STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2012: Mitchell and Bonny of the House of Representatives

and

Morgan and Robinson of the Senate

AS INTRODUCED

An Act relating to education; making appropriations to the State Board of Education; stating purposes; authorizing certain expenditures for certain purposes; specifying the apportionment of certain funds which were appropriated; requiring the development of certain performance measures; providing for the budgeting of funds in certain categories and amounts; providing that certain allocated funds be made available on a statewide competitive application basis; providing exceptions; requiring the transfer of funds for the Teacher Retirement Credit to the Teachers' Retirement System of Oklahoma; requiring funds allocated for the Virtual Internet School in Oklahoma Network (VISION) Act to be used for certain purposes; stating purposes for funds allocated for the Parent Training Program; stating purpose for funds allocated for the Advanced Placement Program; limiting funding for administrative costs; stating purposes for funds allocated for Alternative and High Challenge Education; requiring certain funds be allocated on a competitive application basis; specifying purposes for funds allocated for Staff Development; authorizing use of funds for school districts for certain purpose; requiring certain apportionment of funds allocated for Instructional, Cooperative and Technological Education; requiring funds to be awarded to certain nonprofit arts center; giving priority to certain arts centers; stating intent regarding cost reimbursement for indirect administrative costs in the Oklahoma Early Intervention Act; requiring the transfer of certain funds allocated for Education Leadership Oklahoma to be transferred and expended for certain purposes; requiring funds allocated for the Oklahoma Ambassador of Teaching to be used for certain purposes; prohibiting the reduction of salary levels of certain instructional staff except under certain conditions; requiring funds allocated for Administrative and Support Functions of the State Department of Education to be expended for certain purposes; requiring the Oklahoma Cost Accounting System to account for costs by curricular subject area; providing for duties and compensation of employees of the State Department of Education; providing

budgetary limitations; providing designations for the State Department of Education's full-time-equivalent employees; providing for responsibilities of certain designated employees of the Department; requiring the reduction or withholding of State Aid funds for certain purposes; providing for certain proportional reduction of funds; requiring budgeting of certain funds in certain years; requiring certain budgeting procedures; prohibiting certain budgeting procedures; providing lapse dates; providing an effective date; and declaring an emergency.

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

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, 2005, the sum of _____ Dollars ($0.00) or so much thereof as may be necessary for the financial support of public schools.

SECTION 2. 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, the sum of _____ Dollars ($0.00) or so much thereof as may be necessary for the financial support of public schools.

SECTION 3. There is hereby appropriated to the State Board of Education from any monies not otherwise appropriated from the Mineral Leasing Fund of the State Treasury for the fiscal year ending June 30, 2005, the sum of _____ Dollars ($0.00) or so much thereof as may be necessary for the financial support of public schools.

SECTION 4. The State Board of Education is hereby authorized to expend during the fiscal year ending June 30, 2005, from the Common Education Technology Revolving Fund of the State Treasury, the sum of _____ Dollars ($0.00)

or so much thereof as may be necessary for the financial support of public schools.

SECTION 5. 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, 2005, the sum of _____ Dollars ($0.00) or so much thereof as may be necessary for the support of public school activities.

SECTION 6. 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, 2005, the sum of _____ Dollars ($0.00) or so much thereof as may be necessary for Administrative and Support Functions of the State Department of Education.

SECTION 7. 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, 2005, the sum of _____ Dollars ($0.00) or so much thereof as may be necessary for the Certified Employee Health Benefit Allowance.

SECTION 8. 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, 2005, the sum of _____ Dollars ($0.00) or so much thereof as may be necessary for the Support Personnel Health Benefit Allowance.

SECTION 9. Beginning July 1, 2004, the support of public school activities by the State Board of Education payable from monies appropriated and authorized by Sections __ through __ of Enrolled House Bill No. ____ of the 2nd Session of the 49th Oklahoma Legislature and Sections __ through __ of this act and

reappropriated by Sections __ through __ of this act, shall be apportioned as follows:

1. Funds appropriated and authorized by Sections __ through __ of Enrolled House Bill No. ____ of the 2nd Session of the 49th Oklahoma Legislature:

Local and State-supported Financial Support of Public Schools	$0.00
SUBTOTAL, PARAGRAPH 1	$0.00

2. Funds appropriated by Sections __ and __ of this act and reappropriated by Section __ of this act:

Purchase of Textbooks and Instructional Materials or other support of public school instruction	$0.00
Staff Development	0.00
Advanced Placement Incentives	0.00
Teacher Salary Increase	0.00
Teacher Retirement Credit	0.00
Certified Employee Health Benefit Allowance	0.00
Support Personnel Health Benefit Allowance	0.00
School Lunch Matching	0.00
School Lunch Programs	0.00
Alternative and High Challenge Education	0.00
Adult Education Matching	0.00
Driver Education	0.00
Early Intervention	0.00
Parent Training Program	0.00
School/Community Network for Arts-in-Education	0.00
Instructional, Cooperative and Technological Education	0.00
Summer Arts Institute	0.00
AG in the Classroom	0.00
Office of Accountability	0.00

Oklahoma Ambassador of Teaching	0.00
Education Leadership Oklahoma	0.00
Vision Project	$0.00
SUBTOTAL, PARAGRAPH 2	$0.00

3. Funds appropriated by Section __ of this act and reappropriated by Sections __ through __ of this act:

Administrative and Support Functions of the State Department of Education	$0.00
SUBTOTAL, PARAGRAPH 3	$0.00
TOTAL State School Aid and Programs	$0.00

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

SECTION 10. For the fiscal year ending June 30, 2005, the State Board of Education shall budget all funds in the following categories and amounts:

Category	Total
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	$0.00
Professional and Personal Services Contracts	0.00
Purchase of Equipment	0.00
Expenditure of Federal Funds	0.00
TOTAL	$0.00

SECTION 11. Funds allocated in Section __ of this act, except for local and state-supported Financial Support of Public Schools, Purchase of Textbooks and Instructional Materials or other support of public school instruction, Staff Development, School Lunch Matching, School Lunch Programs, Adult Education Matching, Driver Education, Early Intervention, Alternative and High Challenge

Education, and Administrative and Support Functions shall be made available on a statewide competitive application basis.

SECTION 12. The funds allocated in Section __ of this act specifically for the purpose of funding the Teacher Retirement Credit shall be transferred to the Teachers' Retirement System of Oklahoma.

SECTION 13. Of the funds allocated in Section __ of this act, _____ Dollars ($0.00) shall be expended to implement the provisions of the Virtual Internet School in Oklahoma Network (VISION) Act, which provides for the establishment of the Virtual Internet School in Oklahoma Network Pilot Program.

SECTION 14. The funds allocated in Section __ of this act for the Parent Training Program as authorized in Section 10-105.3 of Title 70 of the Oklahoma Statutes, shall be used as follows: _____ Dollars ($0.00) shall be expended for the salaries, benefits, technical assistance and administrative costs incurred by the State Board of Education for contracting technical assistance in field operations for the coordination of the Oklahoma Parents as Teachers Program; _____ Dollars ($0.00) shall be expended for the continuation and expansion of the Oklahoma Parents as Teachers Program; _____ Dollars ($0.00) shall be expended for program evaluation conducted by the Child Service Demonstration Center; _____ Dollars ($0.00) shall be expended for the establishment of the Oklahoma Parents as Teachers Program in public housing projects; _____ Dollars ($0.00) shall be expended for the early childhood technical assistance and field operations provided by the State Department of Education.

SECTION 15. The funds allocated in Section __ of this act specifically for the purpose of funding the Advanced Placement

Incentives shall be used for one-time equipment or materials, grants, subsidized training, school incentives, exam fee reimbursement, and administrative costs. Funds for administrative costs shall not exceed Forty-eight Thousand One Hundred Forty-eight Dollars ($48,148.00).

SECTION 16. The funds allocated in Section __ of this act for Alternative and High Challenge Education shall be used for purposes of establishing and initiating education programs at the local school district level and for encouraging the local districts to participate in innovative educational programs. No less than _____ Dollars ($0.00) shall be expended to meet the provisions of the Statewide System of Alternative Education Programs created as directed by Section 1210.568 of Title 70 of the Oklahoma Statutes. The funds shall be expended as follows: _____ Dollars ($0.00) for programs; _____ Dollars ($0.00) for program evaluation, technical assistance and staff development conducted by the technical assistance provider contracted by the State Board of Education as provided for in Section 1210.568 of Title 70 of the Oklahoma Statutes; _____ Dollars ($0.00) for an arts component; and _____ Dollars ($0.00) for the salaries, benefits and administrative costs incurred by the State Board of Education in administering the Alternative Education Programs and Alternative Academies. The remaining funds allocated shall be provided to school districts on a competitive application basis pursuant to the provisions of the rules promulgated by the State Board of Education.

SECTION 17. The funds allocated in Section __ of this act for Staff Development are provided for teacher training, in-service teacher education and staff development plans. The sum of _____ Dollars ($0.00) shall provide for

scholarships to the Great Expectations Summer Institutes for Teachers offered by an institution within The Oklahoma State System of Higher Education pursuant to Section 6-194.2 of Title 70 of the Oklahoma Statutes. From the funds provided for the Great Expectations Summer Institutes for Teachers, the State Board of Education shall establish an elementary level Great Expectations Demonstration Project. The Project shall be established at an elementary school in the state which is participating in the Great Expectations Program and has shown significant progress while under that Program. The sum of _____ Dollars ($0.00) shall be transferred to the Professional Development Institutes Revolving Fund created in Section 6-204.5 of Title 70 of the Oklahoma Statutes and shall be expended for the purpose of developing, offering and administering Professional Development Institutes in Reading for elementary school teachers as directed in Section 6-200 of Title 70 of the Oklahoma Statutes. The sum of _____ Dollars ($0.00) shall be used for costs associated with multiple ongoing assessments and remediation as contained in Section 1210.508D of Title 70 of the Oklahoma Statutes. The sum of _____ Dollars ($0.00) shall be used to provide a comprehensive professional development program for teachers and other school personnel on neurodevelopmentally 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. The sum of _____ Dollars ($0.00) shall be used to continue research-based professional development for teachers through the Child Service Demonstration Center. The remainder shall be allocated on an average daily

attendance basis for the purpose of teacher education staff development pursuant to rules established by the State Board of Education. Five percent (5%) of the funds allocated by average daily attendance for Staff Development may be used by local districts for the administration of the staff development program.

SECTION 18. A portion of the funds allocated in Section __ of this act for Instructional, Cooperative and Technological Education shall be apportioned as follows:

1. _____ Dollars ($0.00) 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 Thirty-seven Thousand Five Hundred Dollars ($237,500.00) 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 Fifty-seven Thousand Dollars ($57,000.00) 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. _____ Dollars ($0.00) 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. _____ Dollars ($0.00) shall be expended on a contractual basis for the Oklahoma Science and Engineering Fair;

4. _____ Dollars ($0.00) 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

5. _____ Dollars ($0.00) 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 19. It is the intent of the Legislature that funding available for SoonerStart Early Intervention Services be applied to the provision of direct services to eligible infants, toddlers and their families. The Oklahoma State Department of Education is specifically prohibited from contracting for, paying or reimbursing administrative cost recovery personnel, accounting, and management information system costs, maintenance and operations at the state or local level or indirect costs which fail to comply with the requirements of Section 13-125 of Title 70 of the Oklahoma Statutes.

SECTION 20. Of the funds appropriated to the State Board of Education in Section __ of this act and allocated in Section __ of this act specifically for the purpose of funding Education Leadership Oklahoma, the sum of _____ Dollars ($0.00) shall be transferred to the Education Leadership Oklahoma Revolving Fund created in Section 6-204.3 of Title 70 of the Oklahoma Statutes and shall be expended for the purpose of providing assistance and scholarships. Of the funds allocated in Section __ of this act specifically for the purpose of funding Education Leadership Oklahoma, the sum of _____ Dollars ($0.00) shall be transferred to the Oklahoma National Board Certification Revolving Fund created in Section 6-204.4 of Title 70 of the Oklahoma Statutes for the purpose of awarding annual bonuses

as directed. The remaining funds in the Education Leadership Oklahoma Revolving Fund shall be used to provide program development and evaluation by the Oklahoma Commission for Teacher Preparation and curriculum enhancement and monitoring programs for teacher applicants on a contract basis with an institution within The Oklahoma State System of Higher Education.

SECTION 21. Funds allocated in Section __ of this act for the Oklahoma Ambassador of Teaching shall be used to enhance the Teacher of the Year Program and to assist the Teacher of the Year in acting as an ambassador for teaching.

SECTION 22. The salary and fringe benefit level of certified instructional staff employed in the same school district in the 2003-04 school year shall not be decreased for the 2004-05 school year unless the hours or the duties of the employee are reduced proportionately.

SECTION 23. The amount of _____ Dollars ($0.00) of the funds allocated in Section __ of this act for Administrative and Support Functions of the State Department of Education shall be available for continued implementation of the Oklahoma Cost Accounting System. Said System shall account for costs by curricular subject area for the 1991-92 and subsequent school years.

SECTION 24. The amount of _____ Dollars ($0.00) of the funds allocated in Section __ of this act for Administrative and Support Functions of the State Department of Education shall be expended to ensure school district participation in the National Assessment of Educational Progress.

SECTION 25. The amount of _____ Dollars ($0.00) of the funds allocated in Section __ of this act for Administrative and Support Functions of the State Department of Education shall be available for contracting with the Oklahoma

Alliance for Geographic Education to provide in-service training and material for geography instruction.

SECTION 26. The amount of _____ Dollars ($0.00) of the funds allocated in Section __ of this act for Administrative and Support Functions of the State Department of Education shall be used for reimbursement for costs associated with the Eighth Grade Reading Test pursuant to Section 1210.515 of Title 70 of the Oklahoma Statutes.

SECTION 27. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the State Department of Education by law shall be set by the State Board of Education. The State Department of Education for the fiscal year ending June 30, 2005, 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:

Budgetary Limitation	Amount
Full-time-equivalent Employees	400.0
Lease-Purchase Agreements	$0.00

SECTION 28. Of the four hundred (400.0) full-time-equivalent employees authorized in Section __ of this act, eighty-seven and seventy-five one-hundredths (87.75) shall be employed to provide services under the provisions of the Oklahoma Early Intervention Act. Prior to February 1, 2005, the Superintendent of Public Instruction shall file a report with the Education Oversight Board on the Oklahoma Early Intervention Program.

SECTION 29. Of the four hundred (400.0) full-time-equivalent employees authorized in Section __ of this act, three (3.0) shall be designated for the Parent Training Program as authorized in Section __ of this act.

SECTION 30. Of the four hundred (400.0) full-time-equivalent employees authorized in Section __ of this act, seven (7.0) shall be employed to provide services under the provisions of the Oklahoma School Testing Program Act pursuant to the provisions of Section 1210.508 of Title 70 of the Oklahoma Statutes.

SECTION 31. Of the four hundred (400.0) full-time-equivalent employees authorized in Section __ of this act, one (1.0) shall be designated as coordinator of support personnel concerns. Responsibilities of the coordinator shall include liaison with the Legislature, with organizations representing support personnel, and with the State Board of Education, and shall include dissemination of information to support personnel, including but not limited to retirement information.

SECTION 32. Of the four hundred (400.0) full-time-equivalent employees authorized in Section __ of this act, eleven (11.0) shall be designated for the State Aid Section of Financial Services. These designated full-time-equivalent employees shall be responsible for processing data and other functions directly associated with the student identification system as authorized in subsection E of Section 18-200.1 of Title 70 of the Oklahoma Statutes.

SECTION 33. State Aid funds shall be reduced or withheld by the State Board of Education in an amount necessary to require compliance with the provisions of this act.

SECTION 34. If funds appropriated in this act are not sufficient to fully fund the provisions of this act, each school district which qualifies for funds, excluding Financial Support of Schools, pursuant to the provisions of this act shall take a proportionate reduction.

SECTION 35. Appropriations made by this act, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2005 (hereafter FY-05), or may be budgeted for the fiscal year ending June 30, 2006 (hereafter FY-06).

Funds budgeted for FY-05 may be encumbered only through June 30, 2005, and must be expended by November 15, 2005. Any funds remaining after November 15, 2005, and not budgeted for FY-06, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-06 may be encumbered only through June 30, 2006. Any funds remaining after November 15, 2006, 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-05, and not required to pay obligations for that fiscal year, may be budgeted for FY-06, 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-05 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 36. This act shall become effective July 1, 2004.

SECTION 37. 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.

49-2-15321 PC 12/15/03