plan Water Projects Fund to not more than \$150,000,000 in any fiscal year.
- Sections 9-15: Creates the Oklahoma Occupancy Tax Act which requires innkeepers to charge customers \$5.00 per night per hotel room for each calendar day.
  - Expected to result in an increase of \$46,200,000 in revenue for FY 19.
  - NOTE: The occupancy tax was later repealed under H.B. 1012xx.

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 68 O.S. §302-7, 500.4B, 5501-5507

Amendment to: 68 O.S. §402, 402-1, 402-3, 1001, 1004

Repeals: 68 O.S. §402-2

Helpful statutory reference: Okla. Const. art. 5, §57





## **H.B. 1011xx**

RE: H.B. 1011xx

SUBJECT: Revenue and taxation

House Bill 1011 of the 2nd Extraordinary Session becomes effective January 1, 2018. This bill restricts the amount of allowable itemized deductions that can be claimed on an Oklahoma tax return.

Existing law provides for adjustments to the gross income of any individual taxpayer to arrive at Oklahoma taxable income.

- Section 1(E)(3): Further adjusts taxable income for taxable years beginning on or after January 1, 2018, to restrict the net amount of itemized deductions allowable on an Oklahoma income tax return to \$17,000. Excludes charitable contributions and medical expenses deductible for federal income tax purposes from that amount.

NOTE: Existing law requires 8.34% of income tax to be apportioned to the Education Reform Revolving Fund (i.e., 1017 Fund). This bill is expected to increase income tax collections by \$94,015,000 in FY 19 resulting in an additional \$7,840,851 to the 1017 Fund.

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 68 O.S. §2358



## **H.B. 1012xx**

RE: H.B. 1012xx

SUBJECT: Revenue and taxation

House Bill 1012 of the 2nd Extraordinary Session becomes effective April 10, 2018. This bill repeals the “hotel/motel tax” as passed in H.B. 1010xx.

- Section 1: Repeals Sections 9-15 of H.B. 1010xx, which contained provisions to impose a \$5.00 per night charge to customers per hotel room for each calendar day.

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Repeals: 68 O.S. §5501-5507



## **H.B. 1015xx**

RE: H.B. 1015xx

SUBJECT: Motor fuels tax

House Bill 1015 of the 2nd Extraordinary Session becomes effective June 27, 2018, the same date as H.B. 1010xx. This bill extends existing exemptions from motor fuel tax to the fuel taxes imposed by H.B. 1010xx.

Existing law provides for certain exemptions to the motor fuel tax including motor fuel used in district-owned public school vehicles or FFA and 4-H Club trucks for transporting public school children, and motor fuel purchased by any school district for use exclusively in school buses for transporting public school children, or in the operation of vehicles used in driver training.

- Section 1(1): Extends existing exemptions from motor fuel tax to those fuel taxes imposed by H.B. 1010xx.
- Section 3: Makes the provisions contingent upon the enactment of H.B. 1010xx and directs that it “shall not become operative as law otherwise.”

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 68 O.S. §500.10

Helpful statutory reference: 68 O.S. §500.4



## H.B. 1019xx

RE: H.B. 1019xx

SUBJECT: Revenue and taxation

House Bill 1019 of the 2nd Extraordinary Session becomes effective on April 10, 2018. This bill requires entities selling items online that do not currently collect and submit sales or use tax to either collect the tax or provide notice to purchasers.

- Section 2: Defines the following terms, among others:
  - “Marketplace facilitator” to mean a person that facilitates a retail sale of tangible personal property by listing or advertising the property for retail sale in any forum, and either directly or indirectly through agreements or arrangements with third parties, collects the payment from the purchaser and transmits the payment to the person selling the property.
  - “Marketplace seller” means a person that has an agreement with a marketplace facilitator in which the marketplace facilitator facilitates sales for the person.
  - “Referrer” means the person, other than a person engaging in the business of printing or publishing a newspaper, that agrees to list or advertise products of the marketplace seller or remote seller in a physical or electronic medium for retail sale; receives consideration from the marketplace seller or remote seller from the sale offered in the listing or advertisement; transfers by telecommunications, Internet link or other means, a purchaser to a marketplace seller, remote seller or affiliated person to complete a sale; and does not collect a receipt from the purchaser for the sale.
  - “Remote seller” means a person, that does not maintain a place of business in this state that, sells property at retail through a forum, the sale or use of which is subject to the tax in this state.
- Section 3: Requires a remote seller, a marketplace facilitator or a referrer that had aggregate sales within the state or delivered to locations within the state of at least \$10,000 during the prior calendar year to file an election with the Tax Commission to collect and remit sales or use tax or comply with notice and reporting requirements.
- Section 4: Requires a remote seller, a marketplace facilitator or a referrer that does not elect to collect and remit tax to comply with notice requirements which include posting a

conspicuous notice on its forum or platform to inform purchasers that sales or use tax may be due and that the state requires the purchaser to file a return if tax is due in connection with the purchase or delivery. Also requires written notice to be provided to each purchaser that includes a statement that sales or use tax is not being collected, the purchaser may be required to remit tax directly and instruction for obtaining additional information.

- The notice must be prominently displayed on all invoices, order forms and each sales receipt or similar document, whether paper or electronic.
- Section 5: Requires a remote seller, a marketplace facilitator or a referrer that does not elect to collect and remit tax to provide a written report to each purchaser by January 31 of each year that includes a statement that the entity did not collect sales or use tax and the purchaser may be required to remit tax, a listing by date indicating the type and purchase price of each product, instructions for obtaining additional information, and a statement that the entity is required to submit a report that includes the purchaser to the Tax Commission.
- Section 6: Requires a remote seller, a marketplace facilitator or a referrer that does not elect to collect and remit tax to provide a written report to the Tax Commission by January 31 of each year that includes each purchaser required to receive notice for the preceding calendar year.
- Section 7: Requires the Commission to assess a penalty of \$20,000 or 20% of the total sales whichever is less against a remote seller, a marketplace facilitator or a referrer that does not comply. Allows the Commission to abate or reduce any penalty due to hardship or for good cause.
- Section 9: Apportions \$19,600,000 of the use tax for FY 19 and \$20,500,000 for FY 20 and each year thereafter to the Education Reform Revolving Fund (i.e., 1017 Fund) prior to any other apportionment.

NOTE: Existing law apportions 10.46% of the remaining use tax to the Education Reform Revolving Fund.

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 68 O.S. §1391, 1392, 1393, 1394, 1395, 1396, 1397  
Amendment to: 68 O.S. §1403



## **H.B. 1020xx**

RE: H.B. 1020xx

SUBJECT: General appropriations

House Bill 1020 of the 2nd Extraordinary Session becomes effective February 27, 2018. This bill implements a 0.66% cut across all state agency appropriations.

- Section 2: Reduces the appropriation to the Financial Support of Public Schools (i.e., funding formula) from the General Revenue Fund by \$15,357,170, to \$1,021,072,267. This represents a 0.82% cut to the line item as a whole.
- Section 10: Reduces the appropriation to the Support of Public Schools Activities from the General Revenue Fund by \$755,007, to \$91,319,026. This represents a 0.82% cut to the line item.
- Section 13: Reduces the appropriation to the administrative and support functions of the State Department of Education from the General Revenue Fund by \$128,585, to \$15,552,520. This represents a 0.82% cut to the line item.
- NOTE: In total, the education budget was reduced by \$16,240,762, to \$2,432,159,067. This represents a 0.66% cut.
  - Funding for the Financial Support of Public Schools from sources other than General Revenue, the Flexible Benefit Allowance, the Teachers' Retirement System Dedicated Revenue Revolving Fund and the School Consolidation Assistance Fund were not reduced.

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.



## H.B. 1023xx

RE: H.B. 1023xx

SUBJECT: Teacher pay raise

House Bill 1023 of the 2nd Extraordinary Session becomes effective August 1, 2018. This bill creates a new minimum salary schedule for certified personnel.

- Section 1(A): Creates a new minimum salary schedule for certified personnel (see attached) beginning with the 2018-19 school year.
  - “Certified personnel” is defined to mean a certified person employed on a full-time basis to serve as a teacher, principal, supervisor, administrator, counselor, librarian, or certified or registered nurse, but shall not mean a superintendent of a school district.
- Section 1(B)(2): Directs a school district that intends to employ a teacher with a base salary that is less than the minimum salary schedule and provides retirement benefits in order to reach the minimum salary schedule, to provide written notification to the teacher prior to employment. If the teacher is already employed, then notification must be made no later than 30 days prior to the date the district makes the decision to use retirement benefits to meet the minimum salary schedule.
  - NOTE: This change was originally passed in H.B. 1622, 2017.
- Section 1(G): Requires certified personnel employed during the 2017-18 school year who were receiving salary above the required minimum salary schedule during that year to receive a salary increase amount equal to the amount indicated for his or her relative step level, provided the individual remains employed by the same school district. Does not apply if hours or duties are reduced proportionately.
- Section 3: Makes the provisions contingent upon the enactment of H.B. 1010xx and directs that it “shall not become operative as law otherwise.”

Should you have any questions related to this bill, please contact Ms. Renee McWaters, Executive Director of State Aid, at (405) 522-0124 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. §18-114.14

Helpful statutory reference: 70 O.S. §26-103

New Salary Schedule Under H.B. 1023xx and Increase by Years of Experience Beginning 2018-19 School Year																
Years of Experience	Bachelor's Degree	Increase	New Bachelor's Degree	Bachelor's Degree +NBCT	New			Master's Degree +NBCT	Increase	New Master's Degree	Master's Degree +NBCT	Increase	New Master's Degree +NBCT	Doctor's Degree	Increase	New Doctor's Degree
					Bachelor's Degree +NBCT	Master's Degree	Master's Degree +NBCT									
0	\$31,600	\$5,001	\$36,601	\$32,600	\$5,159	\$37,759	\$32,800	\$5,191	\$37,991	\$33,800	\$5,349	\$39,149	\$34,000	\$5,381	\$39,381	
1	\$31,975	\$5,060	\$37,035	\$32,975	\$5,218	\$38,193	\$33,175	\$5,250	\$38,425	\$34,175	\$5,408	\$39,583	\$34,375	\$5,440	\$39,815	
2	\$32,350	\$5,119	\$37,469	\$33,350	\$5,278	\$38,628	\$33,550	\$5,309	\$38,859	\$34,550	\$5,468	\$40,018	\$34,750	\$5,499	\$40,249	
3	\$32,725	\$5,179	\$37,904	\$33,725	\$5,337	\$39,062	\$33,925	\$5,369	\$39,294	\$34,925	\$5,527	\$40,452	\$35,125	\$5,559	\$40,684	
4	\$33,100	\$5,238	\$38,338	\$34,100	\$5,396	\$39,496	\$34,300	\$5,428	\$39,728	\$35,300	\$5,586	\$40,886	\$35,500	\$5,618	\$41,118	
5	\$33,500	\$5,310	\$38,810	\$34,500	\$5,468	\$39,968	\$34,700	\$5,500	\$40,200	\$35,700	\$5,658	\$41,358	\$35,900	\$5,690	\$41,590	
6	\$33,900	\$5,373	\$39,273	\$34,900	\$5,532	\$40,432	\$35,100	\$5,563	\$40,663	\$36,100	\$5,722	\$41,822	\$36,300	\$5,754	\$42,054	
7	\$34,300	\$5,437	\$39,737	\$35,300	\$5,595	\$40,895	\$35,500	\$5,627	\$41,127	\$36,500	\$5,785	\$42,285	\$36,700	\$5,817	\$42,517	
8	\$34,700	\$5,500	\$40,200	\$35,700	\$5,658	\$41,358	\$35,900	\$5,690	\$41,590	\$36,900	\$5,849	\$42,749	\$37,100	\$5,880	\$42,980	
9	\$35,100	\$5,563	\$40,663	\$36,100	\$5,722	\$41,822	\$36,300	\$5,754	\$42,054	\$37,300	\$5,912	\$43,212	\$37,500	\$5,944	\$43,444	
10	\$35,950	\$5,734	\$41,684	\$36,950	\$5,894	\$42,844	\$37,575	\$5,993	\$43,568	\$38,575	\$6,153	\$44,728	\$39,625	\$6,320	\$45,945	
11	\$36,375	\$5,802	\$42,177	\$37,375	\$5,961	\$43,336	\$38,000	\$6,061	\$44,061	\$39,000	\$6,221	\$45,221	\$40,050	\$6,388	\$46,438	
12	\$36,800	\$5,870	\$42,670	\$37,800	\$6,029	\$43,829	\$38,425	\$6,129	\$44,554	\$39,425	\$6,288	\$45,713	\$40,475	\$6,456	\$46,931	
13	\$37,225	\$5,937	\$43,162	\$38,225	\$6,097	\$44,322	\$38,850	\$6,197	\$45,047	\$39,850	\$6,356	\$46,206	\$40,900	\$6,524	\$47,424	
14	\$37,650	\$6,005	\$43,655	\$38,650	\$6,165	\$44,815	\$39,275	\$6,264	\$45,539	\$40,275	\$6,424	\$46,699	\$41,325	\$6,591	\$47,916	
15	\$38,075	\$6,092	\$44,167	\$39,075	\$6,252	\$45,327	\$39,700	\$6,352	\$46,052	\$40,700	\$6,512	\$47,212	\$41,750	\$6,680	\$48,430	
16	\$38,500	\$6,160	\$44,660	\$39,500	\$6,320	\$45,820	\$40,125	\$6,420	\$46,545	\$41,125	\$6,580	\$47,705	\$42,175	\$6,748	\$48,923	
17	\$38,925	\$6,228	\$45,153	\$39,925	\$6,388	\$46,313	\$40,550	\$6,488	\$47,038	\$41,550	\$6,648	\$48,198	\$42,600	\$6,816	\$49,416	
18	\$39,350	\$6,296	\$45,646	\$40,350	\$6,456	\$46,806	\$40,975	\$6,556	\$47,531	\$41,975	\$6,716	\$48,691	\$43,025	\$6,884	\$49,909	
19	\$39,775	\$6,364	\$46,139	\$40,775	\$6,524	\$47,299	\$41,400	\$6,624	\$48,024	\$42,400	\$6,784	\$49,184	\$43,450	\$6,952	\$50,402	
20	\$40,200	\$6,452	\$46,652	\$41,200	\$6,613	\$47,813	\$41,825	\$6,713	\$48,538	\$42,825	\$6,873	\$49,698	\$43,875	\$7,042	\$50,917	
21	\$40,625	\$6,520	\$47,145	\$41,625	\$6,681	\$48,306	\$42,250	\$6,781	\$49,031	\$43,250	\$6,942	\$50,192	\$44,300	\$7,110	\$51,410	
22	\$41,050	\$6,589	\$47,639	\$42,050	\$6,749	\$48,799	\$42,675	\$6,849	\$49,524	\$43,675	\$7,010	\$50,685	\$44,725	\$7,178	\$51,903	
23	\$41,475	\$6,657	\$48,132	\$42,475	\$6,817	\$49,292	\$43,100	\$6,918	\$50,018	\$44,100	\$7,078	\$51,178	\$45,150	\$7,247	\$52,397	
24	\$41,900	\$6,725	\$48,625	\$42,900	\$6,885	\$49,785	\$43,525	\$6,986	\$50,511	\$44,525	\$7,146	\$51,671	\$45,575	\$7,315	\$52,890	
25+	\$42,325	\$7,724	\$50,049	\$43,325	\$7,907	\$51,232	\$43,950	\$8,021	\$51,971	\$44,950	\$8,203	\$53,153	\$46,000	\$8,395	\$54,395	





## H.B. 1024xx

RE: H.B. 1024xx

SUBJECT: State employee compensation

House Bill 1024 of the 2nd Extraordinary Session becomes effective July 1, 2018. This bill increases salaries for state employees.

- Section 1(A): Directs all state officers and employees who were employed on the last working day of June 2018 to receive an annualized salary increase as follows:
  - \$2,000 for persons making \$40,000 or less annually as of June 30, 2018;
  - \$1,500 for persons making between \$40,000 and \$50,000 as of June 30, 2018;
  - \$1,000 for persons making between \$50,000 and \$60,000 of June 30, 2018; and
  - \$750 for persons making \$60,000 or more as of June 30, 2018.
- Section 1(C): Includes employees of county health departments, conservation districts and the George Nigh Rehabilitation Institute.
- Section 1(D): Provides for employees on leave without pay on July 1, 2018 to receive the annualized increase effective upon their return to work.
- Section 1(E): Provides for employees leaving service before July 1, 2018 but who are reemployed in July 2018 without a break of more than 30 days to be granted the raise.
- Section 1(F): Exempts certain officers from the pay increases including elected officials, cabinet secretaries, agency directors, justices and district attorneys whose salary is otherwise determined by statute, and employees of institutions under the Oklahoma State Regents for Higher Education, among others.
- Section 1(G): Prohibits a salary increase that exceeds a salary limitation provided in an agency's annual appropriation bill or salary limits set by statute.
- Section 1(H): Requires salary increases to be prorated for part-time employees.

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law not codified



## **H.B. 1026xx**

RE: H.B. 1026xx

SUBJECT: Compensation of certain school support employees

House Bill 1026 of the 2nd Extraordinary Session becomes effective July 1, 2018. This bill increases salaries for school support employees.

- Section 1(A): Requires school districts to provide every support employee \$1,250 over the base amount the employee earned during the 2017-18 school year if the employee is employed by the same district beginning in 2018-19.
  - Requires salary increases to be prorated based on the number of total hours of work performed by a full-time-equivalent support employee.
- Section 1(B): Directs the pay increase to be in addition to any other compensation and fringe benefits provided by the district, or mandated by law or collective bargaining agreement, unless the hours or duties of the employee are reduced proportionately.

Should you have any questions related to this bill, please contact Ms. Renee McWaters, Executive Director of State Aid, at (405) 522-0124 or Ms. Carolyn Thompson, Chief of Government Affairs, at (405) 522-3520.

New law at: 70 O.S. §6-101.42