

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1682

By: Denney

AS INTRODUCED

An Act relating to schools; amending 68 O.S. 2011, Section 2352, as last amended by Section 1, Chapter 253, O.S.L. 2013 (68 O.S. Supp. 2014, Section 2352), which relates to distribution of revenues; changing distribution of revenues subject to certain apportionment; amending 69 O.S. 2011, Section 1521, as last amended by Section 93, Chapter 15, O.S.L. 2013 (69 O.S. Supp. 2014, Section 1521), which relates to the Rebuilding Oklahoma Access and Driver Safety Fund; adding certain contingency; making certain increase in an apportionment subject to an annual apportionment to the Securing Education Excellence Fund; creating the Securing Educational Excellence Fund; stating source of funds; stating purpose of funds; requiring expenditures to be made upon warrants; requiring the apportionment of certain monies to the Securing Educational Excellence Fund; specifying certain amounts; providing for apportionment of certain monies after certain condition are met; requiring apportionments to be divided in a certain manner; requiring apportionments to be made until certain amount is reached; prohibiting the supplanting or replacement of existing state funds; requiring instructional days to be added to the school year contingent upon apportionment of certain amounts; directing the State Board of Equalization to examine and investigate expenditures and issue findings and a report; providing for supplanted amount to be specified by the Board; requiring the Legislature to replenish the state funding under certain circumstances; providing for a reduction in apportionments under certain circumstances; stating use of monies in the fund; amending 70 O.S. 2011, Section 1-109, as last amended by Section 1, Chapter 242, O.S.L. 2013 (70 O.S. Supp.

1 2014, Section 1-109), which relates to the length of
2 the school year; making certain exception to the
3 length of the school year; providing for
4 codification; providing an effective date; and
5 declaring an emergency.

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

7 SECTION 1. AMENDATORY 68 O.S. 2011, Section 2352, as
8 last amended by Section 1, Chapter 253, O.S.L. 2013 (68 O.S. Supp.
9 2014, Section 2352), is amended to read as follows:

10 Section 2352. It is hereby declared to be the purpose of
11 Section 2351 et seq. of this title to provide revenue for general
12 governmental functions of state government; and, for that purpose
13 and to that end, it is expressly declared that the revenue derived
14 herefrom and penalties and interest thereon, subject to the
15 apportionment requirements for the Rebuilding Oklahoma Access and
16 Driver Safety Fund, the Oklahoma Tourism and Passenger Rail
17 Revolving Fund and the Public Transit Revolving Fund to be derived
18 from income tax revenue that would otherwise be apportioned to the
19 General Revenue Fund as provided by Section 1521 of Title 69 of the
20 Oklahoma Statutes, subject to the apportionment requirements for the
21 Oklahoma Tax Commission and Office of Management and Enterprise
22 Services Joint Computer Enhancement Fund provided by Section 265 of
23 this title, and subject to the apportionment requirements for the
24 ~~Oklahoma State Capitol Building Repair and Restoration Fund provided~~

1 ~~by Section 4 of this act~~ Securing Educational Excellence Fund as
2 provided for in Section 1521 of Title 69 of the Oklahoma Statutes
3 and Section 3 of this act, shall be distributed as follows:

4 1. For the fiscal year beginning July 1, 2002, the first Five
5 Million Eight Hundred Thousand Dollars (\$5,800,000.00) of revenue
6 derived pursuant to the provisions of subsections A, B and E of
7 Section 2355 of this title shall be apportioned to the Education
8 Reform Revolving Fund. The remainder of such revenue for the fiscal
9 year beginning July 1, 2002, and all such revenue for each fiscal
10 year thereafter shall be apportioned monthly as follows:

11 a. (1) the following amounts shall be paid to the State
12 Treasurer to be placed to the credit of the
13 General Revenue Fund of the state for such fiscal
14 year for the support of the state government to
15 be paid out only pursuant to appropriation by the
16 Legislature:

Fiscal Year	Amount
FY 2003 and FY 2004	87.12%
FY 2005	86.91%
FY 2006	86.66%
FY 2007	86.16%
FY 2008 and each fiscal year thereafter	85.66%

1 (2) in the event that additional monies are necessary
2 pursuant to paragraph 3 of this section, such
3 additional monies shall be deducted in the
4 proportion determined by the State Board of
5 Equalization pursuant to paragraph 3 of Section
6 2355.1B of this title from the monies apportioned
7 to the General Revenue Fund,

8 b. for FY 2003 and each fiscal year thereafter, eight and
9 thirty-four one-hundredths percent (8.34%) shall be
10 paid to the State Treasurer to be placed to the credit
11 of the Education Reform Revolving Fund,

12 c. the following amounts shall be paid to the State
13 Treasurer to be placed to the credit of the Teachers'
14 Retirement System Dedicated Revenue Revolving Fund:

15 Fiscal Year	Amount
16 FY 2003 and FY 2004	3.54%
17 FY 2005	3.75%
18 FY 2006	4.0%
19 FY 2007	4.5%
20 FY 2008 and each fiscal	
21 year thereafter	5.0%

22 d. for FY 2003 and each fiscal year thereafter, one
23 percent (1%) shall be placed to the credit of the Ad
24 Valorem Reimbursement Fund;

1 2. Beginning July 1, 2003, for any period of time as certified
2 by the Oklahoma Development Finance Authority and the Oklahoma
3 Department of Commerce to be necessary for the repayment of
4 obligations issued by the Oklahoma Development Finance Authority
5 pursuant to Section 3654 of this title if the other sources of
6 revenue paid to or apportioned to the Quality Jobs Program Incentive
7 Leverage Fund are not adequate, including the proceeds from payment
8 pursuant to the guaranty required by subsection M of Section 3654 of
9 this title, an amount certified by the Oklahoma Development Finance
10 Authority to the Oklahoma Tax Commission shall be apportioned to the
11 Quality Jobs Program Incentive Leverage Fund before any other
12 apportionments are made as otherwise authorized by this paragraph.
13 The Oklahoma Development Finance Authority shall certify to the
14 ~~Oklahoma~~ Tax Commission the time as of which the revenue authorized
15 for apportionment pursuant to this paragraph is no longer required.
16 After the certification, the revenue derived from the income tax
17 shall be apportioned in the manner otherwise provided by this
18 section. Except as otherwise provided by this paragraph, for the
19 fiscal year beginning July 1, 2002, the first Forty-One Million One
20 Hundred Ninety Thousand Eight Hundred Dollars (\$41,190,800.00) of
21 revenue derived pursuant to the provisions of subsections D and E of
22 Section 2355 of this title shall be apportioned to the Education
23 Reform Revolving Fund. The remainder of such revenue for the fiscal
24 year beginning July 1, 2002, and all such revenue for each fiscal

1 year thereafter, subject to the apportionment requirements for the
2 ~~Oklahoma~~ Tax Commission and Office of Management and Enterprise
3 Services Joint Computer Enhancement Fund provided by Section 265 of
4 this title, shall be apportioned monthly as follows:

- 5 a. the following amounts shall be paid to the State
6 Treasurer to be placed to the credit of the General
7 Revenue Fund of the state for such fiscal year for the
8 support of the state government to be paid out only
9 pursuant to appropriation by the Legislature:

10 Fiscal Year	Amount
11 FY 2003 and FY 2004	78.96%
12 FY 2005	78.75%
13 FY 2006	78.50%
14 FY 2007	78.0%
15 FY 2008 and each fiscal 16 year thereafter	77.50%

- 17 b. for FY 2003 and each fiscal year thereafter, sixteen
18 and five-tenths percent (16.5%) shall be paid to the
19 State Treasurer to be placed to the credit of the
20 Education Reform Revolving Fund of the State
21 Department of Education,

- 22 c. the following amounts shall be paid to the State
23 Treasurer to be placed to the credit of the Teachers'
24 Retirement System Dedicated Revenue Revolving Fund:

Fiscal Year	Amount
FY 2003 and FY 2004	3.54%
FY 2005	3.75%
FY 2006	4.0%
FY 2007	4.5%
FY 2008 and each fiscal year thereafter	5.0%

d. for FY 2003 and each fiscal year thereafter, one percent (1%) shall be placed to the credit of the Ad Valorem Reimbursement Fund; and

3. During the first fiscal year after the State Board of Equalization has made a determination as provided in Section 2355.1B of this title, regarding a baseline amount of revenue apportioned pursuant to subparagraph c of paragraph 1 of this section, and for each fiscal year thereafter, in no event shall monies apportioned pursuant to subparagraph c of paragraph 1 of this section, paragraph 3 of Section 1353 of this title and paragraph 3 of Section 1403 of this title be less than such baseline amount.

SECTION 2. AMENDATORY 69 O.S. 2011, Section 1521, as last amended by Section 93, Chapter 15, O.S.L. 2013 (69 O.S. Supp. 2014, Section 1521), is amended to read as follows:

Section 1521. A. There is hereby created in the State Treasury a fund to be known as the "Rebuilding Oklahoma Access and Driver Safety Fund". The fund shall be a continuing fund, not subject to

1 fiscal year limitations, and shall consist of all appropriations and
2 transfers made by the Legislature. All monies accruing to the
3 credit of the fund are hereby appropriated and may be budgeted and
4 expended each fiscal year by the Department of Transportation for
5 the purposes authorized by subsection G of this section.

6 Expenditures from the fund shall be made upon warrants issued by the
7 State Treasurer against claims filed as prescribed by law with the
8 Director of the Office of Management and Enterprise Services for
9 approval and payment.

10 B. There shall be apportioned to the funds specified in this
11 subsection from the monies that would otherwise be apportioned to
12 the General Revenue Fund by Section 2352 of Title 68 of the Oklahoma
13 Statutes from the revenues derived pursuant to subsections A, B and
14 E of Section 2355 of Title 68 of the Oklahoma Statutes amounts as
15 follows:

16 1. For each fiscal year, subject to the provisions of paragraph
17 3 of this subsection, and, except for the amount prescribed by
18 subparagraph a of this paragraph, subject to any reductions required
19 by subsection F of this section, there shall be apportioned to the
20 Rebuilding Oklahoma Access and Driver Safety Fund:

- 21 a. for the fiscal year beginning July 1, 2011, the first
22 Thirty-five Million Seven Hundred Thousand Dollars
23 (\$35,700,000.00), for the fiscal year beginning July
24 1, 2012, the first Forty-one Million Seven Hundred

1 Thousand Dollars (\$41,700,000.00) and for the fiscal
2 year beginning July 1, 2013, ~~and for each fiscal year~~
3 ~~thereafter~~, Fifty-nine Million Seven Hundred Thousand
4 Dollars (\$59,700,000.00), which shall be allocated and
5 used by the Department of Transportation first for the
6 purpose of making any required payments for principal,
7 interest or other costs of borrowing with respect to
8 the obligations issued pursuant to Section 341 of
9 Title 73 of the Oklahoma Statutes and after any such
10 required payment has been made then for the purposes
11 otherwise authorized by this section, plus

12 b. the total amount apportioned to the Rebuilding
13 Oklahoma Access and Driver Safety Fund for the
14 preceding fiscal year which, except for the amount
15 prescribed by subparagraph a of this paragraph, shall
16 be apportioned before any other amount is apportioned
17 pursuant to Section 2352 of Title 68 of the Oklahoma
18 Statutes, plus

19 c. subject to the provisions of paragraph 3 of this
20 subsection, an additional incremental amount which
21 shall not be in excess of the amount prescribed by
22 subparagraph a of this paragraph and that is required
23 in order for the total apportionment for such fiscal
24

1 year to equal Five Hundred Seventy-five Million
2 Dollars (\$575,000,000.00).

3 All amounts apportioned pursuant to this paragraph shall be
4 divided into twelve equal amounts to be apportioned each month
5 during the fiscal year except the amount specified in subparagraph a
6 of this paragraph which amount shall be allocated in its full amount
7 in cash not later than July 30 each year or such later date as may
8 be required in order for the amount to be allocated in cash;

9 2. For each fiscal year after the apportionments required by
10 paragraph 1 of this subsection have been made:

11 a. the next Two Million Dollars (\$2,000,000.00) shall be
12 apportioned to the Oklahoma Tourism and Passenger Rail
13 Revolving Fund created pursuant to Section 325 of
14 Title 66 of the Oklahoma Statutes to be used for
15 capital and operating costs for the "Heartland Flyer"
16 rail project, and

17 b. the next Three Million Dollars (\$3,000,000.00) shall
18 be apportioned to the Public Transit Revolving Fund
19 created pursuant to Section 4031 of this title to be
20 used for purposes authorized by law other than the
21 purpose described by subparagraph a of this paragraph.

22 All amounts apportioned pursuant to this paragraph shall be
23 divided into twelve equal amounts to be apportioned each month
24 during the fiscal year; and

1 3. For each fiscal year after the first fiscal year in which
2 the total apportionment to the Rebuilding Oklahoma Access and Driver
3 Safety Fund as provided by paragraph 1 of this subsection equals
4 Five Hundred Seventy-five Million Dollars (\$575,000,000.00), the
5 first Five Hundred Seventy-five Million Dollars (\$575,000,000.00)
6 collected pursuant to subsections A, B and E of Section 2355 of
7 Title 68 of the Oklahoma Statutes and apportioned pursuant to
8 Section 2352 of Title 68 of the Oklahoma Statutes that would
9 otherwise be apportioned to the General Revenue Fund shall be
10 apportioned to the Rebuilding Oklahoma Access and Driver Safety
11 Fund. The annual apportionment to the Rebuilding Oklahoma Access
12 and Driver Safety Fund prescribed in subparagraph c of paragraph 1
13 of this subsection shall not be increased until the Securing
14 Educational Excellence Fund as created in Section 3 of this act
15 reaches a total annual apportionment of Six Hundred Million Dollars
16 (\$600,000,000.00). With the exception of the amount prescribed by
17 subparagraph a of paragraph 1 of this subsection, all amounts
18 apportioned pursuant to this paragraph shall be divided into twelve
19 equal amounts to be apportioned each month during the fiscal year.

20 C. The apportionments of revenues required by subparagraphs a,
21 b and c of paragraph 1 of subsection B of this section shall be made
22 until the total annual apportionment to the Rebuilding Oklahoma
23 Access and Driver Safety Fund equals Five Hundred Seventy-five
24 Million Dollars (\$575,000,000.00). After such annual apportionment

1 level is reached, the apportionment to the fund shall be governed by
2 the provisions of paragraph 3 of subsection B of this section.

3 D. The monies apportioned to the Rebuilding Oklahoma Access and
4 Driver Safety Fund shall not be used to supplant or replace existing
5 state funds used for transportation purposes.

6 E. In order to ensure that the funds from the ROADS Fund are
7 used to enhance and not supplant state funding for the Department of
8 Transportation, the State Board of Equalization shall examine and
9 investigate expenditures from the fund each year. For purposes of
10 this examination, monies used to retire outstanding debt obligations
11 for which the Department of Transportation is responsible shall be
12 excluded. At the meeting of the State Board of Equalization held
13 within five (5) days after the monthly apportionment in February of
14 each year, the State Board of Equalization shall issue a finding and
15 report which shall state whether expenditures from the ROADS Fund
16 were used to enhance or supplant state funding for the Department of
17 Transportation. If the State Board of Equalization finds that state
18 funding for the Department of Transportation was supplanted by funds
19 from the ROADS Fund, the Board shall specify the amount by which
20 such funding was supplanted. In this event, the Legislature shall
21 not make any appropriations for the ensuing fiscal year until an
22 appropriation in that amount is made to replenish state funding for
23 the Department of Transportation.
24

1 F. In the event that the Director of the Office of Management
2 and Enterprise Services declares a General Revenue Fund revenue
3 failure pursuant to Section 34.49 of Title 62 of the Oklahoma
4 Statutes, and agency allocations are reduced pursuant to the
5 provisions of Section 34.49 of Title 62 of the Oklahoma Statutes,
6 the amounts that would otherwise be apportioned to the ROADS Fund
7 by:

8 1. Subparagraph a of paragraph 1 of subsection B of this
9 section, only to the extent that the amount is not required for debt
10 service related to the obligations authorized pursuant to Section
11 341 of Title 73 of the Oklahoma Statutes;

12 2. Subparagraphs b and c of paragraph 1 of subsection B of this
13 section; and

14 3. Subparagraphs a and b of paragraph 2 of subsection B of this
15 section,
16 shall be reduced by a percentage equal to that required of the
17 General Revenue Fund appropriations to state agencies and such
18 reductions shall occur during the entire fiscal year and for any
19 month during which such reductions are required by the Office of
20 Management and Enterprise Services and by the same percentage as
21 that required of the agencies for such General Revenue Fund
22 appropriations.

23 G. The Department of Transportation shall use the monies in the
24 Rebuilding Oklahoma Access and Driver Safety Fund for:

1 1. The construction and maintenance of state roads, bridges and
2 highways;

3 2. The direct expenses of operating and maintaining the state
4 highway system, including bridges;

5 3. Direct expenses incurred in constructing, repairing, and
6 maintaining state highways, farm-to-market roads, county highways
7 and bridges as authorized by law;

8 4. Matching federal funds;

9 5. The purchase of materials, tools, machinery, motor vehicles,
10 and equipment necessary or convenient for the construction and
11 maintenance of the state highway system and bridges;

12 6. Debt service incurred prior to January 1, 2006, for Capital
13 Improvement Program bonds sold pursuant to Section 2001 of this
14 title; and

15 7. Debt service incurred on or after July 1, 2009, with respect
16 to obligations authorized to be issued pursuant to Section 341 of
17 Title 73 of the Oklahoma Statutes.

18 H. From the monies allocated pursuant to the provisions of
19 subparagraph a of paragraph 1 of subsection B of this section each
20 fiscal year, the Department of Transportation shall make payments
21 required for the payment of principal, interest and other costs
22 related to the obligations issued by the Oklahoma Capitol
23 Improvement Authority as authorized by Section 341 of Title 73 of
24 the Oklahoma Statutes and such payments shall be made by the

1 Department each fiscal year before such monies are used for any
2 other purpose.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 18-501 of Title 70, unless there
5 is created a duplication in numbering, reads as follows:

6 A. There is hereby created in the State Treasury a fund for the
7 State Board of Education to be designated the "Securing Educational
8 Excellence Fund". The fund shall be a continuing fund, not subject
9 to fiscal year limitations, and shall consist of all monies received
10 by the State Board of Education from statutory apportionment,
11 appropriations and transfers made by the Legislature to the fund.
12 All monies accruing to the credit of said fund shall be subject to
13 legislative appropriation to be budgeted and expended by the State
14 Board of Education for the purpose set forth in subsections G and J
15 of this section. Expenditures from said fund shall be made upon
16 warrants issued by the State Treasurer against claims filed as
17 prescribed by law with the Director of the Office of Management and
18 Enterprise Services for approval and payment.

19 B. For the fiscal year beginning July 1, 2017, or the first
20 fiscal year the total annual apportionment to the Rebuilding
21 Oklahoma Access and Driver Safety Fund reaches Five Hundred Seventy-
22 five Million Dollars (\$575,000,000.00) as provided for in Section
23 1521 of Title 69 of the Oklahoma Statutes, whichever occurs first,
24 and for each fiscal year thereafter, there shall be apportioned to

1 the Securing Educational Excellence Fund, from the monies that would
2 otherwise be apportioned to the General Revenue Fund by Section 2352
3 of Title 68 of the Oklahoma Statutes from the revenues derived
4 pursuant to subsections A, B and E of Section 2355 of Title 68 of
5 the Oklahoma Statutes:

6 1. The first Fifty-nine Million Seven Hundred Thousand Dollars
7 (\$59,700,000.00); plus

8 2. The total amount apportioned to the Securing Education
9 Excellence Fund for the preceding fiscal year which shall be
10 apportioned before any other amount is apportioned pursuant to
11 Section 2352 of Title 69 of the Oklahoma Statutes; plus

12 3. An additional incremental amount which shall not be in
13 excess of the amount prescribed by paragraph 1 of this subsection
14 and that is required in order for the total apportionment for such
15 fiscal year to equal Six Hundred Million Dollars (\$600,000,000.00).

16 C. For the first fiscal year following implementation of
17 subsection B of this section, implementation of the provisions of
18 paragraph 3 of subsection B of Section 1521 of Title 69 of the
19 Oklahoma Statutes, and the State Board of Equalization determining
20 that any increase between the final itemized estimate of General
21 Revenue Fund revenues made by the State Board at the February
22 meeting preceding the beginning of the fiscal year for which that
23 estimate is made and the then current itemized estimate of General
24 Revenue Fund revenues made by the State Board of Equalization for

1 the fiscal year ending on June 30 immediately following such
2 February meeting is one percent (1%) or greater, and for each year
3 thereafter, there shall be apportioned to the Securing Educational
4 Excellence Fund:

5 1. The first Fifty-nine Million Seven Hundred Thousand Dollars
6 (\$59,700,000.00) that would otherwise be apportioned to the General
7 Revenue Fund by Section 2352 of Title 68 of the Oklahoma Statutes
8 from the revenues derived pursuant to subsections A, B and E of
9 Section 2355 of Title 68 of the Oklahoma Statutes; plus

10 2. The total amount apportioned to the Securing Educational
11 Excellence Fund for the preceding fiscal year which shall be
12 apportioned before any other amount is apportioned pursuant to
13 Section 2352 of Title 68 of the Oklahoma Statutes; plus

14 3. An additional incremental amount which shall not be in
15 excess of the amount prescribed by paragraph 1 of this subsection
16 and that is required in order for the total apportionment for such
17 fiscal year to equal Six Hundred Million Dollars (\$600,000,000.00).

18 D. All amounts apportioned pursuant to subsections B and C of
19 this section shall be divided into twelve equal amounts to be
20 apportioned each month during the fiscal year.

21 E. For each fiscal year after the first fiscal year in which
22 the total apportionment to the Securing Educational Excellence Fund
23 equals Six Hundred Million Dollars (\$600,000,000.00), the first Six
24 Hundred Million Dollars (\$600,000,000.00) collected pursuant to

1 subsections A, B and E of Section 2355 of Title 68 of the Oklahoma
2 Statutes and apportioned pursuant to Section 2352 of Title 68 of the
3 Oklahoma Statutes that would otherwise be apportioned to the General
4 Revenue Fund shall be apportioned to the Securing Educational
5 Excellence Fund.

6 F. The monies apportioned to the Securing Educational
7 Excellence Fund shall not be used to supplant or replace existing
8 state funds used for common education purposes.

9 G. 1. In the first fiscal year after the effective date of
10 this act in which the apportionment to the Securing Educational
11 Excellence Fund is One Hundred Twenty Million Dollars
12 (\$120,000,000.00) or more, one (1) additional instructional day
13 shall be added to the school year.

14 2. The next fiscal year, after the fiscal year in which the
15 requirement of paragraph 1 of this subsection is met, in which the
16 apportionment to the Securing Educational Excellence Fund is Two
17 Hundred Forty Million Dollars (\$240,000,000.00) or more, one (1)
18 additional instructional day shall be added to the school year.

19 3. The next fiscal year, after the fiscal year in which the
20 requirement of paragraph 2 of this subsection is met, in which the
21 apportionment to the Securing Educational Excellence Fund is Three
22 Hundred Sixty Million Dollars (\$360,000,000.00) or more, one (1)
23 additional instructional day shall be added to the school year.
24

1 4. The next fiscal year, after the fiscal year in which the
2 requirement of paragraph 3 of this subsection is met, in which the
3 apportionment to the Securing Educational Excellence Fund is Four
4 Hundred Eighty Million Dollars (\$480,000,000.00) or more, one (1)
5 additional instructional day shall be added to the school year.

6 5. The next fiscal year, after the fiscal year in which the
7 requirement of paragraph 4 of this subsection is met, in which the
8 apportionment to the Securing Educational Excellence Fund is Six
9 Hundred Million Dollars (\$600,000,000.00) or more, one (1)
10 additional instructional day shall be added to the school year.

11 H. In order to ensure that the monies from the Securing
12 Educational Excellence Fund are used to enhance and not supplant
13 state funding for the State Board of Education, the State Board of
14 Equalization shall examine and investigate expenditures from the
15 fund each year. At the meeting of the State Board of Equalization
16 held within five (5) days after the monthly apportionment in
17 February of each year, the State Board of Equalization shall issue a
18 finding and report which shall state whether expenditures from the
19 Securing Educational Excellence Fund were used to enhance or
20 supplant state funding for the Department of Education. If the
21 State Board of Equalization finds that state funding for the State
22 Board of Education was supplanted by funds from the Securing
23 Educational Excellence Fund, the Board of Equalization shall specify
24 the amount by which such funding was supplanted. In this event, the

1 Legislature shall not make any appropriations for the ensuing fiscal
2 year until an appropriation in that amount is made to replenish
3 state funding for the State Board of Education.

4 I. In the event that the Director of the Office of Management
5 and Enterprise Services declares a General Revenue Fund revenue
6 failure pursuant to Section 34.49 of Title 62 of the Oklahoma
7 Statutes, and agency allocations are reduced pursuant to the
8 provisions of Section 34.49 of Title 62 of the Oklahoma Statutes,
9 the amounts that would otherwise be apportioned to the Securing
10 Educational Excellence Fund by subsection B or C of this section
11 shall be reduced by a percentage equal to that required of the
12 General Revenue Fund appropriations to state agencies. The
13 reductions shall occur during the entire fiscal year and for any
14 month during which reductions are required by the Director of the
15 Office of Management and Enterprise Services and by the same
16 percentage as that required of the agencies for General Revenue Fund
17 appropriations.

18 J. The State Board of Education shall use the monies in the
19 Securing Educational Excellence Fund to increase the per-pupil
20 expenditure by distributing the funds through the State Aid formula
21 for the financial support of public schools.

22 SECTION 4. AMENDATORY 70 O.S. 2011, Section 1-109, as
23 last amended by Section 1, Chapter 242, O.S.L. 2013 (70 O.S. Supp.
24 2014, Section 1-109), is amended to read as follows:

1 Section 1-109. A. ~~For~~ Except as provided for in subsection G
2 of Section 3 of this act, for all public schools in Oklahoma, school
3 shall actually be in session and classroom instruction offered:

4 1. For not less than one hundred eighty (180) days; or

5 2. For not less than one thousand eighty (1,080) hours each
6 school year, if a district board of education adopts a school-hours
7 policy and notifies the State Board of Education prior to September
8 15 of the applicable school year.

9 B. A school district may not count more than thirty (30) hours
10 each school year that are used for attendance of professional
11 meetings toward the one hundred eighty (180) days or one thousand
12 eighty (1,080) hours of classroom instruction time required in
13 subsection A of this section.

14 C. Teachers off contract with an employing district shall not
15 be required by the employing school district to attend professional
16 meetings unless the teacher is paid additional compensation for the
17 additional time. Teachers may be paid additional compensation for
18 attending professional meetings in excess of their contract term.
19 Subject to district board of education policy or collective
20 bargaining agreement, additional paid professional days may be
21 granted for individual teachers to attend or participate in
22 professional meetings, staff development training, or National Board
23 certification portfolio development as provided for in Section 6-
24 204.2 of this title.

1 D. A school district may authorize parent-teacher conferences
2 to be held during a regular school day. If authorized by the school
3 district, parent-teacher conferences shall be counted as classroom
4 instruction time for no more than six (6) hours per semester, for a
5 total of twelve (12) hours per school year.

6 E. A school district may maintain school for less than a full
7 school year only when conditions beyond the control of school
8 authorities make the maintenance of the term impossible and the
9 State Board of Education has been apprised and has expressed
10 concurrence in writing.

11 F. The State Board of Education shall establish criteria for an
12 extended-day schedule for schools subject to paragraph 1 of
13 subsection A of this section. The criteria shall:

14 1. Prescribe a lengthened school day within limits determined
15 not to be detrimental to quality instruction;

16 2. Ensure that the schedule is equivalent in annual hours of
17 instruction to the one-hundred-eighty-day school year specified in
18 paragraph 1 of subsection A of this section; and

19 3. Be consistent with the provisions of this section and
20 Sections 1-111 and 1-112 of this title, but may result in fewer
21 annual days of instruction.

22 G. The State Board of Education may authorize school districts
23 to implement an extended-day schedule for instruction pursuant to
24 the criteria developed. The State Board of Education shall require

1 the participating school districts to prepare a report of the impact
2 of the extended-day schedule.

3 H. Notwithstanding the provisions of subsections F and G of
4 this section, a school district board of education subject to
5 paragraph 1 of subsection A of this section may adopt and implement
6 an extended-day schedule for grades nine through twelve subject to
7 the following requirements:

8 1. The annual number of hours of instruction shall equal or
9 exceed one thousand eighty (1,080) hours, which is the equivalent of
10 one hundred eighty (180) days of instruction as specified in
11 subsection A of this section for six (6) hours each day as specified
12 in Section 1-111 of this title;

13 2. The annual number of days of instruction shall equal or
14 exceed one hundred eighty (180) days as specified in subsection A of
15 this section;

16 3. The schedule adopted shall be consistent with the provisions
17 of Sections 1-111 and 1-112 of this title, except that for not more
18 than one (1) day per week, a school day shall consist of not less
19 than five (5) hours devoted to academic instruction in a regular
20 classroom setting;

21 4. The district shall hold a public hearing prior to the
22 adoption of an extended-day schedule authorized pursuant to this
23 subsection; and
24

1 5. The district shall document the impact on student
2 achievement as determined by the academic performance data score and
3 any other relevant factors that are a result of implementation of an
4 extended-day schedule authorized pursuant to this subsection and
5 provide an annual report to the State Board of Education of the
6 results. If improvement in student achievement cannot be documented
7 in the report, the district board of education shall revoke
8 authorization as provided by this subsection. If the district does
9 not revoke authorization after student achievement is not documented
10 in the report, the State Board of Education may deny accreditation
11 of any school in violation of this subsection.

12 I. If subject to paragraph 2 of subsection A of this section, a
13 district board of education or designee may elect to close a school
14 during the school day for inclement weather purposes. In such an
15 event, the number of hours incurred in classroom instruction time
16 prior to school closure shall be counted toward the one thousand
17 eighty (1,080) hours per year requirement.

18 J. Nothing in this section shall be construed as affecting the
19 right of an employing school district to require teachers as defined
20 in Section 6-101.3 of this title to work in excess of the one
21 thousand eighty (1,080) hours required for student instruction. In
22 addition, nothing in this section shall be construed to affect the
23 Fair Labor Standards Act status of any school district employee.

24 SECTION 5. This act shall become effective July 1, 2015.

1 SECTION 6. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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