

Chalkboard



An Education Newsletter from the Attorneys of Rosenstein, Fist & Ringold

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EMERSON KATE COLE ACT

by Greg D. Loeffler

School districts are required to permit students to self-administer certain emergency medications in accordance with an adopted board policy. The law also permits school districts to elect to keep a stock of epinephrine and inhalers for use on students when required.

The 2025 legislative session brought more changes and nuance to these provisions of the law, including directing districts to adopt a model policy developed by the Oklahoma State Department of Education related to medication self-administration and stock emergency medicines. The model policy, which was released by OSDE after the start of the school year, should replace or become the foundation for your district's student

self-administration of medication policy. Districts, at a minimum, must adhere to the requirements of the model policy but may provide more benefits or training if they elect to do so.

In addition to the model policy requirement, the amended Emerson Kate Cole Act also requires all school employees "directly responsible for students" to undergo annual training on food allergies, recognizing anaphylaxis and the administration of epinephrine. The training may be provided by the school nurse or other recognized entity in person or online.

Reach out to your RFR attorney for clarification or to obtain a copy of the model policy.

SEEKING CLARITY IN OPEN RECORDS ACT REQUESTS

by Greg D. Loeffler

New changes in the Oklahoma Open Records Act this fall allow public bodies to require additional clarification before answering records requests from the public. The change comes as school districts and other public bodies are dealing with increasing and more onerous requests for their records from private actors, often for purposes that seem commercial or harassing in nature.

While school districts remain obligated to respond to all requests for records, including those from commercial entities and those based outside the state, changes to the Open Records Act effective November 1 permit districts to require requestors to complete a form prior to disclosure and to deny requests that are not reasonably specific. The law defines a specific request as one that:

- 1) specifies a specific general time in which the record was created;
- 2) seeks identifiable records, as opposed to general information without any qualifiers; and
- 3) includes search terms sufficiently specific to assist in identifying the requested records.

If a records request does not meet these

criteria, the school district must seek clarification. This may include providing the requestor with a list of records that may be related to the request, if possible. If the requestor refuses or fails to reasonably specify their request, the law permits the district to deny the request.

School districts may also charge a "reasonable fee" to the requestor to recover the direct cost of searching for records when the request is commercial in nature or causes an excessive disruption to school district operations. While this has long been a feature of the Open Records Act, changes to the law now expressly state that public bodies may require advance payment of the fees if the estimated costs exceed \$75 or the requestor has outstanding fees from previous requests. Please note that districts may never charge a fee to newspapers or broadcast news media for recovery of records for news purposes. Also, the district should "post" their fee schedule both at their "principal office" (typically accomplished via the district's website) and file the fee schedule with their county clerk.

Confer with your RFR attorney if you have questions on the Open Records Act changes, including how to assemble a request form in compliance with the law.

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



Chalkboard is a Rosenstein, Fist & Ringold publication that addresses current education law issues. *Chalkboard* is published 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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