

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2048

By: Jackson and Nelson of the
House

and

Jolley of the Senate

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10 COMMITTEE SUBSTITUTE

11 [schools - powers and duties of the State Board of
12 Education - making charter schools eligible for
13 grants - State Public Common School Building
14 Equalization Fund - building for charter school -
15 criteria for grants to charter schools - effective
16 date -

emergency]

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21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
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1 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-104, as
2 amended by Section 1, Chapter 354, O.S.L. 2012 (70 O.S. Supp. 2012,
3 Section 3-104), is amended to read as follows:

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

8 1. Adopt policies and make rules for the operation of the
9 public school system of the state;

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

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

22 a. State Aid to schools,
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- 1 b. the supervision of all other functions of general and
2 special education including general control, free
3 textbooks, school lunch, Indian education and all
4 other functions of the Board and an amount sufficient
5 to adequately staff and administer these services, and
6 c. the Board shall determine the details by which the
7 budget and the appropriations are administered.
8 Annually, the Board shall make preparations to
9 consolidate all of the functions of the Department in
10 such a way that the budget can be based on two items,
11 administration and aid to schools. A maximum amount
12 for administration shall be designated as a part of
13 the total appropriation;

14 4. On the first day of December preceding each regular session
15 of the Legislature, prepare and deliver to the Governor and the
16 Legislature a report for the year ending June 30 immediately
17 preceding the regular session of the Legislature. The report shall
18 contain:

- 19 a. detailed statistics and other information concerning
20 enrollment, attendance, expenditures including State
21 Aid, and other pertinent data for all public schools
22 in this state,

- 1 b. reports from each and every division within the State
2 Department of Education as submitted by the State
3 Superintendent of Public Instruction and any other
4 division, department, institution or other agency
5 under the supervision of the Board,
6 c. recommendations for the improvement of the public
7 school system of the state,
8 d. a statement of the receipts and expenditures of the
9 State Board of Education for the past year, and
10 e. a statement of plans and recommendations for the
11 management and improvement of public schools and such
12 other information relating to the educational
13 interests of the state as may be deemed necessary and
14 desirable;

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

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

7 a. the State Department of Education shall not issue a
8 certificate to and shall revoke the certificate of any
9 person who has been convicted, whether upon a verdict
10 or plea of guilty or upon a plea of nolo contendere,
11 or received a suspended sentence or any probationary
12 term for a crime or an attempt to commit a crime
13 provided for in Section 843.5 of Title 21 of the
14 Oklahoma Statutes if the offense involved sexual abuse
15 or sexual exploitation as those terms are defined in
16 Section 1-1-105 of Title 10A of the Oklahoma Statutes,
17 Sections 741, 843.1, if the offense included sexual
18 abuse or sexual exploitation, 865 et seq., 885, 888,
19 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,
20 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
21 Statutes or who enters this state and who has been
22 convicted, received a suspended sentence or received a
23 deferred judgment for a crime or attempted crime

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1 which, if committed or attempted in this state, would
2 be a crime or an attempt to commit a crime provided
3 for in any of said laws,

4 b. all funds collected by the State Department of
5 Education for the issuance of certificates to
6 instructional, supervisory and administrative
7 personnel in the public schools of the state shall be
8 deposited in the "Teachers' Certificate Fund" in the
9 State Treasury and may be expended by the State Board
10 of Education to finance the activities of the State
11 Department of Education necessary to administer the
12 program, for consultative services, publication costs,
13 actual and necessary travel expenses as provided in
14 the State Travel Reimbursement Act incurred by persons
15 performing research work, and other expenses found
16 necessary by the State Board of Education for the
17 improvement of the preparation and certification of
18 teachers in Oklahoma. Provided, any unobligated
19 balance in the Teachers' Certificate Fund in excess of
20 Ten Thousand Dollars (\$10,000.00) on June 30 of any
21 fiscal year shall be transferred to the General
22 Revenue Fund of the State of Oklahoma. Until July 1,
23 1997, the State Board of Education shall have
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1 authority for approval of teacher education programs.
2 The State Board of Education shall also have authority
3 for the administration of teacher residency and
4 professional development, subject to the provisions of
5 the Oklahoma Teacher Preparation Act;

6 7. Promulgate rules governing the classification, inspection,
7 supervision and accrediting of all public nursery, kindergarten,
8 elementary and secondary schools and on-site educational services
9 provided by public school districts or state-accredited private
10 schools in partial hospitalization programs, day treatment programs,
11 and day hospital programs as defined in this act for persons between
12 the ages of three (3) and twenty-one (21) years of age in the state.
13 However, no school shall be denied accreditation solely on the basis
14 of average daily attendance.

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

17 Private and parochial schools may be accredited and classified
18 in like manner as public schools or, if an accrediting association
19 is approved by the State Board of Education, by procedures
20 established by the State Board of Education to accept accreditation
21 by such accrediting association, if application is made to the State
22 Board of Education for such accrediting;

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

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

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

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1 11. 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 12. Accept and provide for the administration of any land,
10 money, buildings, gifts, donation or other things of value which may
11 be offered or bequeathed to the schools under the supervision or
12 control of said Board;

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

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1 14. Have general supervision of the school lunch program. The
2 State Board of Education may sponsor workshops for personnel and
3 participants in the school lunch program and may develop, print and
4 distribute free of charge or sell any materials, books and bulletins
5 to be used in such school lunch programs. There is hereby created
6 in the State Treasury a revolving fund for the Board, to be
7 designated the School Lunch Workshop Revolving Fund. The fund shall
8 consist of all fees derived from or on behalf of any participant in
9 any such workshop sponsored by the State Board of Education, or from
10 the sale of any materials, books and bulletins, and such funds shall
11 be disbursed for expenses of such workshops and for developing,
12 printing and distributing of such materials, books and bulletins
13 relating to the school lunch program. The fund shall be
14 administered in accordance with Section 155 of Title 62 of the
15 Oklahoma Statutes;

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

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

3 17. Have authority to provide for the health and safety of
4 school children and school personnel while under the jurisdiction of
5 school authorities;

6 18. Provide for the supervision of the transportation of
7 pupils;

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

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

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

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1 shall solicit proposals for grants from school districts and charter
2 schools and shall determine the process for consideration of
3 proposals. Grants shall be awarded only to school districts which
4 have a total assessed property valuation per average daily
5 membership that is less than the state average total assessed
6 property valuation per average daily membership and, at the time of
7 application, the district has voted the five-mill building fund levy
8 authorized in Section 10 of Article X of the Oklahoma Constitution,
9 and has voted indebtedness through the issuance of new bonds for at
10 least eighty-five percent (85%) within the last three (3) years of
11 the maximum allowable pursuant to the provisions of Section 26 of
12 Article X of the Oklahoma Constitution as shown on the school
13 district budget filed with the State Board of Equalization for the
14 current school year and certifications by the Attorney General prior
15 to April 1 of the school year. Grants shall be awarded only to
16 charter schools which have secured matching funds in an amount of
17 not less than ten percent (10%) of the total grant amount. In
18 addition grants shall be awarded only to charter schools for which
19 all members of the governing board of the charter school are
20 registered to vote in the state as provided by law and all members
21 have either completed the instructional requirements for school
22 district board of education members as set forth in subsection A of
23 Section 5-110 of this title or have agreed and pledged in writing to

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1 complete the instructional requirements within six (6) months of
2 receiving the grant. If all members of the governing board have not
3 completed the instructional requirements within six (6) months of
4 receiving the grant, the charter schools shall be ineligible to
5 receive any further grant funding and shall be required to return
6 any grant funding already received. The amount of each grant
7 awarded by the Board each year shall not exceed ~~One Million Dollars~~
8 ~~(\$1,000,000.00)~~ Five Million Dollars (\$5,000,000.00). Not more than
9 twenty percent (20%) of the total amount allocated for grants each
10 year shall be used to provide grants to charter schools. The Board
11 shall give priority consideration to school districts which have a
12 total assessed property valuation per average daily membership that
13 is equal to or less than twenty-five percent (25%) of the state
14 average total assessed property valuation per average daily
15 membership. The Board is authorized to prorate grants awarded if
16 monies are not sufficient in the fund to award grants to qualified
17 districts and charter schools. The State Board of Education shall
18 prescribe rules for making grants of aid from, and for otherwise
19 administering, the fund pursuant to the provisions of this
20 paragraph, and may employ and fix the duties and compensation of
21 technicians, aides, clerks, stenographers, attorneys and other
22 personnel deemed necessary to carry out the provisions of this
23 paragraph. The cost of administering the fund shall be paid from

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1 monies appropriated to the State Board of Education for the
2 operation of the State Department of Education;

3 22. Recognize that the Director of the Oklahoma Department of
4 Corrections shall be the administrative authority for the schools
5 which are maintained in the state reformatories and shall appoint
6 the principals and teachers in such schools. Provided, that rules
7 of the State Board of Education for the classification, inspection
8 and accreditation of public schools shall be applicable to such
9 schools; and such schools shall comply with standards set by the
10 State Board of Education; and

11 23. Have authority to administer a revolving fund which is
12 hereby created in the State Treasury, to be designated the
13 Statistical Services Revolving Fund. The fund shall consist of all
14 monies received from the various school districts of the state, the
15 United States Government, and other sources for the purpose of
16 furnishing or financing statistical services and for any other
17 purpose as designated by the Legislature. The State Board of
18 Education is hereby authorized to enter into agreements with school
19 districts, municipalities, the United States Government, foundations
20 and other agencies or individuals for services, programs or research
21 projects. The Statistical Services Revolving Fund shall be
22 administered in accordance with Section 155 of Title 62 of the
23 Oklahoma Statutes.

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1 SECTION 2. This act shall become effective July 1, 2013.

2 SECTION 3. It being immediately necessary for the preservation
3 of the public peace, health and safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval.

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7 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
8 02/27/2013 - DO PASS, As Amended and Coauthored.