STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1027 BY: APPLE

AS INTRODUCED

AN ACT RELATING TO SCHOOLS; REQUIRING THE STATE BOARD OF EDUCATION TO PROVIDE FOR A CERTAIN REVENUE SUPPLEMENT TO SCHOOL DISTRICTS; PROVIDING METHOD FOR CALCULATION OF REVENUE SUPPLEMENT; PROVIDING LIMITATIONS ON AMOUNT OF SUPPLEMENT; PROVIDING ELIGIBILITY REQUIREMENTS FOR REVENUE SUPPLEMENT; AMENDING 70 O.S. 1981, SECTION 3-104, AS LAST AMENDED BY SECTION 2, CHAPTER 105, O.S.L. 1986 (70 O.S. SUPP. 1990, SECTION 3-104), WHICH RELATES TO POWERS AND DUTIES OF STATE BOARD OF EDUCATION; MODIFYING POWERS RELATING TO ADMINISTRATION; REQUIRING STATE BOARD OF EDUCATION TO PROVIDE FOR DECENTRALIZATION OF SCHOOLS; PROVIDING PURPOSE AND REQUIREMENTS OF DECENTRALIZATION; REQUIRING THE STATE BOARD OF EDUCATION TO UTILIZE REGIONAL EDUCATION SERVICE CENTERS; AUTHORIZING STATE BOARD TO PROMULGATE RULES AND REGULATIONS; REQUIRING REPORT; PROVIDING FOR CODIFICATION; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-112.3 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. At the beginning of each state fiscal year, prior to the allocation of State Aid pursuant to the provisions of Section 18-109.2 of Title 70 of the Oklahoma Statutes, the State Board of Education shall provide for a minimum revenue supplement which shall consist of five percent (5%) of the total state appropriation for State Aid to eligible school districts by zone, as provided in Section 3 of this act. Any school district which has a revenue per average daily membership for the second preceding year which is less than the state average revenue per average daily membership for the same year shall be eligible for the minimum revenue supplement. For purposes of the minimum revenue supplement, revenue per average daily membership shall be determined by dividing the district's second preceding year's total average daily membership into the district's second preceding year total revenues excluding insurance loss payments, reimbursements, recovery of overpayments and refunds, unused reserves, prior expenditures recovered, prior year surpluses, and less the amount of any transfer fees paid in that year.

B. The minimum revenue supplement shall be allocated to all eligible school districts on an average daily membership basis in an amount, to the extent possible, to assure the district an amount of revenue per pupil which is equal to the state average. No district shall receive a minimum revenue supplement in an amount which would cause the district to exceed the state average revenue per average daily membership. In addition to a revenue per average daily membership which is less than the state average, in order to be eligible to receive the minimum revenue supplement, a school district must also satisfy the following conditions:

1. A general fund levy of thirty-nine (39) mills for the current school year;

2. A general fund carryover, as of June 30 for the most recent fiscal year that data is available, that is less than ten percent (10%) of receipts or expenditures, whichever is greater, for the same fiscal year; and

3. The county where the school district's administrative seat is located shall be in compliance with ad valorem assessment requirements, according to the ad valorem equalization study as determined annually by the Oklahoma Tax Commission.

SECTION 2. AMENDATORY 70 O.S. 1981, Section 3-104, as last amended by Section 2, Chapter 105, O.S.L. 1986 (70 O.S. Supp. 1990, Section 3-104), is amended to read as follows:

Section 3-104. The control of the State Department of Education and the supervision of the public school system of Oklahoma shall be vested in the State Board of Education and, subject to limitations otherwise provided by law, the State Board of Education shall:

1. Establish and prescribe the duties of an executive officer who shall be the State Superintendent of Public Instruction and whose duties shall include the responsibility to give advice and make recommendations to the Board on all matters pertaining to the policies and administration of the State Department of Education and the public school system;

2. Adopt policies and make rules and regulations for the operation of the State Department of Education and the public school system of the state;

3. ~~Organize~~ Pursuant to the provisions of Section 3 of this act, organize and have control of the administrative and supervisory agencies, divisions, personnel and their appointment and salaries and other operations necessary to carry out the powers, duties and functions of the Board and its executive officer;

4. Have authority to require the coordination of all divisions of the State Department of Education through its executive officer, delegate general supervision of all employees to its executive

officer, require all recommendations to be presented through its executive officer, require its executive officer to be responsible for interpretation of the Board's policy, require any employee of the Board to present any specific matter directly to the Board;

5. Appoint, prescribe the duties and fix the compensation of a secretary, an attorney and all other personnel necessary for the proper performance of the functions of the State Board of Education. The secretary shall not be a member of the Board;

6. Submit to the Governor a departmental budget based upon major functions of the Department supported by detailed data on needs and proposed operations as partially determined by the budgetary needs of local school district filed with the State Board of Education for the ensuing fiscal year. Appropriations therefor shall be made in lump-sum form for each major item in the budget as follows:

a. state aid to schools,

b. the supervision of all other functions of general and special education including general control, free textbooks, school lunch, Indian education and all other functions of the Board and an amount sufficient to adequately staff and administer these services, and

c. the Board shall determine the details by which the budget and the appropriations are administered. Annually, the Board shall make preparations to consolidate all of the functions of the Department in such a way that the budget can be based on two items, administration and aid to schools. A maximum amount for administration shall be designated as a part of the total appropriation;

7. On the first day of December preceding each regular session of the Legislature, prepare and deliver to the Governor and the Legislature a report for the year ending June 30 immediately

preceding said regular session of the Legislature. Said report shall contain:

a. detailed statistical and other information concerning enrollment, attendance, expenditures including State Aid, and other pertinent data for all public schools in this state,

b. reports from each and every division, department, institution or other agency under the supervision of the Board,

c. recommendations for the improvement of the public school system of the state,

d. a statement of the receipts and expenditures of the State Board of Education for the past year, and

e. a statement of plans and recommendations for the management and improvement of public schools and such other information relating to the educational interests of the state as may be deemed necessary and desirable;

8. Provide for the formulation and adoption of curricula, courses of study and other instructional aids necessary for the adequate instruction of pupils in the public schools;

9. Have full and exclusive authority in all matters pertaining to standards of qualifications and the certification of persons for instructional, supervisory and administrative positions and services in the public schools of the state, and shall formulate rules and regulations governing the issuance and revocation of certificates for county superintendents of schools, district superintendents of schools, principals, supervisors, librarians, clerical employees, school nurses, school bus drivers, visiting teachers, classroom teachers and for other personnel performing instructional, administrative and supervisory services, but not including members of boards of education and other employees who do not work directly

with pupils, and may charge and collect reasonable fees for the issuance of such certificates. All funds collected by the State Department of Education for the issuance of certificates to instructional, supervisory and administrative personnel in the public schools of the state shall be deposited in the "Teachers' Certificate Fund" in the State Treasury and may be expended by the State Board of education to reimburse the activities of the Professional Standards Board for actual and necessary travel expenses as provided in the State Travel Reimbursement Act in attending meetings of the Board, its committees and subcommittees, for consultative services, publication costs, actual and necessary travel expenses as provided in the State Travel Reimbursement Act incurred by persons performing research work, and other expenses found necessary by the State Board of Education for the improvement of the preparation and certification of teachers in Oklahoma; provided, however, that any unobligated balance in said fund in excess of Ten Thousand Dollars ($10,000.00) on June 30 of any fiscal year shall be transferred to the General Revenue Fund of the State of Oklahoma. Provided, further, that the requirements for a certificate for county superintendent of schools, district superintendent of schools and principal shall include not less than a standard master's degree, such other professional education and requirements as may be fixed by the State Board of Education and a minimum of two (2) years' successful teaching, supervisory or administrative experience in public schools. Provided, further, that certificates may be revoked by the State Board of Education for willful violation of any rule or regulation of the State Board of Education or of any federal or state law or other proper cause but only after sufficient hearing has been given before the State Board of Education, provided that teaching in a Head Start program or programs shall be used for renewal of a standard teaching certificate;

10. Promulgate rules and regulations governing the classification, inspection, supervision and accrediting of all public nursery, kindergarten, elementary and secondary schools in the state. However, no school shall be denied accreditation solely on the basis of average daily attendance.

Any school district which maintains an elementary school and faces the necessity of relocating its school facilities because of construction of a lake, either by state or federal authority, which will inundate the school facilities, shall be entitled to receive probationary accreditation from the State Board of Education for a period of five (5) years after the effective date of this act and any school district, otherwise qualified, shall be entitled to receive probationary accreditation from the State Board of Education for a period of two (2) consecutive years to attain the minimum average daily attendance. The Head Start and public nurseries or kindergartens operated from Community Action Program funds shall not be subjected to the accrediting regulations of the State Board of Education. Neither will the State Board of Education make rules or regulations affecting the operation of the public nurseries and kindergartens operated from federal funds secured through Community Action Programs even though they may be operating in the public schools of the state. However, any of the Head Start or public nurseries or kindergartens operated under federal regulations may make application for accrediting from the State Board of Education but will be accredited only if application for the approval of the programs is made. The status of no school district shall be changed which will reduce it to a lower classification until due notice has been given to the proper authorities thereof and an opportunity given to correct the conditions which otherwise would be the cause of such reduction.

Private and parochial schools may be accredited and classified in like manner as public schools, if application is made to the

State Board of Education for such accrediting. No private, parochial or other nonpublic school may be accredited unless the members of the faculty hold state certificates as required of teachers in public schools and unless the standards of said schools comply in every respect with those prescribed for public schools;

11. Be the legal agent of the State of Oklahoma to accept, in its discretion, the provisions of any Act of Congress appropriating or apportioning funds which are now, or may hereafter be, provided for use in connection with any phase of the system of public education in Oklahoma. It shall prescribe such regulations as it finds necessary to provide for the proper distribution of such funds in accordance with the state and federal laws;

12. Be and is specifically hereby designated as the agency of this state to cooperate and deal with any officer, board or authority of the United States Government under any law of the United States which may require or recommend cooperation with any state board having charge of the administration of public schools unless otherwise provided by law;

13. Be and is hereby designated as the "State Educational Agency" referred to in Public Law 396 of the 79th Congress of the United States, which law states that said act may be cited as the "National School Lunch Act", and said State Board of Education is hereby authorized and directed to accept the terms and provisions of said act and to enter into such agreements, not in conflict with the Constitution of Oklahoma or the Constitution and Statutes of the United States, as may be necessary or appropriate to secure for the State of Oklahoma the benefits of the school lunch program established and referred to in said act;

14. Have authority to secure and administer the benefits of the National School Lunch Act, Public Law 396 of the 79th Congress of the United States, in the State of Oklahoma and is hereby authorized to employ or appoint and fix the compensation of such additional

officers or employees and to incur such expenses as may be necessary for the accomplishment of the above purpose, administer the distribution of any state funds appropriated by the Legislature required as federal matching to reimburse on children's meals;

15. Accept and provide for the administration of any land, money, buildings, gifts, donation or other things of value which may be offered or bequeathed to the schools under the supervision or control of said Board;

16. Have authority to require persons having administrative control of all school districts in Oklahoma to make such regular and special reports regarding the activities of the schools in said districts as the Board may deem needful for the proper exercise of its duties and functions. Such authority shall include the right of the State Board of Education to withhold all state funds under its control, to withhold official recognition, including accrediting, until such required reports have been filed and accepted in the office of said Board and to revoke the certificates of persons failing or refusing to make such reports;

17. Have general supervision of the school lunch program. The State Board of Education may sponsor workshops for personnel and participants in the school lunch program and may develop, print and distribute free of charge or sell any materials, books and bulletins to be used in such school lunch programs. There is hereby created in the State Treasury a revolving fund for the Board, to be designated the School Lunch Workshop Revolving Fund. The fund shall consist of all fees derived from or on behalf of any participant in any such workshop sponsored by the State Board of Education, or from the sale of any materials, books and bulletins, and such funds shall be disbursed for expenses of such workshops and for developing, printing and distributing of such materials, books and bulletins relating to the school lunch program. The fund shall be administered in accordance with the Revolving Fund Procedures Act;

18. Prescribe all forms for school district and county officers to report to the State Board of Education where required. The State Board of Education shall also prescribe a list of appropriation accounts by which the funds of school districts shall be budgeted, accounted for and expended; and it shall be the duty of the State Auditor and Inspector in prescribing all budgeting, accounting and reporting forms for school funds to conform to such lists;

19. Provide for the establishment of a uniform system of pupil and personnel accounting, records and reports;

20. Have authority to provide for the health and safety of school children and school personnel while under the jurisdiction of school authorities;

21. Provide for the supervision of the transportation of pupils;

22. Have authority, upon request of the local school board, to act in behalf of the public schools of the state in the purchase of transportation equipment;

23. Have authority and is hereby required to perform all duties necessary to the administration of the public school system in Oklahoma as specified in the Oklahoma School Code; and, in addition thereto, those duties not specifically mentioned herein if not delegated by law to any other agency or official;

24. Administer the State Public Common School Building Equalization Fund established by Section 32 of Article X of the Oklahoma Constitution. Any royalties, bonuses, rentals or other monies derived from oil and gas and all other mineral leases on lands that have been or may be granted by the United States to the state for the use and benefit of the common schools, or lands that are or may be held by the Commissioners of the Land Office for the use and benefit of the common schools, the proceeds of the sale of easements, improvements and sand and gravel on any such lands, the proceeds of all property that shall fall to the state by escheat,

penalties for unlawful holding of real estate by corporations, and capital gains on assets of the permanent school funds, shall be deposited in such State Public Common School Building Equalization Fund, which shall be used to aid school districts in acquiring buildings under regulations prescribed by the State Board of Education, as the administering agency, subject to the limitations fixed by Section 32 of Article X of the Oklahoma Constitution. The State Board of Education shall prescribe regulations for making grants of aid from, and for otherwise administering, such fund, and may employ and fix the duties and compensation of technicians, aides, clerks, stenographers, attorneys and other personnel deemed necessary to perform its duties; and the cost of administering such fund shall be paid from funds currently available for the operation of the State Department of Education. It shall be the duty of the State Board of Education, the Commissioners of the Land Office and all other public agencies, officers and employees to observe and comply with the provisions of this paragraph, in all respects; and they shall not be held liable for any amount, penalty or punishment for having done so, unless and until they are directed to do otherwise by a court of competent jurisdiction;

25. The Director of the Oklahoma Department of Corrections shall be the administrative authority for the schools which are maintained in the state reformatories and shall appoint the principals and teachers in such schools. Provided, that rules and regulations of the State Board of Education for the classification, inspection and accreditation of public schools shall be applicable to such schools; and such schools shall comply with standards set by the State Board of Education;

26. Have authority to administer a revolving fund which is hereby created in the State Treasury, to be designated the Statistical Services Revolving Fund. The fund shall consist of all monies received from the various school districts of the state, the

United States Government, and other sources for the purpose of furnishing or financing statistical services; and

27. Have authority to review preliminary plans for new construction and major alteration of public school buildings where structural changes are proposed. No bids shall be let for the construction or major alteration of any public school building until preliminary plans and specifications for such construction or alteration have been submitted to and reviewed by the State Department of Education. The period of time during which such review is conducted by the State Department of Education shall not exceed thirty (30) days. The State Department of Education shall advise each local school district regarding said review of preliminary plans and specifications. Provided, nothing in this subsection shall be construed as repealing any ordinance or building code of any city, town or county.

The State Board of Education is hereby authorized to enter into agreements with school districts, municipalities, the United States Government, foundations and other agencies or individuals for services, programs or research projects. The fund shall be administered in accordance with the Revolving Fund Procedures Act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-104.7 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Education shall provide for a system of decentralization of state administration of the public schools in Oklahoma. The purpose of such decentralization is to provide cost-efficiency, to provide improved services which are better tailored to the needs of the various school districts and to provide the type of education in every school district of the state which will afford each student the opportunity to acquire all the competencies to matriculate at a comprehensive graduate institution of The Oklahoma State System of Higher Education without the necessity of enrolling

at the university in secondary-level courses. In the course of decentralization of administration, the Board shall divide the state into eight zones, and shall further divide certain zones into three categories. The eight zones of decentralization shall be as follows:

Zone 1. Oklahoma City municipal limits;

Zone 2. Tulsa municipal limits;

Zone 3. Suburban Oklahoma City;

Zone 4. Suburban Tulsa;

Zone 5. The Northwestern quadrant of the state;

Zone 6. The Southwestern quadrant of the state;

Zone 7. The Northeastern quadrant of the state;

Zone 8. The Southeastern quadrant of the state.

Zones 5 through 8 shall be further divided into the three categories of:

1. Middle-sized communities
2. Small rural communities
3. Sparsely-populated rural areas

The State Board of Education shall utilize the Regional Education Service Centers as the mechanism for providing localized services and shall encourage individual school districts to share administrative costs and services in the interests of achieving the overall goal of this act.

B. The State Board of Education is authorized to promulgate the necessary rules and regulations to implement the provisions of this act, and is hereby directed to make recommendations in a report to the Governor and Legislature by December 31, 1991, regarding further statutory changes which may be necessary for implementation of this act.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-5112 KVR