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Oklahoma's Patriotic Access to Students in Schools Act and the Parents' Bill of Rights

by N. Roxane Mock

During the 2017 legislative session, the Oklahoma legislature passed House Bill 1715, also known as the Patriotic Access to Students in Schools ("PASS") Act. The PASS Act allows a school district's board of education to encourage increased community involvement through the school. The PASS Act sets out that patriotic youth groups may use school property to recruit and inform students of their societies. The Act will go into effect on August 25, 2017. The PASS Act states that beginning with the 2017-2018 school year, the principal of each public school in the state shall allow representatives of a patriotic society the opportunity to speak with and recruit students to

participate in their organizations during school hours to inform the students of how the patriotic society may further the students' education interest and civic involvement to better their schools, communities, and themselves.

Patriotic societies included within the PASS Act specifically include Boy Scouts and Girl Scouts of America, Future Farmers of America, Boys & Girls Clubs of America, Big Brothers – Big Sisters of America, and Little League Baseball, Inc. A full list of the organizations included within the meaning of patriotic societies can be found in Title 36 of the United States Code. Any youth group listed as a

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SAVE THE DATE

2017 Fall School Law Update and Golf Tournament
When: Wednesday, October 11, 2017
Where: White Hawk Golf Club, Bixby, Oklahoma
Registration Form on Page 6



patriotic society in Title 36 of the United States Code must be allowed to use any school building or property to provide services allowing students to participate in activities provided by the group outside of instructional time. According to the PASS Act, the patriotic society shall provide verbal or written notice to the school building principal of its intent to speak to students. The principal shall provide verbal or written approval of the specific day and time for the society to address students.

School districts must be mindful of Oklahoma's Parents' Bill of Rights while implementing the PASS Act. In 2014, the Oklahoma legislature created the Parents' Bill of Rights, which guarantees certain rights of parents without interference from the state. The Parents' Bill of Rights allows for parents to be able to make decisions regarding the upbringing, health care, and moral or religious training of their child. This right to make these decisions specifically extends to instruction and activities provided by and at school districts.

The Parents' Bill of Rights requires that the boards of education of school districts develop and adopt a policy to promote the involvement of parents and guardians of children enrolled in the schools within the school district. The Parents' Bill of Rights sets out procedures that a school district shall maintain with respect to parents being informed and having the option to opt their

child out of participating in certain types of instruction, activities, and health care measures that are provided while a child is on a school district's grounds.

In order to abide by both the PASS Act and the Parents' Bill of Rights, school districts should inform parents of any patriotic youth association's presentations or efforts to recruit students. Moreover, school districts should provide parents with an opportunity to opt their child out of a presentation by a patriotic youth association or from receiving recruiting information distributed by a patriotic youth association. RFR has developed a PASS Act policy, and it is available to school districts for \$75.00. Please contact your RFR attorney or Jeanie Anthony at jeaniea@rfrlaw.com. If you have any questions about the PASS Act or the Parents' Bill of Rights, please consult your school district's attorney.

The PASS Act sets out that patriotic youth groups may use school property to recruit and inform students of their societies.

Corporal Punishment of Students with Disabilities

by Cheryl A. Dixon

House Bill 1623, otherwise known as the Bryan Young Act, was signed into law by Governor Fallin on May 4, 2017. HB 1623 has been codified in Oklahoma statutes at Title 70, Section 13-116 and

will become effective on November 1, 2017. This law prohibits school district personnel "from using corporal punishment on students identified with the most significant cognitive disabilities" unless addressed in an annual IEP or the student's parent or legal guardian provide written consent. Corporal punishment is defined as "the deliberate infliction of physical pain by hitting, paddling, spanking, slapping or any other physical force used as a means of discipline." The criteria by which students qualify as those having "significant cognitive disabilities" are to be established by the Oklahoma State Department of Education.

In a previous article I discussed emerging issues in special education in the state. One of those issues involved the increase in special education due process filings involving the issue of student suspension and/or a shortened school day due to student behavior. The Oklahoma State Department of Education, Special Services Division, also issued a Memo regarding the issue on December 20, 2016.

We have seen an increase in calls to our office regarding violent behaviors of students – sometimes very young students. If your district is one which continues to utilize corporal punishment as a means of discipline, it is important for you to take note of this new law and ensure that staff is

aware of it. Additionally, we recommend establishing alternative means of discipline immediately, and certainly prior to November 1, 2017. Furthermore, keep in mind that suspension and/or shortened school days may also lead to problems for your district. If your district is facing challenging behavioral issues from a special education student, we highly recommend involving a behavioral expert to assist the district. Your school district's attorney should be able to provide you with the names of qualified, effective behavioral experts in Oklahoma.

Reminder Regarding Changes to the Definition of Career Teacher

by Staci L. Roberds

In 2016, the legislature amended the definitions for career and probationary teachers in § 6-101.3 of Title 70, and the amendments became effective on July 1, 2016. However, the effect on school districts primarily begins during the current 2017-18 school year.

The amendments to the definitions of career and probationary teachers distinguish between those teachers who were employed by a school district on a written continuing or temporary teaching contract prior to the 2017-18 school year and those teachers who are employed by a school district for

generally prohibits school district personnel "from using corporal punishment on students identified with the most significant cognitive disabilities"

the first time beginning in the 2017-18 school year. To obtain the status of career teacher, a teacher employed by a school district prior to the 2017-18 school year must have completed three or more consecutive complete school years as a teacher in the same school district under a written continuing or temporary teaching contract. Thus, if a teacher has completed less than the required three years, the teacher is defined as a probationary teacher. For teachers employed by a school district prior to the 2017-18 school year, a school district may rely on the teacher's date of hire to determine whether that teacher has obtained career status with the district.

With regard to a teacher employed by a school district for the first time during the 2017-18 school year, career status is determined by utilizing teacher ratings under the TLE evaluation system. To reach career status, a teacher employed for the first time by a school district for the 2017-18 school year (and subsequent school years) and on a written continuing or temporary teaching contract must have (a) completed three consecutive complete school years as a teacher in one school district and achieved an evaluation rating of "superior" under the TLE evaluation system for two out of the three school years; (b) completed four consecutive complete school years as a teacher in one school district and averaged an evaluation rating of at least "effective" under the TLE evaluation system

for the four-year period and has received "effective" evaluation ratings for the last two years of the four-year period; or (c) completed four or more consecutive complete school years in one school district and has not satisfied the other career teacher provisions, and the principal of the school submits a petition to the school district's superintendent requesting that the school district grant the teacher career status, the superintendent agrees, and the school district's board of education approves the petition.

Based on the amendments to the definition of career teacher, if a teacher is employed by a school district under a written continuing or temporary teaching contract for the first time during the 2017-18 school year, the school district cannot merely rely on a teacher's date of hire to determine whether the teacher has obtained career status. School districts should consider adding a note or memorandum to a teacher's file at the end of each school year, as to whether the teacher has met the requirements set forth in the definition of career teacher for the year. This will allow the school district to more accurately determine when a teacher has reached career status.

If questions arise with regard to the career status of a teacher, a district should not hesitate to consult with its attorney.

Thus, if a teacher has completed less than the required three years, the teacher is defined as a probationary teacher.



The Tulsa County School Board 1961–1962, from the left; Dr. Charles Mason, Mrs. Vigil O. Wood, Fenelon Boesche, Bud Barnett, Bill Butler, Mrs. J. Littleton Daniel, Carl Beesley, Villard Martin, Jr., C. H. Rosenstein. Rosenstein, Fist & Ringold has been a proud partner with TPS since 1932.

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Save the Date:
**RFR 2017 Fall School Law
Seminar and Golf Tournament**
Wednesday, October 11
WhiteHawk Golf Club
Bixby

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Practice Area Spotlight
RFR's Dispute Resolution Team
J. Douglas Mann and Frederick J. Hegenbart have more than 70 years of litigation experience between them. Their experience in resolving matters through mediation and arbitration ranges from multi-million dollar claims to routine disputes in both the private and public sectors.
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Chalkboard is a Rosenstein, Fist & Ringold publication that addresses current education law issues. *Chalkboard* is published monthly through the school year and is sent without charge to all education clients of Rosenstein, Fist & Ringold and all other persons who are interested in education law issues. We invite you to share *Chalkboard* with your friends and colleagues. We think you will find *Chalkboard* to be informative and helpful with the difficult task of operating our educational institutions.

Chalkboard is designed to provide current and accurate information regarding current education law issues. *Chalkboard* is not intended to provide legal or other professional advice to its readers. If legal advice or assistance is required, the services of a competent attorney familiar with education law issues should be sought.

We welcome your comments, criticisms and suggestions. Correspondence should be directed to: Rosenstein, Fist & Ringold, 525 South Main, Seventh Floor, Tulsa, Oklahoma 74103-4508, or call (918) 585-9211 or 1-800-767-5291. Our FAX number is (918) 583-5617. Help us make *Chalkboard* an asset to you.

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2017 FALL SCHOOL LAW UPDATE AND ROSENSTEIN, FIST & RINGOLD GOLF TOURNAMENT

2017 Fall School Law Update
PLEASE REGISTER THE FOLLOWING FOR THE SEMINAR AND GOLF:
(PLEASE NOTE – ONLY SCHOOL DISTRICT EMPLOYEES or BOARD MEMBERS ARE ELIGIBLE FOR SEMINAR AND GOLF)

Please register:

Please mark an "X"
in the appropriate
box

Seminar and Golf Seminar only

Name	School District Employed By/Position/Board Member	<input type="checkbox"/>	<input type="checkbox"/>
E-Mail Address (PLEASE PRINT LEGIBLY)			
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Name	School District Employed By/Position/Board Member	<input type="checkbox"/>	<input type="checkbox"/>
E-Mail Address (PLEASE PRINT LEGIBLY)			

Method of Payment Bill School Check Enclosed Total: _____

Confirmation of YOUR registration will be sent via E-Mail. Please make sure the information is legible.
Please Note: If you have a team request and the team players are with different school districts, please provide that information on the registration form. Please contact each member of your team request prior to submitting a registration form. If you do not list any additional players on your team request, we will select a team to pair you with. We will be unable to accommodate a specific team assignment the day of the event.

Deadline to Register – Friday, September 29, 2017
Registration cancellations after September 29 will be charged \$50

