

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1486

By: Haney and Hobson of the  
Senate

and

Mass and Bonny of the  
House

AS INTRODUCED

An Act relating to education; making an appropriation to the State Board of Education for the financial support of public schools; authorizing expenditures from the Common Education Technology Revolving Fund for the financial support of public schools; making an appropriation to the State Board of Education for the financial support of public schools; making an appropriation to the State Board of Education for the Instructional, Cooperative and Technological Education program; directing expenditure of funds for Instructional, Cooperative and Technological Education programs; directing expenditure of staff development funds; directing the State Board of Education to disburse state funds to school districts for textbook allocations based on certain criteria; setting budgetary limitations for the Oklahoma School for Science and Mathematics; requiring performance measures; providing for duties and compensation of employees; setting FTE limits for the Oklahoma School for Science and Mathematics; setting budget limits on the executive director's salary and FTE limits for the Oklahoma Department of Career and Technology Education; providing for duties and compensation of employees of the Oklahoma Department of Career and Technology Education; limiting the salary of the director; authorizing expenditures by the Commissioners of the Land Office for construction; setting budgetary limitations for the Oklahoma Commission for Teacher Preparation; setting budgetary limitations for the Oklahoma Board of Private Vocational Schools; requiring performance measures; making an appropriation to the Oklahoma State Regents for Higher Education for duties imposed by the constitution; specifying purposes; authorizing expenditures from the Oklahoma Tuition Scholarship Revolving Fund and the Higher Education Capital Revolving Fund; making appropriations to the State Regents for Higher Education; stating legislative intent; authorizing the Oklahoma State Regents for Higher Education to establish certain lease financing program; limiting transactions for which program may be used; making an appropriation to the Oklahoma Center for the Advancement of Science and Technology for duties imposed upon the Oklahoma Institute of Technology; making an appropriation to the Oklahoma

Center for the Advancement of Science and Technology for biomedical research services; providing exemption from budgetary limitations; providing for limitation on encumbrances; providing lapse dates; requiring and prohibiting certain budget procedures; repealing 70 O.S. 2001, Section 16-114 (Section 6, Chapter 433, O.S.L. 2001), which relates to textbook allocations for school districts; repealing 70 O.S. 2001, Section 3206.5 (Section 16, Chapter 433, O.S.L. 2001), which relates to higher education leasing; repealing Section 1, Chapter 302, O.S.L. 2001, as amended by Section 11, Chapter 433, O.S.L. 2001, which relates to higher education funding; repealing Section 12, Chapter 433, O.S.L. 2001, which relates to expenditure authorization for the Oklahoma State Regents for Higher Education; repealing Section 13, Chapter 433, O.S.L. 2001, which relates to expenditure authorization for the Oklahoma State Regents for Higher Education; repealing Section 14, Chapter 433, O.S.L. 2001, which relates to appropriations to the Oklahoma State Regents for Higher Education; repealing Section 15, Chapter 433, O.S.L. 2001, which relates to appropriations to the Oklahoma State Regents for Higher Education; repealing Section 1, Chapter 416, O.S.L. 2001, as amended by Section 1, Chapter 433, O.S.L. 2001, which relates to appropriations for the State Board of Education; repealing Section 37, Chapter 416, O.S.L. 2001, as amended by Section 4, Chapter 433, O.S.L. 2001, which relates to budget expenditures for the Instructional, Cooperative and Technological Education program; repealing Section 38, Chapter 416, O.S.L. 2001, which relates to funding for education program; repealing Section 61, Chapter 416, O.S.L. 2001, as amended by Section 7, Chapter 433, O.S.L. 2001, which relates to budget limits for the Oklahoma School for Science and Mathematics; repealing Section 62, Chapter 416, O.S.L. 2001, as amended by Section 8, Chapter 433, O.S.L. 2001, which relates to FTE limits for the Oklahoma School for Science and Mathematics; repealing Section 76, Chapter 416, O.S.L. 2001, as amended by Section 9, Chapter 433, O.S.L. 2001, which relates to salary and FTE limits for the Oklahoma Department of Career and Technology Education; repealing Section 66, Chapter 416, O.S.L. 2001, as amended by Section 19, Chapter 433, O.S.L. 2001, which relates to budget limits for the Oklahoma Commission for Teacher Preparation; repealing Section 2, Chapter 433, O.S.L. 2001, which relates to expenditure authorization for the State Board of Education; repealing Section 3, Chapter 433, O.S.L. 2001, which relates to appropriations to the State Board of Education; repealing Section 5, Chapter 433, O.S.L. 2001, which relates to expenditures in professional development programs for the State Board of Education; repealing Section 10, Chapter 433, O.S.L. 2001, which relates to OCAST funding; repealing Section 21, Chapter 433, O.S.L. 2001, which relates to appropriations to the Oklahoma Center for the Advancement of Science and Technology; repealing Section 18, Chapter 433, O.S.L. 2001, which relates to expenditure authorization to the Commissioners of the Land Office; repealing Section 20, Chapter 433,

O.S.L. 2001, which relates to appropriations to the State Board of Education; repealing Section 25, Chapter 417, O.S.L. 2001, as amended by Section 17, Chapter 433, O.S.L. 2001, which relates to the Oklahoma Board of Private Vocational Schools; providing for codification; and declaring an emergency.

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

STATE DEPARTMENT OF EDUCATION

SECTION 1. There is hereby appropriated to the State Board of Education from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2002, the sum of Fourteen Million Six Hundred Ten Thousand Nine Hundred Forty-two Dollars (\$14,610,942.00), or so much thereof as may be necessary for the financial support of public schools, less any amounts disbursed or allocated prior to the effective date of this act pursuant to the appropriation made by Section 1, Chapter 416, O.S.L. 2001, as amended by Section 1, Chapter 433, O.S.L. 2001.

SECTION 2. The State Board of Education is hereby authorized to expend during the fiscal year ending June 30, 2002, from the Common Education Technology Revolving Fund of the State Treasury, the sum of Eleven Million Seven Hundred Sixty-one Thousand Six Hundred Twenty-six Dollars (\$11,761,626.00) or so much thereof as may be necessary for the financial support of public schools. Any amounts expended prior to the effective date of this act pursuant to Section 2, Chapter 433, O.S.L. 2001 shall be included within the expenditure limitation provided in this section.

SECTION 3. There is hereby appropriated to the State Board of Education from any monies not otherwise appropriated from the Education Reform Revolving Fund created in Section 41.29b of Title 62 of the Oklahoma Statutes, Two Hundred Thirteen Thousand Seven

Hundred Dollars (\$213,700.00), or so much thereof as may be necessary for the financial support of public schools, less any amounts disbursed or allocated prior to the effective date of this act pursuant to the appropriation made by Section 20, Chapter 433, O.S.L. 2001.

SECTION 4. There is hereby appropriated to the State Board of Education from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2002, the sum of Fifty Thousand Dollars (\$50,000.00), or so much thereof as may be necessary for Instructional, Cooperative and Technological Education, less any amounts disbursed or allocated prior to the effective date of this act pursuant to the appropriation made by Section 3, Chapter 433, O.S.L. 2001.

SECTION 5. A portion of the funds allocated in Section 27, Chapter 416, O.S.L. 2001, for Instructional, Cooperative and Technological Education shall be apportioned as follows:

1. Five Hundred Sixty-three Thousand Five Hundred Sixty-two Dollars (\$563,562.00) for Small School Cooperatives shall be awarded on a competitive application basis pursuant to the provisions of Section 18-125 of Title 70 of the Oklahoma Statutes. Up to Two Hundred Fifty Thousand Dollars (\$250,000.00) may be used for telecommunications and other purposes as determined by the State Department of Education. No cooperative program shall receive more than a total of Sixty Thousand Dollars (\$60,000.00) each year from the allocation set out in this section. Each calculated award shall be reduced by twenty-five percent (25%) for each district participating whose second preceding year per-child revenue, less federal revenue, is greater than one hundred fifty percent (150%) of the state average;

2. Fifty-five Thousand Eight Hundred Fifty-two Dollars (\$55,852.00) shall be expended on a contractual basis to the

Chickasha Public School District (26-I-001) for the purpose of room and board payments for students at the Jane Brooks School for the Deaf, pursuant to contracts between the Chickasha School District and the Jane Brooks School for the Deaf;

3. Fifty-three Thousand Three Hundred Seventy-eight Dollars (\$53,378.00) shall be expended on a contractual basis for the Oklahoma Science and Engineering Fair;

4. Four Hundred Five Thousand Eight Hundred Seventy Dollars (\$405,870.00) shall be expended on a competitive application basis to an institution of The Oklahoma State System of Higher Education for the purpose of implementing telecommunications curriculum statewide;

5. Three Hundred Thousand Dollars (\$300,000.00) shall be awarded to independent school districts which meet the average daily attendance required to obtain a small school incentive grant pursuant to Section 18-125 of Title 70 of the Oklahoma Statutes for costs incurred for expanding the number of grades; and

6. Forty Thousand Dollars (\$40,000.00) shall be awarded to a nonprofit arts center located in Oklahoma that has been selected by the John F. Kennedy Performing Arts Center for a Special Educator Professional Development Program. The State Board of Education shall give priority to any arts center which received funding in the prior year if the operations of the arts center are deemed satisfactory by the Board.

SECTION 6. The sum of One Million Three Hundred Fourteen Thousand Dollars (\$1,314,000.00) appropriated to the State Board of Education in Section 5, Chapter 416, O.S.L. 2001, and allocated in Section 27, Chapter 416, O.S.L. 2001 shall be used to provide a comprehensive professional development program for teachers and other school personnel on neuro-developmentally based student learning differences. The program shall provide research-based knowledge and skills training to help educators recognize,

understand and manage students with differences in learning. The Board shall select a public, private, or nonprofit provider on a competitive bid basis to conduct the program.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 16-114a of Title 70, unless there is created a duplication in numbering, reads as follows:

Based upon legislative appropriations, the State Board of Education shall determine the textbook allocation to be distributed to each school district in the state. Each year the textbook allocation for each school district shall be calculated and distributed in July and adjusted in December. The initial allocation shall be calculated based on the audited end-of-year average daily attendance of the preceding school year multiplied by Fifty-five Dollars (\$55.00). The initial allocation shall be calculated and distributed to each school district in July. The December adjustment shall be calculated by multiplying the audited first nine (9) weeks' average daily attendance for that current school year by Fifty-five Dollars (\$55.00) and subtracting from that amount the amount of the initial allocation. The adjustment shall be calculated in December and distributed to each eligible school district no later than January 15. A school district shall receive an adjustment only if the adjustment figure as calculated in this section is greater than zero. The State Department of Education shall retain from the total amount appropriated for textbooks not less than one percent (1%) of the total amount to be used for the purpose of making the adjustments. If the amount appropriated, including the retained amount, is not sufficient to fully fund the adjusted allocation, each school district eligible for an adjustment shall receive a proportionate reduction in funding. Any unused portion of the value of textbooks allowed to a school district shall be cumulative and may be retained by the school district the following fiscal year, in addition to the allocation it is entitled

to receive during such fiscal year. All textbooks distributed to a school district that have been destroyed by fire or other hazard shall be replaced by the State Board of Education. The total cost of all additional textbooks delivered to school districts to replace those destroyed by fire or other hazard shall not exceed, for the entire state in any fiscal year, the aggregate sum of One Hundred Thousand Dollars (\$100,000.00), which sum shall be reserved for such purpose from any appropriation made to carry out the provision of this article for any fiscal year.

OKLAHOMA SCHOOL OF SCIENCE AND MATHEMATICS

SECTION 8. For the fiscal year ending June 30, 2002, the Board of Trustees of the Oklahoma School of Science and Mathematics shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Statewide Enhancement in the Fields		
of Mathematics and Science	\$5,062,098.00	\$5,837,291.00
Regional Outreach Science and		
Mathematics Programs	<u>\$1,110,000.00</u>	<u>\$1,490,000.00</u>
TOTAL	\$6,172,098.00	\$7,327,291.00

The Board of Trustees shall develop outcome-based performance measures for each budget category.

SECTION 9. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma School of Science and Mathematics by law shall be set by the Director. The salary of the Director shall not exceed Sixty-nine Thousand Nine Hundred Eighty-one Dollars (\$69,981.00) per annum, payable monthly for the fiscal year ending June 30, 2002. The Oklahoma School of Science and Mathematics for the fiscal year ending June 30, 2002, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding expenditures for capital and special projects, except as

may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	75.0

STATE DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION

SECTION 10. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Department of Career and Technology Education by law shall be set by the Board. The salary of the Director of the Oklahoma Department of Career and Technology Education shall not exceed One Hundred Five Thousand Dollars (\$105,000.00) per annum, payable monthly for the fiscal year ending June 30, 2002. The Oklahoma Department of Career and Technology Education for the fiscal year ending June 30, 2002, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding expenditures for capital and special projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	450.0

COMMISSIONERS OF THE LAND OFFICE

SECTION 11. The Commissioners of the Land Office are authorized to expend an amount not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000.00) from the Public Building Fund and the Greer Fund for the purpose of constructing or acquiring a facility for use by the Commissioners of the Land Office. Expenditures may also include those necessary for furnishing, equipping and providing parking for the facility. Any amounts expended prior to the effective date of this act pursuant to Section 18, Chapter 433, O.S.L. 2001 shall be included within the expenditure limitation provided in this section.

OKLAHOMA COMMISSION FOR TEACHER PREPARATION

SECTION 12. For the fiscal year ending June 30, 2002, the Oklahoma Commission for Teacher Preparation shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Preparation and Professional Development of Teachers and Administrators	\$2,336,374.00	\$8,368,522.00

OKLAHOMA BOARD OF PRIVATE VOCATIONAL SCHOOLS

SECTION 13. For the fiscal year ending June 30, 2002, the Oklahoma Board of Private Vocational Schools shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Licensing/Investigative Operations	\$174,760.00	\$184,760.00

The Board shall develop outcome-based performance measures for each budget category.

OKLAHOMA STATE REGENTS FOR HIGHER EDUCATION

SECTION 14. There is hereby appropriated to the Oklahoma State Regents for Higher Education from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2002, the sum of Four Million Nine Hundred Fourteen Thousand Three Hundred Fifty-six Dollars (\$4,914,356.00) or so much thereof as may be necessary for the allocation by the Oklahoma State Regents for Higher Education pursuant to the provisions of Article XIII-A of the Oklahoma Constitution for the education and general operation budgets of the institutions and for other programs, construction, renovations or repairs administered by the Oklahoma State Regents for Higher Education, less any amounts disbursed or allocated prior to the effective date of this act pursuant to the appropriation made by Section 1, Chapter 302, O.S.L. 2001, as amended by Section 11, Chapter 433, O.S.L. 2001.

SECTION 15. The Oklahoma State Regents for Higher Education are hereby authorized to expend during the fiscal year ending June 30, 2002, from the Oklahoma Tuition Scholarship Revolving Fund, the sum of Eleven Million Seven Hundred Sixty-one Thousand Six Hundred Twenty-six Dollars (\$11,761,626.00) or so much thereof as may be necessary for allocation by the Oklahoma State Regents for Higher Education pursuant to the provisions of Article XIII-A of the Oklahoma Constitution for the education and general operation budgets of the institutions and for other programs, construction, renovations or repairs administered by the Oklahoma State Regents for Higher Education. Any amounts expended prior to the effective date of this act pursuant to Section 12, Chapter 433, O.S.L. 2001 shall be included within the expenditure limitation provided in this section.

SECTION 16. The Oklahoma State Regents for Higher Education are hereby authorized to expend during the fiscal year ending June 30, 2002, from the Higher Education Capital Revolving Fund, the sum of Eleven Million Seven Hundred Sixty-one Thousand Six Hundred Twenty-six Dollars (\$11,761,626.00) or so much thereof as may be necessary for allocation by the Oklahoma State Regents for Higher Education pursuant to the provisions of Article XIII-A of the Oklahoma Constitution for the education and general operation budgets of the institutions and for other programs, construction, renovations or repairs administered by the Oklahoma State Regents for Higher Education. Any amounts expended prior to the effective date of this act pursuant to Section 13, Chapter 433, O.S.L. 2001 shall be included within the expenditure limitation provided in this section.

SECTION 17. There is hereby appropriated to the Oklahoma State Regents for Higher Education from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2002, the sum of Five Hundred Thousand Dollars (\$500,000.00) or so much thereof as may be

necessary for allocation by the Oklahoma State Regents for Higher Education pursuant to the provisions of Article XIII-A of the Oklahoma Constitution for the education and general operating budgets of the institutions and for other programs, construction, renovations or repairs administered by the Oklahoma State Regents for Higher Education, less any amounts disbursed or allocated prior to the effective date of this act pursuant to the appropriation made by Section 14, Chapter 433, O.S.L. 2001. It is the intent of the Legislature that the funds appropriated in this section for the duties imposed upon the Oklahoma State Regents for Higher Education by law be allocated and expended by the Oklahoma State Regents for Higher Education for the purpose of funding for the Fred Jones Jr. Museum of Art at the University of Oklahoma.

SECTION 18. There is hereby appropriated to the Oklahoma State Regents for Higher Education from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2002, the sum of One Hundred Thousand Dollars (\$100,000.00) or so much thereof as may be necessary for allocation by the Oklahoma State Regents for Higher Education pursuant to the provisions of Article XIII-A of the Oklahoma Constitution for the education and general operating budgets of the institutions and for other programs, construction, renovations or repairs administered by the Oklahoma State Regents for Higher Education, less any amounts disbursed or allocated prior to the effective date of this act pursuant to the appropriation made by Section 15, Chapter 433, O.S.L. 2001. It is the intent of the Legislature that the funds appropriated in this section for the duties imposed upon the Oklahoma State Regents for Higher Education by law be allocated and expended by the Oklahoma State Regents for Higher Education for the purpose of funding a Native American Language Curator for the Sam Noble Museum of Natural History at the University of Oklahoma.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section Section 3206.6 of Title 70, unless there is created a duplication in numbering, reads as follows:

The Oklahoma State Regents for Higher Education may establish a master lease program to finance the acquisition of items of personal property as may be required by or useful to institutions and entities within The Oklahoma State System of Higher Education in order to achieve cost-saving efficiencies. The funds used by the Regents for the purposes authorized by this section shall be available for lease transactions having a minimum value of Fifty Thousand Dollars (\$50,000.00) and a maximum value of Ten Million Dollars (\$10,000,000.00). Such leases shall have a term that is no less than the useful life of the personal property acquired by institutions pursuant to the provisions of this section or no more than twenty (20) years.

OKLAHOMA CENTER FOR THE ADVANCEMENT OF SCIENCE AND TECHNOLOGY

SECTION 20. There is hereby appropriated to the Oklahoma Center for the Advancement of Science and Technology from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2002, the sum of One Million Dollars (\$1,000,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Institute of Technology created in Section 1, Chapter 441, O.S.L. 2001, less any amounts disbursed or allocated prior to the effective date of this act pursuant to the appropriation made by Section 10, Chapter 433, O.S.L. 2001.

SECTION 21. There is hereby appropriated to the Oklahoma Center for the Advancement of Science and Technology from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2002, the sum of Two Hundred Six Thousand Three Hundred Ninety-seven Dollars

(\$206,397.00), or so much thereof as may be necessary for biomedical research services through the Oklahoma Center for the Advancement of Science and Technology by law, less any amounts disbursed or allocated prior to the effective date of this act pursuant to the appropriation made by Section 21, Chapter 433, O.S.L. 2001.

SECTION 22. Budgetary and employee limitations otherwise imposed upon agencies by law shall not apply to expenditures by state agencies made from appropriations and transfers made by this act.

SECTION 23. Appropriations made by this act, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2002 (hereafter FY-02), or may be budgeted for the fiscal year ending June 30, 2003 (hereafter FY-03). Funds budgeted for FY-02 may be encumbered only through June 30, 2002, and must be expended by November 15, 2002. Any funds remaining after November 15, 2002, and not budgeted for FY-03, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-03 may be encumbered only through June 30, 2003. Any funds remaining after November 15, 2003, shall lapse to the credit of the proper fund for the then current fiscal year. These appropriations may not be budgeted in both fiscal years simultaneously. Funds budgeted in FY-02, and not required to pay obligations for that fiscal year, may be budgeted for FY-03, after the agency to which the funds have been appropriated has prepared and submitted a budget work program revision removing these funds from the FY-02 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 24. REPEALER 70 O.S. 2001, Section 16-114 (Section 6, Chapter 433, O.S.L. 2001), is hereby repealed.

SECTION 25. REPEALER 70 O.S. 2001, Section 3206.5 (Section 16, Chapter 433, O.S.L. 2001), is hereby repealed.

SECTION 26. REPEALER Section 1, Chapter 416, O.S.L. 2001, as amended by Section 1, Chapter 433, O.S.L. 2001, Section 37, Chapter 416, O.S.L. 2001, as amended by Section 4, Chapter 433, O.S.L. 2001, Section 38, Chapter 416, O.S.L. 2001, Section 61, Chapter 416, O.S.L. 2001, as amended by Section 7, Chapter 433, O.S.L. 2001, Section 62, Chapter 416, O.S.L. 2001, as amended by Section 8, Chapter 433, O.S.L. 2001, Section 76, Chapter 416, O.S.L. 2001, as amended by Section 9, Chapter 433, O.S.L. 2001, and Section 66, Chapter 416, O.S.L. 2001, as amended by Section 19, Chapter 433, O.S.L. 2001, Section 25, Chapter 417, O.S.L. 2001, as amended by Section 17, Chapter 433, O.S.L. 2001, Section 1, Chapter 302, O.S.L. 2001, as amended by Section 11, Chapter 433, O.S.L. 2001, are hereby repealed.

SECTION 27. REPEALER Sections 2, 3, 5, 10, 12, 13, 14, 15, 18, 20 and 21, Chapter 433, O.S.L. 2001, are hereby repealed.

SECTION 28. 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.

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