

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 435

By: (Bingman) and Ford of the
Senate

6 and

7 (Steele) of the House
8
9

10 COMMITTEE SUBSTITUTE

11 An Act relating to the State Board of Education;
12 amending 70 O.S. 2001, Sections 3-101, as amended by
13 Section 15, Chapter 375, O.S.L. 2002, 3-102, and 3-
14 104, as last amended by Section 73, Chapter 2, O.S.L.
15 2010 (70 O.S. Supp. 2010, Sections 3-101 and 3-104),
16 which relate to the role of the State Board of
17 Education; modifying membership of the Board;
18 modifying frequency of meetings; transferring some
19 powers and duties from the Board to the
20 Superintendent of Public Instruction; providing
21 certain requirements of the State Board of Education;
22 designating the State Department of Education as
23 certain agency; and declaring an emergency.
24

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 3-101, as
amended by Section 15, Chapter 375, O.S.L. 2002 (70 O.S. Supp. 2010,
Section 3-101), is amended to read as follows:

1 Section 3-101. The State Board of Education shall be the
2 governing board of the State Department of Education and shall
3 consist of ~~seven (7)~~ four (4) members. The State Superintendent of
4 Public Instruction shall be a member and the chairperson of ~~said the~~ the
5 Board. The remaining ~~six members shall be appointed by the Governor~~
6 ~~by and with the advice and consent of the Senate. No person shall~~
7 ~~be eligible to be appointed to serve on the State Board unless said~~
8 ~~person has been awarded a high school diploma or certificate of high~~
9 ~~school equivalency. Any member appointed to the State Board after~~
10 ~~the effective date of this act shall complete the workshop~~
11 ~~requirements of a new school board member pursuant to Section 5-110~~
12 ~~of this title within thirteen (13) months following or preceding the~~
13 ~~appointment of the member. Notwithstanding any provision of law to~~
14 ~~the contrary, the State Department of Education shall not charge any~~
15 ~~member of the State Board of Education a fee for any workshop~~
16 ~~provided by the Department for board members pursuant to Section 5-~~
17 ~~110 of this title and shall not pay a fee to any organization or~~
18 ~~institution of higher education on behalf of a member of the State~~
19 ~~Board of Education, or reimburse any member of the Board for a fee~~
20 ~~paid to any organization or institution of higher education, for~~
21 ~~attendance at a workshop or courses to satisfy the requirements of~~
22 ~~Section 5-110 of this title~~ three members shall be the Governor or
23 designee, Secretary of State or designee, and Attorney General or
24

1 designee, as provided in Section 5 of Article XIII of the Oklahoma
2 Constitution.

3 ~~The Governor shall appoint one member to serve for one (1) year;~~
4 ~~one member to serve for two (2) years; one member to serve for three~~
5 ~~(3) years; one member to serve for four (4) years; one member to~~
6 ~~serve for five (5) years; and one member to serve for six (6) years.~~
7 ~~Said members shall serve until their successors are duly appointed~~
8 ~~and qualified. Their successors shall be appointed for a term of~~
9 ~~six (6) years, and thereafter the term of each member of said Board~~
10 ~~shall be six (6) years. An appointment shall be made to take effect~~
11 ~~on April 2 of each year. Except for the State Superintendent of~~
12 ~~Public Instruction, a member shall be appointed from each~~
13 ~~congressional district, and any remaining members shall be appointed~~
14 ~~from the state at large, not to exceed more than one member from any~~
15 ~~one county, city or town. However, when congressional districts are~~
16 ~~redrawn each member appointed prior to July 1 of the year in which~~
17 ~~such modification becomes effective shall complete the current term~~
18 ~~of office and appointments made after July 1 of the year in which~~
19 ~~such modification becomes effective shall be based on the redrawn~~
20 ~~districts. Appointments made after July 1 of the year in which such~~
21 ~~modification becomes effective shall be from any redrawn districts~~
22 ~~which are not represented by a board member until such time as each~~
23 ~~of the modified congressional districts are represented by a board~~
24 ~~member. No appointments may be made after July 1 of the year in~~

1 ~~which such modification becomes effective if such appointment would~~
2 ~~result in more than two members serving from the same modified~~
3 ~~district. Upon the occurrence of a vacancy the same shall be filled~~
4 ~~by the Governor, subject to confirmation by the Senate at the next~~
5 ~~session of the Legislature, such appointments to be made for the~~
6 ~~unexpired term.~~

7 ~~Terms of the members shall be staggered so that only one term~~
8 ~~expires each year. Each member of the Board shall receive necessary~~
9 ~~traveling expenses while in the performance of his duties in~~
10 ~~accordance with the State Travel Reimbursement Act, Section 500.1 et~~
11 ~~seq. of Title 74 of the Oklahoma Statutes.~~

12 ~~Provided, that persons serving as members of the State Board of~~
13 ~~Education on the effective date of this act shall continue to serve~~
14 ~~as members of the State Board of Education for the terms for which~~
15 ~~they were appointed.~~

16 SECTION 2. AMENDATORY 70 O.S. 2001, Section 3-102, is
17 amended to read as follows:

18 Section 3-102. The State Board of Education shall meet in
19 regular session once each ~~month~~ quarter. Special meetings may be
20 called by the ~~president~~ Superintendent of Public Instruction or by a
21 majority of the members of the Board.

22 SECTION 3. AMENDATORY 70 O.S. 2001, Section 3-104, as
23 last amended by Section 73, Chapter 2, O.S.L. 2010 (70 O.S. Supp.
24 2010, Section 3-104), is amended to read as follows:

1 Section 3-104. A. The control of the State Department of
2 Education ~~and the~~ shall be vested in the State Superintendent of
3 Public Instruction. The supervision of instruction in the public
4 school system of Oklahoma shall be vested in the State Board of
5 Education ~~and, subject.~~ Subject to limitations otherwise provided
6 by law, the State ~~Board of Education~~ Superintendent of Public
7 Instruction shall:

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

14 2. ~~Adopt~~ Set policies and make rules for the operation of the
15 State Department of Education ~~and the public school system of the~~
16 ~~state;~~

17 3. ~~2.~~ Organize and have control of the administrative and
18 supervisory agencies, divisions, personnel and their appointment and
19 salaries and other operations necessary to carry out the powers,
20 duties and functions of the ~~Board and its executive officer~~ State
21 Department of Education;

22 4. ~~3.~~ Have authority to require the coordination of all
23 divisions of the State Department of Education ~~through its executive~~
24 ~~officer, delegate general supervision of all employees to its~~

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

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

10 ~~6.~~ 4. Submit to the Governor a departmental budget based upon
11 major functions of the Department supported by detailed data on
12 needs and proposed operations as partially determined by the
13 budgetary needs of local school districts filed with the State Board
14 ~~of Education~~ Superintendent of Public Instruction for the ensuing
15 fiscal year. Appropriations therefor shall be made in lump-sum form
16 for each major item in the budget as follows:

- 17 a. State Aid to schools,
- 18 b. the supervision of all other functions of general and
19 special education including general control, free
20 textbooks, school lunch, Indian education and all
21 other functions of the Board and Superintendent of
22 Public Instruction, and an amount sufficient to
23 adequately staff and administer these services, and
24

1 c. the ~~Board~~ State Superintendent of Public Instruction
2 shall determine the details by which the budget and
3 the appropriations are administered for the State
4 Department of Education. ~~Annually, the Board shall~~
5 The State Superintendent of Public Instruction shall
6 annually make preparations to consolidate all of the
7 functions of the Department in such a way that the
8 budget can be based on two items, administration and
9 aid to schools. A maximum amount for administration
10 shall be designated as a part of the total
11 appropriation;

12 ~~7.~~ 5. On the first day of December preceding each regular
13 session of the Legislature, prepare and deliver to the Governor and
14 the Legislature a report for the year ending June 30 immediately
15 preceding ~~said~~ such regular session of the Legislature. ~~Said~~ The
16 report shall contain:

- 17 a. detailed statistics and other information concerning
18 enrollment, attendance, expenditures including State
19 Aid, and other pertinent data for all public schools
20 in this state,
21 b. reports from each and every division, department,
22 institution or other agency under the supervision of
23 the ~~Board~~ State Superintendent of Public Instruction,

- 1 c. recommendations for the improvement of the public
2 school system of the state,
3 d. a statement of the receipts and expenditures of the
4 State Board of Education for the past year, and
5 e. a statement of plans and recommendations for the
6 management and improvement of public schools and such
7 other information relating to the educational
8 interests of the state as may be deemed necessary and
9 desirable;

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

13 ~~9. Have authority in matters pertaining to the licensure and~~
14 ~~certification of persons for instructional, supervisory and~~
15 ~~administrative positions and services in the public schools of the~~
16 ~~state subject to the provisions of Section 6-184 of this title, and~~
17 ~~shall formulate rules governing the issuance and revocation of~~
18 ~~certificates for superintendents of schools, principals,~~
19 ~~supervisors, librarians, clerical employees, school nurses, school~~
20 ~~bus drivers, visiting teachers, classroom teachers and for other~~
21 ~~personnel performing instructional, administrative and supervisory~~
22 ~~services, but not including members of boards of education and other~~
23 ~~employees who do not work directly with pupils, and may charge and~~
24 ~~collect reasonable fees for the issuance of such certificates:~~

1 ~~a. the State Department of Education shall not issue a~~
2 ~~certificate to and shall revoke the certificate of any~~
3 ~~person who has been convicted, whether upon a verdict~~
4 ~~or plea of guilty or upon a plea of nolo contendere,~~
5 ~~or received a suspended sentence or any probationary~~
6 ~~term for a crime or an attempt to commit a crime~~
7 ~~provided for in Section 843.5 of Title 21 of the~~
8 ~~Oklahoma Statutes if the offense involved sexual abuse~~
9 ~~or sexual exploitation as those terms are defined in~~
10 ~~Section 11105 of Title 10A of the Oklahoma Statutes,~~
11 ~~Sections 741, 843.1, if the offense included sexual~~
12 ~~abuse or sexual exploitation, 865 et seq., 885, 888,~~
13 ~~891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,~~
14 ~~1111.1, 1114 or 1123 of Title 21 of the Oklahoma~~
15 ~~Statutes or who enters this state and who has been~~
16 ~~convicted, received a suspended sentence or received a~~
17 ~~deferred judgement for a crime or attempted crime~~
18 ~~which, if committed or attempted in this state, would~~
19 ~~be a crime or an attempt to commit a crime provided~~
20 ~~for in any of said laws,~~

21 ~~b. all funds collected by the State Department of~~
22 ~~Education for the issuance of certificates to~~
23 ~~instructional, supervisory and administrative~~
24 ~~personnel in the public schools of the state shall be~~

1 deposited in the "Teachers' Certificate Fund" in the
2 State Treasury and may be expended by the State Board
3 of Education to finance the activities of the State
4 Department of Education necessary to administer the
5 program, for consultative services, publication costs,
6 actual and necessary travel expenses as provided in
7 the State Travel Reimbursement Act incurred by persons
8 performing research work, and other expenses found
9 necessary by the State Board of Education for the
10 improvement of the preparation and certification of
11 teachers in Oklahoma. Provided, any unobligated
12 balance in the Teachers' Certificate Fund in excess of
13 Ten Thousand Dollars (\$10,000.00) on June 30 of any
14 fiscal year shall be transferred to the General
15 Revenue Fund of the State of Oklahoma. Until July 1,
16 1997, the State Board of Education shall have
17 authority for approval of teacher education programs.
18 The State Board of Education shall also have authority
19 for the administration of teacher residency and
20 professional development, subject to the provisions of
21 the Oklahoma Teacher Preparation Act;

22 10. Promulgate rules governing the classification, inspection,
23 supervision and accrediting of all public nursery, kindergarten,
24 elementary and secondary schools and on site educational services

1 ~~provided by public school districts or state-accredited private~~
2 ~~schools in partial hospitalization programs, day treatment programs,~~
3 ~~and day hospital programs as defined in this act for persons between~~
4 ~~the ages of three (3) and twenty one (21) years of age in the state.~~
5 ~~However, no school shall be denied accreditation solely on the basis~~
6 ~~of average daily attendance.~~

7 ~~Any school district which maintains an elementary school and~~
8 ~~faces the necessity of relocating its school facilities because of~~
9 ~~construction of a lake, either by state or federal authority, which~~
10 ~~will inundate the school facilities, shall be entitled to receive~~
11 ~~probationary accreditation from the State Board of Education for a~~
12 ~~period of five (5) years after the effective date of this act and~~
13 ~~any school district, otherwise qualified, shall be entitled to~~
14 ~~receive probationary accreditation from the State Board of Education~~
15 ~~for a period of two (2) consecutive years to attain the minimum~~
16 ~~average daily attendance. The Head Start and public nurseries or~~
17 ~~kindergartens operated from Community Action Program funds shall not~~
18 ~~be subjected to the accrediting rules of the State Board of~~
19 ~~Education. Neither will the State Board of Education make rules~~
20 ~~affecting the operation of the public nurseries and kindergartens~~
21 ~~operated from federal funds secured through Community Action~~
22 ~~Programs even though they may be operating in the public schools of~~
23 ~~the state. However, any of the Head Start or public nurseries or~~
24 ~~kindergartens operated under federal regulations may make~~

1 ~~application for accrediting from the State Board of Education but~~
2 ~~will be accredited only if application for the approval of the~~
3 ~~programs is made. The status of no school district shall be changed~~
4 ~~which will reduce it to a lower classification until due notice has~~
5 ~~been given to the proper authorities thereof and an opportunity~~
6 ~~given to correct the conditions which otherwise would be the cause~~
7 ~~of such reduction.~~

8 ~~Private and parochial schools may be accredited and classified~~
9 ~~in like manner as public schools or, if an accrediting association~~
10 ~~is approved by the State Board of Education, by procedures~~
11 ~~established by the State Board of Education to accept accreditation~~
12 ~~by such accrediting association, if application is made to the State~~
13 ~~Board of Education for such accrediting;~~

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

21 ~~12. Be and is specifically hereby designated as the agency of~~
22 ~~this state to cooperate and deal with any officer, board or~~
23 ~~authority of the United States Government under any law of the~~
24 ~~United States which may require or recommend cooperation with any~~

1 ~~state board having charge of the administration of public schools~~
2 ~~unless otherwise provided by law;~~

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

13 ~~14. Have authority to secure and administer the benefits of the~~
14 ~~National School Lunch Act, Public Law 396 of the 79th Congress of~~
15 ~~the United States, in the State of Oklahoma and is hereby authorized~~
16 ~~to employ or appoint and fix the compensation of such additional~~
17 ~~officers or employees and to incur such expenses as may be necessary~~
18 ~~for the accomplishment of the above purpose, administer the~~
19 ~~distribution of any state funds appropriated by the Legislature~~
20 ~~required as federal matching to reimburse on children's meals;~~

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

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

11 ~~17.~~ 6. Have general supervision of the school lunch program.
12 The State Board of Education Superintendent of Public Instruction
13 may sponsor workshops for personnel and participants in the school
14 lunch program and may develop, print and distribute free of charge
15 or sell any materials, books and bulletins to be used in such school
16 lunch programs. There is hereby created in the State Treasury a
17 revolving fund for the ~~Board~~ State Superintendent of Public
18 Instruction, to be designated the School Lunch Workshop Revolving
19 Fund. The fund shall consist of all fees derived from or on behalf
20 of any participant in any such workshop sponsored by the State Board
21 ~~of Education~~ Superintendent of Public Instruction, or from the sale
22 of any materials, books and bulletins, and such funds shall be
23 disbursed for expenses of such workshops and for developing,
24 printing and distributing of such materials, books and bulletins

1 relating to the school lunch program. The fund shall be
2 administered in accordance with the Revolving Fund Procedures Act;

3 ~~18.~~ 7. Prescribe all forms for school district and county
4 officers to report to the State ~~Board of Education~~ Superintendent of
5 Public Instruction where required. The State ~~Board of Education~~
6 Superintendent of Public Instruction shall also prescribe a list of
7 appropriation accounts by which the funds of school districts shall
8 be budgeted, accounted for and expended; and it shall be the duty of
9 the State Auditor and Inspector in prescribing all budgeting,
10 accounting and reporting forms for school funds to conform to such
11 lists;

12 ~~19.~~ 8. Provide for the establishment of a uniform system of
13 pupil and personnel accounting, records and reports;

14 ~~20.~~ 9. Have authority to provide for the health and safety of
15 school children and school personnel while under the jurisdiction of
16 school authorities;

17 ~~21.~~ 10. Provide for the supervision of the transportation of
18 pupils;

19 ~~22.~~ 11. Have authority, upon request of the local school board,
20 to act in behalf of the public schools of the state in the purchase
21 of transportation equipment;

22 ~~23.~~ 12. Have authority and is hereby required to perform all
23 duties necessary to the administration of the public school system
24 in Oklahoma as specified in the Oklahoma School Code; and, in

1 addition thereto, those duties not specifically mentioned herein if
2 not delegated by law to any other agency or official;

3 ~~24.~~ 13. Administer the State Public Common School Building
4 Equalization Fund established by Section 32 of Article X of the
5 Oklahoma Constitution. Any royalties, bonuses, rentals or other
6 monies derived from oil and gas and all other mineral leases on
7 lands that have been or may be granted by the United States to the
8 state for the use and benefit of the common schools, or lands that
9 are or may be held by the Commissioners of the Land Office for the
10 use and benefit of the common schools, the proceeds of the sale of
11 easements, improvements and sand and gravel on any such lands, any
12 monies as may be appropriated or designated by the Legislature,
13 other than ad valorem taxes, any other funds identified by the State
14 Department of Education, which may include, but not be limited to,
15 grants-in-aid from the federal government for building purposes, the
16 proceeds of all property that shall fall to the state by escheat,
17 penalties for unlawful holding of real estate by corporations, and
18 capital gains on assets of the permanent school funds, shall be
19 deposited in the State Public Common School Building Equalization
20 Fund. The fund shall be used to aid school districts in acquiring
21 buildings, subject to the limitations fixed by Section 32 of Article
22 X of the Oklahoma Constitution. It is hereby declared that the term
23 "acquiring buildings" as used in Section 32 of Article X of the
24 Oklahoma Constitution shall mean acquiring or improving school

1 sites, constructing, repairing, remodeling or equipping buildings,
2 or acquiring school furniture, fixtures, or equipment. If
3 sufficient monies are available in the fund, the ~~Board~~ State
4 Superintendent of Public Instruction shall solicit proposals for
5 grants from school districts and shall determine the process for
6 consideration of proposals. Grants shall be awarded only to school
7 districts which have a total assessed property valuation per average
8 daily membership that is less than the state average total assessed
9 property valuation per average daily membership and, at the time of
10 application, the district has voted the five-mill building fund levy
11 authorized in Section 10 of Article X of the Oklahoma Constitution,
12 and has voted indebtedness through the issuance of new bonds for at
13 least eighty-five percent (85%) within the last three (3) years of
14 the maximum allowable pursuant to the provisions of Section 26 of
15 Article X of the Oklahoma Constitution as shown on the school
16 district budget filed with the State Board of Equalization for the
17 current school year and certifications by the Attorney General prior
18 to April 1 of the school year. The amount of each grant awarded by
19 the ~~Board~~ State Superintendent of Public Instruction each year shall
20 not exceed One Million Dollars (\$1,000,000.00). The ~~Board~~ State
21 Superintendent of Public Instruction shall give priority
22 consideration to school districts which have a total assessed
23 property valuation per average daily membership that is equal to or
24 less than twenty-five percent (25%) of the state average total

1 assessed property valuation per average daily membership. The ~~Board~~
2 State Superintendent of Public Instruction is authorized to prorate
3 grants awarded if monies are not sufficient in the fund to award
4 grants to qualified districts. The State ~~Board of Education~~
5 Superintendent of Public Instruction shall prescribe rules for
6 making grants of aid from, and for otherwise administering, the fund
7 pursuant to the provisions of this paragraph, and may employ and fix
8 the duties and compensation of technicians, aides, clerks,
9 stenographers, attorneys and other personnel deemed necessary to
10 carry out the provisions of this paragraph. The cost of
11 administering the fund shall be paid from monies appropriated to the
12 State ~~Board of Education~~ Superintendent of Public Instruction for
13 the operation of the State Department of Education;

14 ~~25.~~ 14. Recognize that the Director of the Oklahoma Department
15 of Corrections shall be the administrative authority for the schools
16 which are maintained in the state reformatories and shall appoint
17 the principals and teachers in such schools. Provided, that rules
18 of the State Board of Education for the classification, inspection
19 and accreditation of public schools shall be applicable to such
20 schools; and such schools shall comply with standards set by the
21 State ~~Board of Education~~ Superintendent of Public Instruction;

22 ~~26.~~ 15. Have authority to administer a revolving fund which is
23 hereby created in the State Treasury, to be designated the
24 Statistical Services Revolving Fund. The fund shall consist of all

1 monies received from the various school districts of the state, the
2 United States Government, and other sources for the purpose of
3 furnishing or financing statistical services and for any other
4 purpose as designated by the Legislature. The State ~~Board of~~
5 ~~Education~~ Superintendent of Public Instruction is hereby authorized
6 to enter into agreements with school districts, municipalities, the
7 United States Government, foundations and other agencies or
8 individuals for services, programs or research projects. The
9 Statistical Services Revolving Fund shall be administered in
10 accordance with the Revolving Fund Procedures Act, Section 155 et
11 seq. of Title 62 of the Oklahoma Statutes; and

12 ~~27.~~ 16. Have authority to review preliminary plans for new
13 construction and major alteration of public school buildings where
14 structural changes are proposed. No bids shall be let for the
15 construction or major alteration of any public school building until
16 preliminary plans and specifications for such construction or
17 alteration have been submitted to and reviewed by the State
18 Department of Education. The period of time during which such
19 review is conducted by the State Department of Education shall not
20 exceed thirty (30) days. The State Department of Education shall
21 advise each local school district regarding said review of
22 preliminary plans and specifications. Provided, nothing in this
23 subsection shall be construed as repealing any ordinance or building
24 code of any city, town or county.

1 B. The State Board of Education shall provide supervision of
2 instruction in the public school system of Oklahoma and, subject to
3 limitations otherwise provided by law, the State Board of Education
4 shall:

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

8 2. Have authority in matters pertaining to the licensure and
9 certification of persons for instructional, supervisory and
10 administrative positions and services in the public schools of the
11 state subject to the provisions of Section 6-184 of this title, and
12 shall formulate rules governing the issuance and revocation of
13 certificates for superintendents of schools, principals,
14 supervisors, librarians, clerical employees, school nurses, school
15 bus drivers, visiting teachers, classroom teachers and for other
16 personnel performing instructional, administrative and supervisory
17 services, but not including members of boards of education and other
18 employees who do not work directly with pupils, and may charge and
19 collect reasonable fees for the issuance of such certificates:

20 a. the State Department of Education shall not issue a
21 certificate to and shall revoke the certificate of any
22 person who has been convicted, whether upon a verdict
23 or plea of guilty or upon a plea of nolo contendere,
24 or received a suspended sentence or any probationary

1 term for a crime or an attempt to commit a crime
2 provided for in Section 843.5 of Title 21 of the
3 Oklahoma Statutes if the offense involved sexual abuse
4 or sexual exploitation as those terms are defined in
5 Section 1-1-105 of Title 10A of the Oklahoma Statutes,
6 Sections 741, 843.1, if the offense included sexual
7 abuse or sexual exploitation, 865 et seq., 885, 888,
8 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,
9 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
10 Statutes or who enters this state and who has been
11 convicted, received a suspended sentence or received a
12 deferred judgement for a crime or attempted crime
13 which, if committed or attempted in this state, would
14 be a crime or an attempt to commit a crime provided
15 for in any of said laws,

16 b. all funds collected by the State Department of
17 Education for the issuance of certificates to
18 instructional, supervisory and administrative
19 personnel in the public schools of the state shall be
20 deposited in the Teachers' Certificate Fund in the
21 State Treasury and may be expended by the State
22 Superintendent of Public Instruction to finance the
23 activities of the State Department of Education
24 necessary to administer the program, for consultative

1 services, publication costs, actual and necessary
2 travel expenses as provided in the State Travel
3 Reimbursement Act incurred by persons performing
4 research work, and other expenses found necessary by
5 the State Superintendent of Public Instruction for the
6 improvement of the preparation and certification of
7 teachers in Oklahoma. Provided, any unobligated
8 balance in the Teachers' Certificate Fund in excess of
9 Ten Thousand Dollars (\$10,000.00) on June 30 of any
10 fiscal year shall be transferred to the General
11 Revenue Fund of the State of Oklahoma. The State
12 Board of Education shall also have authority to direct
13 the State Department of Education to administer
14 teacher residency and professional development,
15 subject to the provisions of the Oklahoma Teacher
16 Preparation Act;

17 3. Promulgate rules governing the classification, inspection,
18 supervision and accrediting of all public nursery, kindergarten,
19 elementary and secondary schools and on-site educational services
20 provided by public school districts or state-accredited private
21 schools in partial hospitalization programs, day treatment programs,
22 and day hospital programs as defined in this act for persons between
23 the ages of three (3) and twenty-one (21) years of age in the state.
24

1 However, no school shall be denied accreditation solely on the basis
2 of average daily attendance.

3 Any school district which maintains an elementary school and
4 faces the necessity of relocating its school facilities because of
5 construction of a lake, either by state or federal authority, which
6 will inundate the school facilities, shall be entitled to receive
7 probationary accreditation from the State Board of Education for a
8 period of five (5) years after January 8, 1979, and any school
9 district, otherwise qualified, shall be entitled to receive
10 probationary accreditation from the State Board of Education for a
11 period of two (2) consecutive years to attain the minimum average
12 daily attendance. The Head Start and public nurseries or
13 kindergartens operated from Community Action Program funds shall not
14 be subjected to the accrediting rules of the State Board of
15 Education. Neither will the State Board of Education make rules
16 affecting the operation of the public nurseries and kindergartens
17 operated from federal funds secured through Community Action
18 Programs even though they may be operating in the public schools of
19 the state. However, any of the Head Start or public nurseries or
20 kindergartens operated under federal regulations may make
21 application for accrediting from the State Board of Education but
22 will be accredited only if application for the approval of the
23 programs is made. The status of no school district shall be changed
24 which will reduce it to a lower classification until due notice has

1 been given to the proper authorities thereof and an opportunity
2 given to correct the conditions which otherwise would be the cause
3 of such reduction.

4 Private and parochial schools may be accredited and classified
5 in like manner as public schools or, if an accrediting association
6 is approved by the State Board of Education, by procedures
7 established by the State Board of Education to accept accreditation
8 by such accrediting association, if application is made to the State
9 Board of Education for such accrediting;

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

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

24 C. The State Department of Education shall:

1 1. Be and is specifically hereby designated as the agency of
2 this state to cooperate and deal with any officer, board or
3 authority of the United States Government under any law of the
4 United States which may require or recommend cooperation with any
5 state board having charge of the supervision of instruction in the
6 public schools unless otherwise provided by law; and

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

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

1 4. Have authority to secure and administer the benefits of the
2 National School Lunch Act, Public Law 396 of the 79th Congress of
3 the United States, in the State of Oklahoma and is hereby authorized
4 to employ or appoint and fix the compensation of such additional
5 officers or employees and to incur such expenses as may be necessary
6 for the accomplishment of the above purpose, administer the
7 distribution of any state funds appropriated by the Legislature
8 required as federal matching to reimburse on children's meals;

9 SECTION 4. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

13
14 53-1-1490 AM 2/11/2011 2:58:00 PM

15
16
17
18
19
20
21
22
23
24