

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2139

By: Steele, Nelson and Newell

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to schools; amending 70 O.S. 2001,
11 Section 1-105, which relates to the State Department
12 of Education definition; expanding authority over
13 certain agencies to the State Superintendent of
14 public instruction; modifying authority of the State
15 Board of Education and the State Superintendent of
16 Public Instruction; amending 70 O.S. 2001, Section 1-
17 115, which relates to administration of the public
18 school system in Oklahoma; updating statutory
19 references; deleting obsolete language; amending 70
20 O.S. 2001, Section 3-101, as amended by Section 15,
21 Chapter 375, O.S.L. 2002 and 3-104, as last amended
22 by Section 73, Chapter 2, O.S.L. 2010 (70 O.S. Supp.
23 2010, Sections 3-101 and 3-104), which relate to the
24 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

1 Public Instruction; providing for codification; and
2 declaring an emergency.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

20 C. The State Superintendent of Public Instruction is the
21 official provided for in Section 1 of Article VI, ~~Section 1~~, of the
22 Oklahoma Constitution ~~of Oklahoma~~ who shall be the executive officer

1 of the State Board of Education and have control of and direct the
2 State Department of Education.

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

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

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

13 Section 3-101. The State Board of Education ~~shall be the~~
14 ~~governing board of the State Department of Education and~~ shall
15 consist of seven (7) members. The State Superintendent of Public
16 Instruction shall be a member and the chairperson of said Board.
17 The remaining six members shall be appointed by the Governor by and
18 with the advice and consent of the Senate. No person shall be
19 eligible to be appointed to serve on the State Board unless said
20 person has been awarded a high school diploma or certificate of high
21 school equivalency. Any member appointed to the State Board after
22 ~~the effective date of this act~~ May 20, 1994, shall complete the
23 workshop requirements of a new school board member pursuant to

1 Section 5-110 of this title within thirteen (13) months following or
2 preceding the appointment of the member. Notwithstanding any
3 provision of law to the contrary, the State Department of Education
4 shall not charge any member of the State Board of Education a fee
5 for any workshop provided by the Department for board members
6 pursuant to Section 5-110 of this title and shall not pay a fee to
7 any organization or institution of higher education on behalf of a
8 member of the State Board of Education, or reimburse any member of
9 the Board for a fee paid to any organization or institution of
10 higher education, for attendance at a workshop or courses to satisfy
11 the requirements of Section 5-110 of this title.

12 The Governor shall appoint one member to serve for one (1) year;
13 one member to serve for two (2) years; one member to serve for three
14 (3) years; one member to serve for four (4) years; one member to
15 serve for five (5) years; and one member to serve for six (6) years.
16 Said members shall serve until their successors are duly appointed
17 and qualified. Their successors shall be appointed for a term of
18 six (6) years, and thereafter the term of each member of ~~said~~ the
19 Board shall be six (6) years. An appointment shall be made to take
20 effect on April 2 of each year. Except for the State Superintendent
21 of Public Instruction, a member shall be appointed from each
22 congressional district, and any remaining members shall be appointed
23 from the state at large, not to exceed more than one member from any

1 one county, city or town. However, when congressional districts are
2 redrawn each member appointed prior to July 1 of the year in which
3 such modification becomes effective shall complete the current term
4 of office and appointments made after July 1 of the year in which
5 such modification becomes effective shall be based on the redrawn
6 districts. Appointments made after July 1 of the year in which such
7 modification becomes effective shall be from any redrawn districts
8 which are not represented by a board member until such time as each
9 of the modified congressional districts are represented by a board
10 member. No appointments may be made after July 1 of the year in
11 which such modification becomes effective if such appointment would
12 result in more than two members serving from the same modified
13 district. Upon the occurrence of a vacancy the same shall be filled
14 by the Governor, subject to confirmation by the Senate at the next
15 session of the Legislature, such appointments to be made for the
16 unexpired term.

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

22 Provided, that persons serving as members of the State Board of
23 Education on ~~the effective date of this act~~ May 20, 1994, shall

1 continue to serve as members of the State Board of Education for the
2 terms for which they were appointed.

3 SECTION 4. AMENDATORY 70 O.S. 2001, Section 3-104, as
4 last amended by Section 73, Chapter 2, O.S.L. 2010 (70 O.S. Supp.
5 2010, Section 3-104), is amended to read as follows:

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

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

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

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

22 4. ~~Have authority to require the coordination of all divisions~~
23 ~~of the State Department of Education through its executive officer,~~

~~delegate general supervision of all employees to its executive officer, require all recommendations to be presented through its executive officer, require its executive officer to be responsible for interpretation of the Board's policy, require any employee of the Board to present any specific matter directly to the Board,~~

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

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

- a. State Aid to schools,
- b. the supervision of all other functions of general and special education including general control, free textbooks, school lunch, Indian education and all other functions of the Board and an amount sufficient to adequately staff and administer these services, and

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

9 ~~7.~~ 4. On the first day of December preceding each regular
10 session of the Legislature, prepare and deliver to the Governor and
11 the Legislature a report for the year ending June 30 immediately
12 preceding ~~said~~ the regular session of the Legislature. ~~Said~~ The
13 report shall contain:

14 a. detailed statistics and other information concerning
15 enrollment, attendance, expenditures including State
16 Aid, and other pertinent data for all public schools
17 in this state,

18 b. reports from each and every division within the State
19 Department of Education as submitted by the State
20 Superintendent of Public Instruction and any other
21 division, department, institution or other agency
22 under the supervision of the Board,
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- 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.~~ 5. 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.~~ 6. 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
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1 employees who do not work directly with pupils, and may charge and
2 collect reasonable fees for the issuance of such certificates:

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

b. all funds collected by the State Department of Education for the issuance of certificates to instructional, supervisory and administrative personnel in the public schools of the state shall be deposited in the "Teachers' Certificate Fund" in the State Treasury and may be expended by the State Board of Education to finance the activities of the State Department of Education necessary to administer the program, for consultative services, publication costs, actual and necessary travel expenses as provided in the State Travel Reimbursement Act incurred by persons performing research work, and other expenses found necessary by the State Board of Education for the improvement of the preparation and certification of teachers in Oklahoma. Provided, any unobligated balance in the Teachers' Certificate Fund in excess of Ten Thousand Dollars (\$10,000.00) on June 30 of any fiscal year shall be transferred to the General Revenue Fund of the State of Oklahoma. Until July 1, 1997, the State Board of Education shall have authority for approval of teacher education programs. The State Board of Education shall also have authority for the administration of teacher residency and

1 professional development, subject to the provisions of
2 the Oklahoma Teacher Preparation Act;

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

12 Any school district which maintains an elementary school and
13 faces the necessity of relocating its school facilities because of
14 construction of a lake, either by state or federal authority, which
15 will inundate the school facilities, shall be entitled to receive
16 probationary accreditation from the State Board of Education for a
17 period of five (5) years after the effective date of this act and
18 any school district, otherwise qualified, shall be entitled to
19 receive probationary accreditation from the State Board of Education
20 for a period of two (2) consecutive years to attain the minimum
21 average daily attendance. The Head Start and public nurseries or
22 kindergartens operated from Community Action Program funds shall not
23 be subjected to the accrediting rules of the State Board of

1 Education. Neither will the State Board of Education make rules
2 affecting the operation of the public nurseries and kindergartens
3 operated from federal funds secured through Community Action
4 Programs even though they may be operating in the public schools of
5 the state. However, any of the Head Start or public nurseries or
6 kindergartens operated under federal regulations may make
7 application for accrediting from the State Board of Education but
8 will be accredited only if application for the approval of the
9 programs is made. The status of no school district shall be changed
10 which will reduce it to a lower classification until due notice has
11 been given to the proper authorities thereof and an opportunity
12 given to correct the conditions which otherwise would be the cause
13 of such reduction.

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

20 ~~11.~~ 8. Be the legal agent of the State of Oklahoma to accept,
21 in its discretion, the provisions of any Act of Congress
22 appropriating or apportioning funds which are now, or may hereafter
23 be, provided for use in connection with any phase of the system of
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1 public education in Oklahoma. It shall prescribe such rules as it
2 finds necessary to provide for the proper distribution of such funds
3 in accordance with the state and federal laws;

4 ~~12.~~ 9. Be and is specifically hereby designated as the agency
5 of this state to cooperate and deal with any officer, board or
6 authority of the United States Government under any law of the
7 United States which may require or recommend cooperation with any
8 state board having charge of the administration of public schools
9 unless otherwise provided by law;

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

20 ~~14.~~ 11. Have authority to secure and administer the benefits of
21 the National School Lunch Act, Public Law 396 of the 79th Congress
22 of the United States, in the State of Oklahoma and is hereby
23 authorized to employ or appoint and fix the compensation of such
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1 additional officers or employees and to incur such expenses as may
2 be necessary for the accomplishment of the above purpose, administer
3 the distribution of any state funds appropriated by the Legislature
4 required as federal matching to reimburse on children's meals;

5 ~~15-~~ 12. Accept and provide for the administration of any land,
6 money, buildings, gifts, donation or other things of value which may
7 be offered or bequeathed to the schools under the supervision or
8 control of said Board;

9 ~~16-~~ 13. Have authority to require persons having administrative
10 control of all school districts in Oklahoma to make such regular and
11 special reports regarding the activities of the schools in said
12 districts as the Board may deem needful for the proper exercise of
13 its duties and functions. Such authority shall include the right of
14 the State Board of Education to withhold all state funds under its
15 control, to withhold official recognition, including accrediting,
16 until such required reports have been filed and accepted in the
17 office of said Board and to revoke the certificates of persons
18 failing or refusing to make such reports;

19 ~~17-~~ 14. Have general supervision of the school lunch program.
20 The State Board of Education may sponsor workshops for personnel and
21 participants in the school lunch program and may develop, print and
22 distribute free of charge or sell any materials, books and bulletins
23 to be used in such school lunch programs. There is hereby created
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1 in the State Treasury a revolving fund for the Board, to be
2 designated the School Lunch Workshop Revolving Fund. The fund shall
3 consist of all fees derived from or on behalf of any participant in
4 any such workshop sponsored by the State Board of Education, or from
5 the sale of any materials, books and bulletins, and such funds shall
6 be disbursed for expenses of such workshops and for developing,
7 printing and distributing of such materials, books and bulletins
8 relating to the school lunch program. The fund shall be
9 administered in accordance with the Revolving Fund Procedures Act;

10 ~~18.~~ 15. Prescribe all forms for school district and county
11 officers to report to the State Board of Education where required.
12 The State Board of Education shall also prescribe a list of
13 appropriation accounts by which the funds of school districts shall
14 be budgeted, accounted for and expended; and it shall be the duty of
15 the State Auditor and Inspector in prescribing all budgeting,
16 accounting and reporting forms for school funds to conform to such
17 lists;

18 ~~19.~~ 16. Provide for the establishment of a uniform system of
19 pupil and personnel accounting, records and reports;

20 ~~20.~~ 17. Have authority to provide for the health and safety of
21 school children and school personnel while under the jurisdiction of
22 school authorities;

1 ~~21.~~ 18. Provide for the supervision of the transportation of
2 pupils;

3 ~~22.~~ 19. Have authority, upon request of the local school board,
4 to act in behalf of the public schools of the state in the purchase
5 of transportation equipment;

6 ~~23.~~ 20. Have authority and is hereby required to perform all
7 duties necessary to the administration of the public school system
8 in Oklahoma as specified in the Oklahoma School Code; and, in
9 addition thereto, those duties not specifically mentioned herein if
10 not delegated by law to any other agency or official;

11 ~~24.~~ 21. Administer the State Public Common School Building
12 Equalization Fund established by Section 32 of Article X of the
13 Oklahoma Constitution. Any royalties, bonuses, rentals or other
14 monies derived from oil and gas and all other mineral leases on
15 lands that have been or may be granted by the United States to the
16 state for the use and benefit of the common schools, or lands that
17 are or may be held by the Commissioners of the Land Office for the
18 use and benefit of the common schools, the proceeds of the sale of
19 easements, improvements and sand and gravel on any such lands, any
20 monies as may be appropriated or designated by the Legislature,
21 other than ad valorem taxes, any other funds identified by the State
22 Department of Education, which may include, but not be limited to,
23 grants-in-aid from the federal government for building purposes, the
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1 proceeds of all property that shall fall to the state by escheat,
2 penalties for unlawful holding of real estate by corporations, and
3 capital gains on assets of the permanent school funds, shall be
4 deposited in the State Public Common School Building Equalization
5 Fund. The fund shall be used to aid school districts in acquiring
6 buildings, subject to the limitations fixed by Section 32 of Article
7 X of the Oklahoma Constitution. It is hereby declared that the term
8 "acquiring buildings" as used in Section 32 of Article X of the
9 Oklahoma Constitution shall mean acquiring or improving school
10 sites, constructing, repairing, remodeling or equipping buildings,
11 or acquiring school furniture, fixtures, or equipment. If
12 sufficient monies are available in the fund, the Board shall solicit
13 proposals for grants from school districts and shall determine the
14 process for consideration of proposals. Grants shall be awarded
15 only to school districts which have a total assessed property
16 valuation per average daily membership that is less than the state
17 average total assessed property valuation per average daily
18 membership and, at the time of application, the district has voted
19 the five-mill building fund levy authorized in Section 10 of Article
20 X of the Oklahoma Constitution, and has voted indebtedness through
21 the issuance of new bonds for at least eighty-five percent (85%)
22 within the last three (3) years of the maximum allowable pursuant to
23 the provisions of Section 26 of Article X of the Oklahoma

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

21 ~~25-~~ 22. Recognize that the Director of the Oklahoma Department
22 of Corrections shall be the administrative authority for the schools
23 which are maintained in the state reformatories and shall appoint
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1 the principals and teachers in such schools. Provided, that rules
2 of the State Board of Education for the classification, inspection
3 and accreditation of public schools shall be applicable to such
4 schools; and such schools shall comply with standards set by the
5 State Board of Education;

6 ~~26-~~ 23. Have authority to administer a revolving fund which is
7 hereby created in the State Treasury, to be designated the
8 Statistical Services Revolving Fund. The fund shall consist of all
9 monies received from the various school districts of the state, the
10 United States Government, and other sources for the purpose of
11 furnishing or financing statistical services and for any other
12 purpose as designated by the Legislature. The State Board of
13 Education is hereby authorized to enter into agreements with school
14 districts, municipalities, the United States Government, foundations
15 and other agencies or individuals for services, programs or research
16 projects. The Statistical Services Revolving Fund shall be
17 administered in accordance with the Revolving Fund Procedures Act,
18 Section 155 et seq. of Title 62 of the Oklahoma Statutes; and

19 ~~27-~~ 24. Have authority to review preliminary plans for new
20 construction and major alteration of public school buildings where
21 structural changes are proposed. No bids shall be let for the
22 construction or major alteration of any public school building until
23 preliminary plans and specifications for such construction or

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

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

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

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

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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 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02-23-2011
9 - DO PASS, As Amended and Coauthored.
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