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THE "ZONE OF SAFETY" IS ALWAYS ACTIVE - EVEN FOR EXTRACURRICULARS

by Greg D. Loeffler

Oklahoma law is clear that registered sex offenders are not permitted inside a public school's "zone of safety" except to pick up or drop off their own child. Under no circumstances, including sporting events and other extracurricular activities involving their child, may a sex offender parent remain on school grounds longer than a standard pick up and drop off.

The Oklahoma Sex Offender Registration Act prohibits registered individuals from loitering within 500 feet of any school, childcare center, playground or park absent a narrow set of circumstances. As applicable to public schools, registered sex offender parents may enter school property only if they

are enrolling, delivering or retrieving their child during normal school hours. Registered parents may also deliver or retrieve their child from after-hours extracurricular activities.

Parole officers and others advocating for the offender occasionally attempt to read the law differently as to permit attendance at a sporting event, school play or other activity. Importantly, nothing in the law permits registered individuals to remain present on or near campus for the duration of the after-school activity. The law permits the registered parent to be present on school property for pick up and drop off **only**. In addition, the law requires registered parents provide notice to the school district at least monthly of their intention to enter school property for the pur-

poses of enrolling, picking up, or dropping off their child.

A 2008 opinion from the Oklahoma Attorney General's Office agrees. That opinion specifically finds the Sex Offender Registration Act must be read to limit registered parents' access to school property – no matter if their child is involved in an after-hours school activity.

Necessarily, this legal prohibition extends beyond just student activities and into any program of the school district including back to school nights, graduations, and any other events taking place on school property.

Reach out to your RFR attorney if you require clarification on this important safety issue.

Citations: Okla. Stat. tit. 21 § 1125; 2008 OK AG 24

BOOST THE CLAUSE BEFORE THE LOSS

by Greg D. Loeffler

Beginning November 1, 2025, public bodies in Oklahoma will face higher liability limits under the Governmental Tort Claims Act (GTCA). You've likely already discussed this increased financial exposure with your district's insurance provider. But what about coverage for the negligent acts of your vendors—such as social

service providers, construction contractors, transportation companies, professional development vendors, or food service providers?

In addition to providing indemnification, most district vendors should be required to carry liability insurance up to the limits established by the GTCA and name the district as an additional insured. This is especially important when vendors are working on district property or providing services to students, staff, or families. This coverage helps ensure that the district's legal defense and additional liability is covered in the event the district is sued as a result of the vendor's actions. However, that protection is only meaningful if the vendor's policy meets or exceeds the GTCA limits.

Liability Limit Increases

Starting November 1, the district's exposure to state tort damages will increase as follows:

The district's liability for **non-property damage** arising from a single act, accident, or occurrence increases from \$125,000 to **\$250,000 per claimant**.

The district's liability for **property damage** increases from **\$25,000 to \$75,000 per claimant**, per occurrence.

Most significantly, the district's **ag-**

gregate—total—for all claims arising from a single occurrence increases from \$1,000,000 to **\$2,000,000.**

****This last change is particularly important because many current vendor contracts only require \$1 million in commercial general liability coverage. Such contracts should be updated to require a minimum of \$2 million in coverage.****

Next Steps

School districts should begin a comprehensive review of existing vendor contracts to ensure they include adequate insurance coverage. Contracts that lack appropriate insurance requirements should be amended as soon as practicable—ideally before the expanded liability limits take effect. If time or resources are limited, start by prioritizing contracts that involve the greatest exposure to risk. Also, when renewing or entering into new service agreements, be sure to confirm that vendors agree to provide the required coverage.

School districts should also review their own standard or “form” contracts to ensure the terms state that parties contracting with the district are required to provide adequate insurance coverage.

These may include facility use or lease agreements, bid documents governed by the Competitive Bidding Act, booster club sanctioning agreements, and similar contracts.

Reach out to your RFR attorney for assistance in reviewing any documents, agreements, or contracts that might be affected by these changes.

LEGISLATIVE UPDATE

“Many current vendor contracts only require \$1 million in liability coverage—but starting November 1, districts should require at least \$2 million to match the new GTCA limits.”

The Oklahoma Legislature concluded its 2025 session after passing several dozen bills affecting school districts. Many pieces of legislation have already gone into effect, but several others are waiting for November 1. Here are some of the new laws left to take effect this year:

- SB 364: Corporal Punishment** – Prohibiting school districts from using corporal punishment on any student identified with a disability in accordance with the IDEA. The student no longer has to be on an IEP to be exempt from corporal punishment.
- SB 1168: Governmental Tort Claims Act** – Increasing the liability limits of school districts in legal actions.

SB 535: Open Records Act – Permitting school districts to require a records requestor to complete a records request form and to describe with reasonable specificity the records requested. School districts may deny records requests that fail to meet one or both of these requirements after prompting.

HB 1601: Maternity Leave – Permitting school district employees to use accrued sick leave to extend their maternity leave for six weeks, or 12 weeks with doctor certification. Sick leave used will run concurrently with FMLA leave.

SB 758: Virtual Instruction – Beginning in the 2026-2027 school year, school districts may only use up to two days of virtual instruction toward state-required classroom instruction time. Virtual instruction time may only follow a state of emergency declaration by the governor and approval by the local school board.

HB 1958: Board Action Affidavit – In lieu of approved minutes, a board of education may provide an affidavit evidencing board action, when required, to the State Department of Education. The new law does not excuse school boards from taking regular minutes of their meetings.

SB 890: Board Member Financial Disclosures – Annual financial disclosure statements by independent and technology school district board members must be filed directly with the Oklahoma Ethics Commission through the Guardian system. Previously, such statements were filed with the local board clerk.



Greg D. Loeffler

Greg Loeffler was born and raised in Tulsa and Creek County, Oklahoma. He holds a Bachelor of Journalism degree with an emphasis in strategic communication from the University of Missouri. Admitted in 2024, Greg represents the fourth generation of his family to be admitted to the Oklahoma bar. He is a graduate of the University of Tulsa College of Law where he served on the editorial board of the Energy Law Journal. While in law school, Greg clerked for RFR and the University of Tulsa Office of the General Counsel, as well as studied at Worcester College in Oxford, England. Greg joined the RFR team as an Associate Attorney in early



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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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