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April 2, 2014

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 2642

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

and

Halligan, Fields, Ford,  
Mazzei, Paddack, Ivester  
and Crain of the Senate

[ 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;

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

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

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

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

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

22        2. The annual number of days of instruction shall equal or  
23 exceed one hundred eighty (180) days as specified in subsection A of  
24 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.

14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
15 April 2, 2014 - DO PASS AS AMENDED  
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