

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2139 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Kris Steele

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 53rd Legislature (2011)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 2139

By: Steele

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2001, Section 1-105, which relates to the State Department of Education definition; expanding authority over certain agencies to the State Superintendent of public instruction; modifying authority of the State Board of Education and the State Superintendent of Public Instruction; amending 70 O.S. 2001, Section 1-115, which relates to administration of the public school system in Oklahoma; updating statutory references; deleting obsolete language; amending 70 O.S. 2001, Section 3-101, as amended by Section 15, Chapter 375, O.S.L. 2002 and 3-104, as last amended by Section 73, Chapter 2, O.S.L. 2010 (70 O.S. Supp. 2010, Sections 3-101 and 3-104), which relate to the State Board of Education; modifying the role of the State Board of Education; modifying powers and duties of the State Board of Education; amending 70 O.S. 2001, Section 3-106, which relates to the office of the State Superintendent of Public Instruction; updating statutory language; amending 70 O.S. 2001, Section 3-107, which relates to the administrative and executive duties of the State Superintendent of Public Instruction; clarifying language; adding duty to control and direct the State Department of Education; providing for the control and direction of the State Department of Education; establishing the powers and duties of the State Superintendent of Public Instruction; providing for codification; and declaring an emergency.

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

2 SECTION 1. AMENDATORY 70 O.S. 2001, Section 1-105, is
3 amended to read as follows:

4 Section 1-105. A. The State Department of Education is that
5 department of the state government in which the agencies created or
6 authorized by the Constitution and Legislature are placed and
7 charged with the responsibility of determining the policies and
8 directing the administration and supervision of the public school
9 system of the state. These agencies are the State Board of
10 Education, the State Superintendent of Public Instruction and ~~such~~
11 any divisions and positions as may be established by law ~~and~~, by the
12 State Board of Education or by the State Superintendent of Public
13 Instruction.

14 B. The State Board of Education is that agency in the State
15 Department of Education which shall be the governing board of ~~said~~
16 ~~Department and~~ the public school system of the state.

17 C. The State Superintendent of Public Instruction is the
18 official provided for in Section 1 of Article VI, ~~Section 17~~, of the
19 Oklahoma Constitution ~~of Oklahoma~~ who shall be the executive officer
20 of the State Board of Education and have control of and direct the
21 State Department of Education.

22 SECTION 2. AMENDATORY 70 O.S. 2001, Section 1-115, is
23 amended to read as follows:

24

1 Section 1-115. The public school system in Oklahoma shall be
2 administered by the State Department of Education, State
3 Superintendent of ~~Schools~~ Public Instruction, ~~county superintendents~~
4 ~~of schools~~, boards of education of school districts, and
5 superintendents of ~~schools of independent~~ school districts.

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

9 Section 3-101. The State Board of Education ~~shall be the~~
10 ~~governing board of the State Department of Education and~~ shall
11 consist of seven (7) members. The State Superintendent of Public
12 Instruction shall be a member and the chairperson of said Board.
13 The remaining six members shall be appointed by the Governor by and
14 with the advice and consent of the Senate. No person shall be
15 eligible to be appointed to serve on the State Board unless said
16 person has been awarded a high school diploma or certificate of high
17 school equivalency. Any member appointed to the State Board after
18 ~~the effective date of this act~~ May 20, 1994, shall complete the
19 workshop requirements of a new school board member pursuant to
20 Section 5-110 of this title within thirteen (13) months following or
21 preceding the appointment of the member. Notwithstanding any
22 provision of law to the contrary, the State Department of Education
23 shall not charge any member of the State Board of Education a fee
24 for any workshop provided by the Department for board members

1 pursuant to Section 5-110 of this title and shall not pay a fee to
2 any organization or institution of higher education on behalf of a
3 member of the State Board of Education, or reimburse any member of
4 the Board for a fee paid to any organization or institution of
5 higher education, for attendance at a workshop or courses to satisfy
6 the requirements of Section 5-110 of this title.

7 The Governor shall appoint one member to serve for one (1) year;
8 one member to serve for two (2) years; one member to serve for three
9 (3) years; one member to serve for four (4) years; one member to
10 serve for five (5) years; and one member to serve for six (6) years.
11 Said members shall serve until their successors are duly appointed
12 and qualified. Their successors shall be appointed for a term of
13 six (6) years, and thereafter the term of each member of ~~said~~ the
14 Board shall be six (6) years. An appointment shall be made to take
15 effect on April 2 of each year. Except for the State Superintendent
16 of Public Instruction, a member shall be appointed from each
17 congressional district, and any remaining members shall be appointed
18 from the state at large, not to exceed more than one member from any
19 one county, city or town. However, when congressional districts are
20 redrawn each member appointed prior to July 1 of the year in which
21 such modification becomes effective shall complete the current term
22 of office and appointments made after July 1 of the year in which
23 such modification becomes effective shall be based on the redrawn
24 districts. Appointments made after July 1 of the year in which such

1 modification becomes effective shall be from any redrawn districts
2 which are not represented by a board member until such time as each
3 of the modified congressional districts are represented by a board
4 member. No appointments may be made after July 1 of the year in
5 which such modification becomes effective if such appointment would
6 result in more than two members serving from the same modified
7 district. Upon the occurrence of a vacancy the same shall be filled
8 by the Governor, subject to confirmation by the Senate at the next
9 session of the Legislature, such appointments to be made for the
10 unexpired term.

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

16 Provided, that persons serving as members of the State Board of
17 Education on ~~the effective date of this act~~ May 20, 1994, shall
18 continue to serve as members of the State Board of Education for the
19 terms for which they were appointed.

20 SECTION 4. AMENDATORY 70 O.S. 2001, Section 3-104, as
21 last amended by Section 73, Chapter 2, O.S.L. 2010 (70 O.S. Supp.
22 2010, Section 3-104), is amended to read as follows:

23 Section 3-104. ~~The control of the State Department of Education~~
24 ~~and the~~ supervision of the public school system of Oklahoma shall be

1 vested in the State Board of Education and, subject to limitations
2 otherwise provided by law, the State Board of Education shall:

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

9 ~~2. Adopt policies and make rules for the operation of the State~~
10 ~~Department of Education and the public school system of the state;~~

11 ~~3. Organize and have control of the administrative and~~
12 ~~supervisory agencies, divisions, personnel and their appointment and~~
13 ~~salaries and other operations necessary to carry out the powers,~~
14 ~~duties and functions of the Board and its executive officer;~~

15 ~~4. Have authority to require the coordination of all divisions~~
16 ~~of the State Department of Education through its executive officer,~~
17 ~~delegate general supervision of all employees to its executive~~
18 ~~officer, require all recommendations to be presented through its~~
19 ~~executive officer, require its executive officer to be responsible~~
20 ~~for interpretation of the Board's policy, require any employee of~~
21 ~~the Board to present any specific matter directly to the Board;~~

22 ~~5.~~ 2. Appoint, prescribe the duties and fix the compensation of
23 a secretary, an attorney and all other personnel necessary for the
24

1 proper performance of the functions of the State Board of Education.

2 The secretary shall not be a member of the Board;

3 ~~6.~~ 3. Submit to the Governor a departmental budget based upon

4 major functions of the Department as prepared by the State

5 Superintendent of Public Instruction and supported by detailed data

6 on needs and proposed operations as partially determined by the

7 budgetary needs of local school districts filed with the State Board

8 of Education for the ensuing fiscal year. Appropriations therefor

9 shall be made in lump-sum form for each major item in the budget as

10 follows:

11 a. State Aid to schools,

12 b. the supervision of all other functions of general and

13 special education including general control, free

14 textbooks, school lunch, Indian education and all

15 other functions of the Board and an amount sufficient

16 to adequately staff and administer these services, and

17 c. the Board shall determine the details by which the

18 budget and the appropriations are administered.

19 Annually, the Board shall make preparations to

20 consolidate all of the functions of the Department in

21 such a way that the budget can be based on two items,

22 administration and aid to schools. A maximum amount

23 for administration shall be designated as a part of

24 the total appropriation;

1 ~~7.~~ 4. On the first day of December preceding each regular
2 session of the Legislature, prepare and deliver to the Governor and
3 the Legislature a report for the year ending June 30 immediately
4 preceding ~~said~~ the regular session of the Legislature. ~~Said~~ The
5 report shall contain:

6 a. detailed statistics and other information concerning
7 enrollment, attendance, expenditures including State
8 Aid, and other pertinent data for all public schools
9 in this state,

10 b. reports from each and every division within the State
11 Department of Education as submitted by the State
12 Superintendent of Public Instruction and any other
13 division, department, institution or other agency
14 under the supervision of the Board,

15 c. recommendations for the improvement of the public
16 school system of the state,

17 d. a statement of the receipts and expenditures of the
18 State Board of Education for the past year, and

19 e. a statement of plans and recommendations for the
20 management and improvement of public schools and such
21 other information relating to the educational
22 interests of the state as may be deemed necessary and
23 desirable;
24

1 ~~8-~~ 5. Provide for the formulation and adoption of curricula,
2 courses of study and other instructional aids necessary for the
3 adequate instruction of pupils in the public schools;

4 ~~9-~~ 6. Have authority in matters pertaining to the licensure and
5 certification of persons for instructional, supervisory and
6 administrative positions and services in the public schools of the
7 state subject to the provisions of Section 6-184 of this title, and
8 shall formulate rules governing the issuance and revocation of
9 certificates for superintendents of schools, principals,
10 supervisors, librarians, clerical employees, school nurses, school
11 bus drivers, visiting teachers, classroom teachers and for other
12 personnel performing instructional, administrative and supervisory
13 services, but not including members of boards of education and other
14 employees who do not work directly with pupils, and may charge and
15 collect reasonable fees for the issuance of such certificates:

- 16 a. the State Department of Education shall not issue a
17 certificate to and shall revoke the certificate of any
18 person who has been convicted, whether upon a verdict
19 or plea of guilty or upon a plea of nolo contendere,
20 or received a suspended sentence or any probationary
21 term for a crime or an attempt to commit a crime
22 provided for in Section 843.5 of Title 21 of the
23 Oklahoma Statutes if the offense involved sexual abuse
24 or sexual exploitation as those terms are defined in

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

- 12 b. all funds collected by the State Department of
13 Education for the issuance of certificates to
14 instructional, supervisory and administrative
15 personnel in the public schools of the state shall be
16 deposited in the "Teachers' Certificate Fund" in the
17 State Treasury and may be expended by the State Board
18 of Education to finance the activities of the State
19 Department of Education necessary to administer the
20 program, for consultative services, publication costs,
21 actual and necessary travel expenses as provided in
22 the State Travel Reimbursement Act incurred by persons
23 performing research work, and other expenses found
24 necessary by the State Board of Education for the

1 improvement of the preparation and certification of
2 teachers in Oklahoma. Provided, any unobligated
3 balance in the Teachers' Certificate Fund in excess of
4 Ten Thousand Dollars (\$10,000.00) on June 30 of any
5 fiscal year shall be transferred to the General
6 Revenue Fund of the State of Oklahoma. Until July 1,
7 1997, the State Board of Education shall have
8 authority for approval of teacher education programs.
9 The State Board of Education shall also have authority
10 for the administration of teacher residency and
11 professional development, subject to the provisions of
12 the Oklahoma Teacher Preparation Act;

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

22 Any school district which maintains an elementary school and
23 faces the necessity of relocating its school facilities because of
24 construction of a lake, either by state or federal authority, which

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

23 Private and parochial schools may be accredited and classified
24 in like manner as public schools or, if an accrediting association

1 is approved by the State Board of Education, by procedures
2 established by the State Board of Education to accept accreditation
3 by such accrediting association, if application is made to the State
4 Board of Education for such accrediting;

5 ~~11.~~ 8. Be the legal agent of the State of Oklahoma to accept,
6 in its discretion, the provisions of any Act of Congress
7 appropriating or apportioning funds which are now, or may hereafter
8 be, provided for use in connection with any phase of the system of
9 public education in Oklahoma. It shall prescribe such rules as it
10 finds necessary to provide for the proper distribution of such funds
11 in accordance with the state and federal laws;

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

18 ~~13.~~ 10. Be and is hereby designated as the "State Educational
19 Agency" referred to in Public Law 396 of the 79th Congress of the
20 United States, which law states that said act may be cited as the
21 "National School Lunch Act", and said State Board of Education is
22 hereby authorized and directed to accept the terms and provisions of
23 said act and to enter into such agreements, not in conflict with the
24 Constitution of Oklahoma or the Constitution and Statutes of the

1 United States, as may be necessary or appropriate to secure for the
2 State of Oklahoma the benefits of the school lunch program
3 established and referred to in said act;

4 ~~14.~~ 11. Have authority to secure and administer the benefits of
5 the National School Lunch Act, Public Law 396 of the 79th Congress
6 of the United States, in the State of Oklahoma and is hereby
7 authorized to employ or appoint and fix the compensation of such
8 additional officers or employees and to incur such expenses as may
9 be necessary for the accomplishment of the above purpose, administer
10 the distribution of any state funds appropriated by the Legislature
11 required as federal matching to reimburse on children's meals;

12 ~~15.~~ 12. Accept and provide for the administration of any land,
13 money, buildings, gifts, donation or other things of value which may
14 be offered or bequeathed to the schools under the supervision or
15 control of said Board;

16 ~~16.~~ 13. Have authority to require persons having administrative
17 control of all school districts in Oklahoma to make such regular and
18 special reports regarding the activities of the schools in said
19 districts as the Board may deem needful for the proper exercise of
20 its duties and functions. Such authority shall include the right of
21 the State Board of Education to withhold all state funds under its
22 control, to withhold official recognition, including accrediting,
23 until such required reports have been filed and accepted in the
24

1 office of said Board and to revoke the certificates of persons
2 failing or refusing to make such reports;

3 ~~17.~~ 14. Have general supervision of the school lunch program.

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

17 ~~18.~~ 15. Prescribe all forms for school district and county

18 officers to report to the State Board of Education where required.

19 The State Board of Education shall also prescribe a list of
20 appropriation accounts by which the funds of school districts shall
21 be budgeted, accounted for and expended; and it shall be the duty of
22 the State Auditor and Inspector in prescribing all budgeting,
23 accounting and reporting forms for school funds to conform to such
24 lists;

1 ~~19.~~ 16. Provide for the establishment of a uniform system of
2 pupil and personnel accounting, records and reports;

3 ~~20.~~ 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 ~~21.~~ 18. Provide for the supervision of the transportation of
7 pupils;

8 ~~22.~~ 19. Have authority, upon request of the local school board,
9 to act in behalf of the public schools of the state in the purchase
10 of transportation equipment;

11 ~~23.~~ 20. Have authority and is hereby required to perform all
12 duties necessary to the administration of the public school system
13 in Oklahoma as specified in the Oklahoma School Code; and, in
14 addition thereto, those duties not specifically mentioned herein if
15 not delegated by law to any other agency or official;

16 ~~24.~~ 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
24 easements, improvements and sand and gravel on any such lands, any

1 monies as may be appropriated or designated by the Legislature,
2 other than ad valorem taxes, any other funds identified by the State
3 Department of Education, which may include, but not be limited to,
4 grants-in-aid from the federal government for building purposes, the
5 proceeds of all property that shall fall to the state by escheat,
6 penalties for unlawful holding of real estate by corporations, and
7 capital gains on assets of the permanent school funds, shall be
8 deposited in the State Public Common School Building Equalization
9 Fund. The fund shall be used to aid school districts in acquiring
10 buildings, subject to the limitations fixed by Section 32 of Article
11 X of the Oklahoma Constitution. It is hereby declared that the term
12 "acquiring buildings" as used in Section 32 of Article X of the
13 Oklahoma Constitution shall mean acquiring or improving school
14 sites, constructing, repairing, remodeling or equipping buildings,
15 or acquiring school furniture, fixtures, or equipment. If
16 sufficient monies are available in the fund, the Board shall solicit
17 proposals for grants from school districts and shall determine the
18 process for consideration of proposals. Grants shall be awarded
19 only to school districts which have a total assessed property
20 valuation per average daily membership that is less than the state
21 average total assessed property valuation per average daily
22 membership and, at the time of application, the district has voted
23 the five-mill building fund levy authorized in Section 10 of Article
24 X of the Oklahoma Constitution, and has voted indebtedness through

1 the issuance of new bonds for at least eighty-five percent (85%)
2 within the last three (3) years of the maximum allowable pursuant to
3 the provisions of Section 26 of Article X of the Oklahoma
4 Constitution as shown on the school district budget filed with the
5 State Board of Equalization for the current school year and
6 certifications by the Attorney General prior to April 1 of the
7 school year. The amount of each grant awarded by the Board each
8 year shall not exceed One Million Dollars (\$1,000,000.00). The
9 Board shall give priority consideration to school districts which
10 have a total assessed property valuation per average daily
11 membership that is equal to or less than twenty-five percent (25%)
12 of the state average total assessed property valuation per average
13 daily membership. The Board is authorized to prorate grants awarded
14 if monies are not sufficient in the fund to award grants to
15 qualified districts. The State Board of Education shall prescribe
16 rules for making grants of aid from, and for otherwise
17 administering, the fund pursuant to the provisions of this
18 paragraph, and may employ and fix the duties and compensation of
19 technicians, aides, clerks, stenographers, attorneys and other
20 personnel deemed necessary to carry out the provisions of this
21 paragraph. The cost of administering the fund shall be paid from
22 monies appropriated to the State Board of Education for the
23 operation of the State Department of Education;

1 ~~25.~~ 22. Recognize that the Director of the Oklahoma Department
2 of Corrections shall be the administrative authority for the schools
3 which are maintained in the state reformatories and shall appoint
4 the principals and teachers in such schools. Provided, that rules
5 of the State Board of Education for the classification, inspection
6 and accreditation of public schools shall be applicable to such
7 schools; and such schools shall comply with standards set by the
8 State Board of Education;

9 ~~26.~~ 23. Have authority to administer a revolving fund which is
10 hereby created in the State Treasury, to be designated the
11 Statistical Services Revolving Fund. The fund shall consist of all
12 monies received from the various school districts of the state, the
13 United States Government, and other sources for the purpose of
14 furnishing or financing statistical services and for any other
15 purpose as designated by the Legislature. The State Board of
16 Education is hereby authorized to enter into agreements with school
17 districts, municipalities, the United States Government, foundations
18 and other agencies or individuals for services, programs or research
19 projects. The Statistical Services Revolving Fund shall be
20 administered in accordance with the Revolving Fund Procedures Act,
21 Section 155 et seq. of Title 62 of the Oklahoma Statutes; and

22 ~~27.~~ 24. Have authority to review preliminary plans for new
23 construction and major alteration of public school buildings where
24 structural changes are proposed. No bids shall be let for the

1 construction or major alteration of any public school building until
2 preliminary plans and specifications for such construction or
3 alteration have been submitted to and reviewed by the State
4 Department of Education. The period of time during which such
5 review is conducted by the State Department of Education shall not
6 exceed thirty (30) days. The State Department of Education shall
7 advise each local school district regarding said review of
8 preliminary plans and specifications. Provided, nothing in this
9 subsection shall be construed as repealing any ordinance or building
10 code of any city, town or county.

11 SECTION 5. AMENDATORY 70 O.S. 2001, Section 3-106, is
12 amended to read as follows:

13 Section 3-106. The State Superintendent of Public Instruction
14 shall have an office at the seat of government where ~~he shall keep~~
15 all books and papers pertaining to ~~his~~ the office of the
16 Superintendent shall be kept. ~~Such~~ The books and papers shall be
17 kept and preserved in ~~said~~ the office and delivered by the
18 Superintendent of Public Instruction to ~~his~~ a successor. ~~He~~ The
19 Superintendent shall file and carefully preserve in ~~his~~ the office
20 all official reports made to ~~him~~ the Superintendent. The salary of
21 the State Superintendent of Public Instruction shall be as provided
22 for in Section 250.4 of Title 74 of the Oklahoma Statutes.

23 SECTION 6. AMENDATORY 70 O.S. 2001, Section 3-107, is
24 amended to read as follows:

1 Section 3-107. The State Superintendent of Public Instruction
2 is hereby authorized to administer oaths. ~~He shall, upon~~ Upon
3 proper request, the State Superintendent shall advise ~~county~~
4 ~~superintendents of schools and~~ school district superintendents ~~of~~
5 ~~schools and area~~ technology center school district superintendents
6 on questions as to the powers, duties and functions of school
7 district officials, and each two (2) years ~~he~~ shall cause to be
8 compiled, published and distributed to boards of education and other
9 public officials ~~he believes should receive the same,~~ as deemed
10 necessary the school laws in force, ~~with such.~~ The school laws
11 shall include court decisions, Attorney General's opinions and other
12 informative matter relating to the school laws as ~~he deems~~ deemed
13 ~~appropriate, and he.~~ The State Superintendent shall have control of
14 and direct the State Department of Education and shall perform ~~such~~
15 any other duties pertaining to the public school system as shall be
16 prescribed by law or the State Board of Education. ~~He~~ The State
17 Superintendent may affiliate with the National Council of Chief
18 State School Officers and ~~such~~ any other national and state
19 organizations as ~~he believes~~ will be of service and benefit to the
20 public school system of Oklahoma, and dues or assessments for
21 membership therein shall be payable from any appropriation that is
22 available for the payment of current operative expenses of the State
23 Department of Education.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-107.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

The State Superintendent of Public Instruction shall have the control of and direct the State Department of Education. In addition to any other powers and duties as set forth by the Oklahoma Constitution or by law, the State Superintendent shall:

1. Give advice and make recommendations to the State Board of Education on all matters pertaining to the policies and administration of the public school system;

2. Adopt policies and make rules for the organization, operation and administration of the State Department of Education;

3. Organize and have control of the administration of the State Department of Education and any other supervisory agencies, divisions, personnel and their appointment and salaries and other operations necessary to carry out the powers, duties and functions of the State Superintendent and the State Board of Education;

4. Have authority to require the coordination of all divisions of the State Department of Education and have general supervision of all employees of the Department;

5. Present all recommendations of the Department to the State Board and require employees of the Department to present specific matters directly to the State Board; and

1 6. Be responsible for interpretation of policy and rules set by
2 the State Board.

3 SECTION 8. It being immediately necessary for the preservation
4 of the public peace, health and safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

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8 53-1-6679 KB 02/20/11

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