

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL 2642

By: Denney, Coody, Condit,
Henke, Sherrer, Hoskin,
Nollan, Cannady, Cockroft,
Ownbey and Pittman of the
House

and

Halligan, Fields and Ford
of the Senate

COMMITTEE SUBSTITUTE

[schools - distribution of revenues - directing
apportionment from the Rebuilding Oklahoma Access and
Driver Safety Fund - creating the Securing
Educational Excellence Fund - codification -
effective date -

emergency]

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

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

Section 2352. It is hereby declared to be the purpose of
Section 2351 et seq. of this title to provide revenue for general
governmental functions of state government; and, for that purpose
and to that end, it is expressly declared that the revenue derived

1 herefrom and penalties and interest thereon, subject to the
2 apportionment requirements for the Rebuilding Oklahoma Access and
3 Driver Safety Fund, the Oklahoma Tourism and Passenger Rail
4 Revolving Fund and the Public Transit Revolving Fund to be derived
5 from income tax revenue that would otherwise be apportioned to the
6 General Revenue Fund as provided by Section 1521 of Title 69 of the
7 Oklahoma Statutes, subject to the apportionment requirements for the
8 Oklahoma Tax Commission and Office of Management and Enterprise
9 Services Joint Computer Enhancement Fund provided by Section 265 of
10 this title, and subject to the apportionment requirements for the
11 ~~Oklahoma State Capitol Building Repair and Restoration Fund provided~~
12 ~~by Section 4 of this act~~ Securing Educational Excellence Fund
13 provided by Sections 2 and 3 of this act, shall be distributed as
14 follows:

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

22 a. (1) the following amounts shall be paid to the State
23 Treasurer to be placed to the credit of the
24 General Revenue Fund of the state for such fiscal

1 year for the support of the state government to
2 be paid out only pursuant to appropriation by the
3 Legislature:

4	Fiscal Year	Amount
5	FY 2003 and FY 2004	87.12%
6	FY 2005	86.91%
7	FY 2006	86.66%
8	FY 2007	86.16%
9	FY 2008 and each fiscal	
10	year thereafter	85.66%

11 (2) in the event that additional monies are necessary
12 pursuant to paragraph 3 of this section, such
13 additional monies shall be deducted in the
14 proportion determined by the State Board of
15 Equalization pursuant to paragraph 3 of Section
16 2355.1B of this title from the monies apportioned
17 to the General Revenue Fund,

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

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:

1	Fiscal Year	Amount
2	FY 2003 and FY 2004	3.54%
3	FY 2005	3.75%
4	FY 2006	4.0%
5	FY 2007	4.5%
6	FY 2008 and each fiscal	
7	year thereafter	5.0%

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

11 2. Beginning July 1, 2003, for any period of time as certified
12 by the Oklahoma Development Finance Authority and the Oklahoma
13 Department of Commerce to be necessary for the repayment of
14 obligations issued by the Oklahoma Development Finance Authority
15 pursuant to Section 3654 of this title if the other sources of
16 revenue paid to or apportioned to the Quality Jobs Program Incentive
17 Leverage Fund are not adequate, including the proceeds from payment
18 pursuant to the guaranty required by subsection M of Section 3654 of
19 this title, an amount certified by the Oklahoma Development Finance
20 Authority to the Oklahoma Tax Commission shall be apportioned to the
21 Quality Jobs Program Incentive Leverage Fund before any other
22 apportionments are made as otherwise authorized by this paragraph.
23 The Oklahoma Development Finance Authority shall certify to the
24 Oklahoma Tax Commission the time as of which the revenue authorized

1 for apportionment pursuant to this paragraph is no longer required.
2 After the certification, the revenue derived from the income tax
3 shall be apportioned in the manner otherwise provided by this
4 section. Except as otherwise provided by this paragraph, for the
5 fiscal year beginning July 1, 2002, the first Forty-One Million One
6 Hundred Ninety Thousand Eight Hundred Dollars (\$41,190,800.00) of
7 revenue derived pursuant to the provisions of subsections D and E of
8 Section 2355 of this title shall be apportioned to the Education
9 Reform Revolving Fund. The remainder of such revenue for the fiscal
10 year beginning July 1, 2002, and all such revenue for each fiscal
11 year thereafter, subject to the apportionment requirements for the
12 Oklahoma Tax Commission and Office of Management and Enterprise
13 Services Joint Computer Enhancement Fund provided by Section 265 of
14 this title, shall be apportioned monthly as follows:

15 a. the following amounts shall be paid to the State
16 Treasurer to be placed to the credit of the General
17 Revenue Fund of the state for such fiscal year for the
18 support of the state government to be paid out only
19 pursuant to appropriation by the Legislature:

20	Fiscal Year	Amount
21	FY 2003 and FY 2004	78.96%
22	FY 2005	78.75%
23	FY 2006	78.50%
24	FY 2007	78.0%

1 FY 2008 and each fiscal

2 year thereafter 77.50%

3 b. for FY 2003 and each fiscal year thereafter, sixteen
4 and five-tenths percent (16.5%) shall be paid to the
5 State Treasurer to be placed to the credit of the
6 Education Reform Revolving Fund of the State
7 Department of Education,

8 c. the following amounts shall be paid to the State
9 Treasurer to be placed to the credit of the Teachers'
10 Retirement System Dedicated Revenue Revolving Fund:

11 Fiscal Year	Amount
12 FY 2003 and FY 2004	3.54%
13 FY 2005	3.75%
14 FY 2006	4.0%
15 FY 2007	4.5%
16 FY 2008 and each fiscal	
17 year thereafter	5.0%

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

21 3. During the first fiscal year after the State Board of
22 Equalization has made a determination as provided in Section 2355.1B
23 of this title, regarding a baseline amount of revenue apportioned
24 pursuant to subparagraph c of paragraph 1 of this section, and for

1 each fiscal year thereafter, in no event shall monies apportioned
2 pursuant to subparagraph c of paragraph 1 of this section, paragraph
3 3 of Section 1353 of this title and paragraph 3 of Section 1403 of
4 this title be less than such baseline amount.

5 SECTION 2. AMENDATORY 69 O.S. 2011, Section 1521, as
6 last amended by Section 93, Chapter 15, O.S.L. 2013 (69 O.S. Supp.
7 2013, Section 1521), is amended to read as follows:

8 Section 1521. A. There is hereby created in the State Treasury
9 a fund to be known as the "Rebuilding Oklahoma Access and Driver
10 Safety Fund". The fund shall be a continuing fund, not subject to
11 fiscal year limitations, and shall consist of all appropriations and
12 transfers made by the Legislature. All monies accruing to the
13 credit of the fund are hereby appropriated and may be budgeted and
14 expended each fiscal year by the Department of Transportation for
15 the purposes authorized by subsection G of this section.

16 Expenditures from the fund shall be made upon warrants issued by the
17 State Treasurer against claims filed as prescribed by law with the
18 Director of the Office of Management and Enterprise Services for
19 approval and payment.

20 B. There shall be apportioned to the funds specified in this
21 subsection from the monies that would otherwise be apportioned to
22 the General Revenue Fund by Section 2352 of Title 68 of the Oklahoma
23 Statutes from the revenues derived pursuant to subsections A, B and
24

1 E of Section 2355 of Title 68 of the Oklahoma Statutes amounts as
2 follows:

3 1. For each fiscal year, subject to the provisions of paragraph
4 3 of this subsection, and, except for the amount prescribed by
5 subparagraph a of this paragraph, subject to any reductions required
6 by subsection F of this section, there shall be apportioned to the
7 Rebuilding Oklahoma Access and Driver Safety Fund:

8 a. for the fiscal year beginning July 1, 2011, the first
9 Thirty-five Million Seven Hundred Thousand Dollars
10 (\$35,700,000.00), for the fiscal year beginning July
11 1, 2012, the first Forty-one Million Seven Hundred
12 Thousand Dollars (\$41,700,000.00) ~~and,~~ for the fiscal
13 year beginning July 1, 2013, ~~and for each fiscal year~~
14 ~~thereafter, the first~~ Fifty-nine Million Seven Hundred
15 Thousand Dollars (\$59,700,000.00), and for the fiscal
16 year beginning July 1, 2014, and for each fiscal year
17 thereafter, the first Twenty-nine Million Eight
18 Hundred Fifty Thousand (\$29,850,000.00), which shall
19 be allocated and used by the Department of
20 Transportation first for the purpose of making any
21 required payments for principal, interest or other
22 costs of borrowing with respect to the obligations
23 issued pursuant to Section 341 of Title 73 of the
24 Oklahoma Statutes and after any such required payment

1 has been made then for the purposes otherwise
2 authorized by this section, plus

3 b. the total amount apportioned to the Rebuilding
4 Oklahoma Access and Driver Safety Fund for the
5 preceding fiscal year which, except for the amount
6 prescribed by subparagraph a of this paragraph, shall
7 be apportioned before any other amount is apportioned
8 pursuant to Section 2352 of Title 68 of the Oklahoma
9 Statutes, plus

10 c. an additional incremental amount which shall not be in
11 excess of the amount prescribed by subparagraph a of
12 this paragraph and that is required in order for the
13 total apportionment for such fiscal year to equal Five
14 Hundred Seventy-five Million Dollars
15 (\$575,000,000.00) .

16 All amounts apportioned pursuant to this paragraph shall be
17 divided into twelve equal amounts to be apportioned each month
18 during the fiscal year except the amount specified in subparagraph a
19 of this paragraph which amount shall be allocated in its full amount
20 in cash not later than July 30 each year or such later date as may
21 be required in order for the amount to be allocated in cash;

22 2. For each fiscal year after the apportionments required by
23 paragraph 1 of this subsection have been made:
24

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

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

12 All amounts apportioned pursuant to this paragraph shall be
13 divided into twelve equal amounts to be apportioned each month
14 during the fiscal year; and

15 3. For each fiscal year after the first fiscal year in which
16 the total apportionment to the Rebuilding Oklahoma Access and Driver
17 Safety Fund as provided by paragraph 1 of this subsection equals
18 Five Hundred Seventy-five Million Dollars (\$575,000,000.00), the
19 first Five Hundred Seventy-five Million Dollars (\$575,000,000.00)
20 collected pursuant to subsections A, B and E of Section 2355 of
21 Title 68 of the Oklahoma Statutes and apportioned pursuant to
22 Section 2352 of Title 68 of the Oklahoma Statutes that would
23 otherwise be apportioned to the General Revenue Fund shall be
24 apportioned to the Rebuilding Oklahoma Access and Driver Safety

1 Fund. With the exception of the amount prescribed by subparagraph a
2 of paragraph 1 of this subsection, all amounts apportioned pursuant
3 to this paragraph shall be divided into twelve equal amounts to be
4 apportioned each month during the fiscal year.

5 C. The apportionments of revenues required by subparagraphs a,
6 b and c of paragraph 1 of subsection B of this section shall be made
7 until the total annual apportionment to the Rebuilding Oklahoma
8 Access and Driver Safety Fund equals Five Hundred Seventy-five
9 Million Dollars (\$575,000,000.00). After such annual apportionment
10 level is reached, the apportionment to the fund shall be governed by
11 the provisions of paragraph 3 of subsection B of this section.

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

15 E. In order to ensure that the funds from the ROADS Fund are
16 used to enhance and not supplant state funding for the Department of
17 Transportation, the State Board of Equalization shall examine and
18 investigate expenditures from the fund each year. For purposes of
19 this examination, monies used to retire outstanding debt obligations
20 for which the Department of Transportation is responsible shall be
21 excluded. At the meeting of the State Board of Equalization held
22 within five (5) days after the monthly apportionment in February of
23 each year, the State Board of Equalization shall issue a finding and
24 report which shall state whether expenditures from the ROADS Fund

1 were used to enhance or supplant state funding for the Department of
2 Transportation. If the State Board of Equalization finds that state
3 funding for the Department of Transportation was supplanted by funds
4 from the ROADS Fund, the Board shall specify the amount by which
5 such funding was supplanted. In this event, the Legislature shall
6 not make any appropriations for the ensuing fiscal year until an
7 appropriation in that amount is made to replenish state funding for
8 the Department of Transportation.

9 F. In the event that the Director of the Office of Management
10 and Enterprise Services declares a General Revenue Fund revenue
11 failure pursuant to Section 34.49 of Title 62 of the Oklahoma
12 Statutes, and agency allocations are reduced pursuant to the
13 provisions of Section 34.49 of Title 62 of the Oklahoma Statutes,
14 the amounts that would otherwise be apportioned to the ROADS Fund
15 by:

16 1. Subparagraph a of paragraph 1 of subsection B of this
17 section, only to the extent that the amount is not required for debt
18 service related to the obligations authorized pursuant to Section
19 341 of Title 73 of the Oklahoma Statutes;

20 2. Subparagraphs b and c of paragraph 1 of subsection B of this
21 section; and

22 3. Subparagraphs a and b of paragraph 2 of subsection B of this
23 section,
24

1 shall be reduced by a percentage equal to that required of the
2 General Revenue Fund appropriations to state agencies and such
3 reductions shall occur during the entire fiscal year and for any
4 month during which such reductions are required by the Office of
5 Management and Enterprise Services and by the same percentage as
6 that required of the agencies for such General Revenue Fund
7 appropriations.

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

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

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

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

17 4. Matching federal funds;

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

21 6. Debt service incurred prior to January 1, 2006, for Capital
22 Improvement Program bonds sold pursuant to Section 2001 of this
23 title; and
24

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

4 H. From the monies allocated pursuant to the provisions of
5 subparagraph a of paragraph 1 of subsection B of this section each
6 fiscal year, the Department of Transportation shall make payments
7 required for the payment of principal, interest and other costs
8 related to the obligations issued by the Oklahoma Capitol
9 Improvement Authority as authorized by Section 341 of Title 73 of
10 the Oklahoma Statutes and such payments shall be made by the
11 Department each fiscal year before such monies are used for any
12 other purpose.

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

16 A. There is hereby created in the State Treasury a fund for the
17 State Board of Education to be designated the "Securing Educational
18 Excellence Fund". The fund shall be a continuing fund, not subject
19 to fiscal year limitations, and shall consist of all monies received
20 by the State Board of Education from appropriations and transfers
21 made by the Legislature to the fund. All monies accruing to the
22 credit of said fund are hereby appropriated and may be budgeted and
23 expended by the State Board of Education for the purpose set forth
24 in subsections G and J of this section. Expenditures from said fund

1 shall be made upon warrants issued by the State Treasurer against
2 claims filed as prescribed by law with the Director of the Office of
3 Management and Enterprise Services for approval and payment.

4 B. 1. Beginning July 1, 2014, and each fiscal year thereafter,
5 there shall be apportioned to the Securing Educational Excellence
6 Fund from the monies that would otherwise be apportioned to the
7 General Revenue Fund by Section 2352 of Title 68 of the Oklahoma
8 Statutes from the revenues derived pursuant to subsections A, B and
9 E of Section 2355 of Title 68 of the Oklahoma Statutes the first
10 Twenty-nine Million Eight Hundred Fifty Thousand Dollars
11 (\$29,850,000.00), plus

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

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

20 C. 1. For the first fiscal year following:

- 21 a. implementation of subsection B of this section,
- 22 b. implementation of the provisions of paragraph 3 of
- 23 subsection B of Section 1521 of Title 69 of the
- 24 Oklahoma Statutes, and

1 c. the State Board of Equalization determining that any
2 increase between the final itemized estimate of
3 General Revenue Fund revenues made by the State Board
4 at the February meeting preceding the beginning of the
5 fiscal year for which that estimate is made and the
6 then current itemized estimate of General Revenue Fund
7 revenues made by the State Board of Equalization for
8 the fiscal year ending on June 30 immediately
9 following such February meeting is one percent (1%) or
10 greater,

11 and for each year thereafter, there shall be apportioned to the
12 Securing Educational Excellence Fund the first Fifty-nine Million
13 Seven Hundred Thousand Dollars (\$59,700,000.00) that would otherwise
14 be apportioned the General Revenue Fund by Section 2352 of Title 68
15 of the Oklahoma Statutes from the revenues derived pursuant to
16 subsections A, B and E of Section 2355 of Title 68 of the Oklahoma
17 Statutes, plus

18 2. The total amount apportioned to the Securing Educational
19 Excellence Fund for the preceding fiscal year which shall be
20 apportioned before any other amount is apportioned pursuant to
21 Section 2352 of Title 68 of the Oklahoma Statutes, plus

22 3. An additional incremental amount which shall not be in
23 excess of the amount prescribed by paragraph 1 of this subsection
24

1 and that is required in order for the total apportionment for such
2 fiscal year to equal Six Hundred Million Dollars (\$600,000,000.00).

3 D. All amounts apportioned pursuant to subsections B and C
4 shall be divided into twelve equal amounts to be apportioned each
5 month during the fiscal year.

6 E. For each fiscal year after the first fiscal year in which
7 the total apportionment to the Securing Educational Excellence Fund
8 equals Six Hundred Million Dollars (\$600,000,000.00), the first Six
9 Hundred Million Dollars (\$600,000,000.00) collected pursuant to
10 subsections A, B and E of Section 2355 of Title 68 of the Oklahoma
11 Statutes and apportioned pursuant to Section 2352 of Title 68 of the
12 Oklahoma Statutes that would otherwise be apportioned to the General
13 Revenue Fund shall be apportioned to the Securing Educational
14 Excellence Fund.

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

18 G. 1. In the first fiscal year after the effective date of
19 this act in which the apportionment to the Securing Educational
20 Excellence Fund is Sixty Million Dollars (\$60,000,000.00) or more,
21 one additional instructional day shall be added to the school year.

22 2. The next fiscal year, after the fiscal year in which the
23 requirement of paragraph 1 of this subsection is met, in which the
24 apportionment to the Securing Educational Excellence Fund is One

1 Hundred Twenty Million Dollars (\$120,000,000.00) or more, one
2 additional instructional day shall be added to the school year.

3 3. The next fiscal year, after the fiscal year in which the
4 requirement of paragraph 2 of this subsection is met, in which the
5 apportionment to the Securing Educational Excellence Fund is One
6 Hundred Eighty Million Dollars (\$180,000,000.00) or more, one
7 additional instructional day shall be added to the school year.

8 4. The next fiscal year, after the fiscal year in which the
9 requirement of paragraph 3 of this subsection is met, in which the
10 apportionment to the Securing Educational Excellence Fund is Two
11 Hundred Forty Million Dollars (\$240,000,000.00) or more, one
12 additional instructional day shall be added to the school year.

13 5. The next fiscal year, after the fiscal year in which the
14 requirement of paragraph 4 of this subsection is met, in which the
15 apportionment to the Securing Educational Excellence Fund is Three
16 Hundred Million Dollars (\$300,000,000.00) or more, one additional
17 instructional day shall be added to the school year.

18 6. The next fiscal year, after the fiscal year in which the
19 requirement of paragraph 5 of this subsection is met, in which the
20 apportionment to the Securing Educational Excellence Fund is Three
21 Hundred Sixty Million Dollars (\$360,000,000.00) or more, one
22 additional instructional day shall be added to the school year.

23 7. The next fiscal year, after the fiscal year in which the
24 requirement of paragraph 6 of this subsection is met, in which the

1 apportionment to the Securing Educational Excellence Fund is Four
2 Hundred Twenty Million Dollars (\$420,000,000.00) or more, one
3 additional instructional day shall be added to the school year.

4 8. The next fiscal year, after the fiscal year in which the
5 requirement of paragraph 7 of this subsection is met, in which the
6 apportionment to the Securing Educational Excellence Fund is Four
7 Hundred Eighty Million Dollars (\$480,000,000.00) or more, one
8 additional instructional day shall be added to the school year.

9 9. The next fiscal year, after the fiscal year in which the
10 requirement of paragraph 8 of this subsection is met, in which the
11 apportionment to the Securing Educational Excellence Fund is Five
12 Hundred Forty Million Dollars (\$540,000,000.00) or more, one
13 additional instructional day shall be added to the school year.

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

19 H. In order to ensure that the monies from the Securing
20 Educational Excellence Fund are used to enhance and not supplant
21 state funding for the State Board of Education, the State Board of
22 Equalization shall examine and investigate expenditures from the
23 fund each year. At the meeting of the State Board of Equalization
24 held within five (5) days after the monthly apportionment in

1 February of each year, the State Board of Equalization shall issue a
2 finding and report which shall state whether expenditures from the
3 Securing Educational Excellence Fund were used to enhance or
4 supplant state funding for the Department of Education. If the
5 State Board of Equalization finds that state funding for the State
6 Board of Education was supplanted by funds from the Securing
7 Educational Excellence Fund, the Board of Equalization shall specify
8 the amount by which such funding was supplanted. In this event, the
9 Legislature shall not make any appropriations for the ensuing fiscal
10 year until an appropriation in that amount is made to replenish
11 state funding for the State Board of Education.

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

24

1 percentage as that required of the agencies for General Revenue Fund
2 appropriations.

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

7 SECTION 4. AMENDATORY 70 O.S. 2011, Section 1-109, as
8 last amended by Section 1, Chapter 242, O.S.L. 2013 (70 O.S. Supp.
9 2013, Section 1-109), is amended to read as follows:

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

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

14 2. For not less than one thousand eighty (1,080) hours each
15 school year, if a district board of education adopts a school-hours
16 policy and notifies the State Board of Education prior to September
17 15 of the applicable school year.

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

23 C. Teachers off contract with an employing district shall not
24 be required by the employing school district to attend professional

1 meetings unless the teacher is paid additional compensation for the
2 additional time. Teachers may be paid additional compensation for
3 attending professional meetings in excess of their contract term.
4 Subject to district board of education policy or collective
5 bargaining agreement, additional paid professional days may be
6 granted for individual teachers to attend or participate in
7 professional meetings, staff development training, or National Board
8 certification portfolio development as provided for in Section 6-
9 204.2 of this title.

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

15 E. A school district may maintain school for less than a full
16 school year only when conditions beyond the control of school
17 authorities make the maintenance of the term impossible and the
18 State Board of Education has been apprised and has expressed
19 concurrence in writing.

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

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

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

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

G. The State Board of Education may authorize school districts to implement an extended-day schedule for instruction pursuant to the criteria developed. The State Board of Education shall require the participating school districts to prepare a report of the impact of the extended-day schedule.

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

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

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

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

6 4. The district shall hold a public hearing prior to the
7 adoption of an extended-day schedule authorized pursuant to this
8 subsection; and

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

20 I. If subject to paragraph 2 of subsection A of this section, a
21 district board of education or designee may elect to close a school
22 during the school day for inclement weather purposes. In such an
23 event, the number of hours incurred in classroom instruction time
24

1 prior to school closure shall be counted toward the one thousand
2 eighty (1,080) hours per year requirement.

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

9 SECTION 5. This act shall become effective July 1, 2014.

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

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