

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2904

By: Dills

COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2011, Section 3-104, as last amended by Section 1, Chapter 271, O.S.L. 2013 (70 O.S. Supp. 2019, Section 3-104), which relates to State Board of Education powers and duties; authorizing the Board to issue subpoenas; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-104, as last amended by Section 1, Chapter 271, O.S.L. 2013 (70 O.S. Supp. 2019, Section 3-104), is amended to read as follows:

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

1. Adopt policies and make rules for the operation of the public school system of the state;

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

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

- 13 a. State Aid to schools,
- 14 b. the supervision of all other functions of general and
15 special education including general control, free
16 textbooks, school lunch, Indian education and all
17 other functions of the Board and an amount sufficient
18 to adequately staff and administer these services, and
- 19 c. the Board shall determine the details by which the
20 budget and the appropriations are administered.
21 Annually, the Board shall make preparations to
22 consolidate all of the functions of the Department in
23 such a way that the budget can be based on two items,
24 administration and aid to schools. A maximum amount

1 for administration shall be designated as a part of
2 the total appropriation;

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

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

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

17 c. recommendations for the improvement of the public
18 school system of the state,

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

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

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

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

18 a. the State Department of Education shall not issue a
19 certificate to and shall revoke the certificate of any
20 person who has been convicted, whether upon a verdict
21 or plea of guilty or upon a plea of nolo contendere,
22 or received a suspended sentence or any probationary
23 term for a crime or an attempt to commit a crime
24 provided for in Section 843.5 of Title 21 of the

Oklahoma Statutes if the offense involved sexual abuse or sexual exploitation as those terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, Sections 741, 843.1, if the offense included sexual abuse or sexual exploitation, 865 et seq., 885, 888, 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes or who enters this state and who has been convicted, received a suspended sentence or received a deferred judgment for a crime or attempted crime which, if committed or attempted in this state, would be a crime or an attempt to commit a crime provided 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

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

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

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

3 Private and parochial schools may be accredited and classified
4 in like manner as public schools or, if an accrediting association
5 is approved by the State Board of Education, by procedures
6 established by the State Board of Education to accept accreditation
7 by such accrediting association, if application is made to the State
8 Board of Education for such accrediting;

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

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

22 10. Be and is hereby designated as the "State Educational
23 Agency" referred to in Public Law 396 of the 79th Congress of the
24 United States, which law states that said act may be cited as the

1 "National School Lunch Act", and said State Board of Education is
2 hereby authorized and directed to accept the terms and provisions of
3 said act and to enter into such agreements, not in conflict with the
4 Constitution of Oklahoma or the Constitution and Statutes of the
5 United States, as may be necessary or appropriate to secure for the
6 State of Oklahoma the benefits of the school lunch program
7 established and referred to in said act;

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

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

20 13. Have authority to require persons having administrative
21 control of all school districts in Oklahoma to make such regular and
22 special reports regarding the activities of the schools in said
23 districts as the Board may deem needful for the proper exercise of
24 its duties and functions. Such authority shall include the right of

1 the State Board of Education to withhold all state funds under its
2 control, to withhold official recognition, including accrediting,
3 until such required reports have been filed and accepted in the
4 office of said Board and to revoke the certificates of persons
5 failing or refusing to make such reports;

6 14. Have general supervision of the school lunch program. The
7 State Board of Education may sponsor workshops for personnel and
8 participants in the school lunch program and may develop, print and
9 distribute free of charge or sell any materials, books and bulletins
10 to be used in such school lunch programs. There is hereby created
11 in the State Treasury a revolving fund for the Board, to be
12 designated the School Lunch Workshop Revolving Fund. The fund shall
13 consist of all fees derived from or on behalf of any participant in
14 any such workshop sponsored by the State Board of Education, or from
15 the sale of any materials, books and bulletins, and such funds shall
16 be disbursed for expenses of such workshops and for developing,
17 printing and distributing of such materials, books and bulletins
18 relating to the school lunch program. The fund shall be
19 administered in accordance with Section 155 of Title 62 of the
20 Oklahoma Statutes;

21 15. Prescribe all forms for school district and county officers
22 to report to the State Board of Education where required. The State
23 Board of Education shall also prescribe a list of appropriation
24 accounts by which the funds of school districts shall be budgeted,

1 accounted for and expended; and it shall be the duty of the State
2 Auditor and Inspector in prescribing all budgeting, accounting and
3 reporting forms for school funds to conform to such lists;

4 16. Provide for the establishment of a uniform system of pupil
5 and personnel accounting, records and reports;

6 17. Have authority to provide for the health and safety of
7 school children and school personnel while under the jurisdiction of
8 school authorities;

9 18. Provide for the supervision of the transportation of
10 pupils;

11 19. Have authority, upon request of the local school board, to
12 act in behalf of the public schools of the state in the purchase of
13 transportation equipment;

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

19 21. Administer the State Public Common School Building
20 Equalization Fund established by Section 32 of Article X of the
21 Oklahoma Constitution. Any monies as may be appropriated or
22 designated by the Legislature, other than ad valorem taxes, any
23 other funds identified by the State Department of Education, which
24 may include, but not be limited to, grants-in-aid from the federal

1 government for building purposes, the proceeds of all property that
2 shall fall to the state by escheat, penalties for unlawful holding
3 of real estate by corporations, and capital gains on assets of the
4 permanent school funds, shall be deposited in the State Public
5 Common School Building Equalization Fund. The fund shall be used to
6 aid school districts and charter schools in acquiring buildings,
7 subject to the limitations fixed by Section 32 of Article X of the
8 Oklahoma Constitution. It is hereby declared that the term
9 "acquiring buildings" as used in Section 32 of Article X of the
10 Oklahoma Constitution shall mean acquiring or improving school
11 sites, constructing, repairing, remodeling or equipping buildings,
12 or acquiring school furniture, fixtures, or equipment. For charter
13 schools, the fund shall only be used to acquire buildings in which
14 students enrolled in the charter school will be attending. It is
15 hereby declared that the term "school districts" as used in Section
16 32 of Article X of the Oklahoma Constitution shall mean school
17 districts and charter schools created pursuant to the provisions of
18 the Oklahoma Charter Schools Act. If sufficient monies are
19 available in the fund, the Board shall solicit proposals for grants
20 from school districts and charter schools and shall determine the
21 process for consideration of proposals. Grants shall be awarded
22 only to school districts which have a total assessed property
23 valuation per average daily membership that is less than the state
24 average total assessed property valuation per average daily

1 membership and, at the time of application, the district has voted
2 the five-mill building fund levy authorized in Section 10 of Article
3 X of the Oklahoma Constitution, and has voted indebtedness through
4 the issuance of new bonds for at least fifty percent (50%) within
5 the last three (3) years of the maximum allowable pursuant to the
6 provisions of Section 26 of Article X of the Oklahoma Constitution
7 as shown on the school district budget filed with the State Board of
8 Equalization for the current school year and certifications by the
9 Attorney General prior to April 1 of the school year. Grants shall
10 be awarded only to charter schools which have secured matching funds
11 for the specific purpose of acquiring buildings in an amount of not
12 less than ten percent (10%) of the total grant amount. The amount
13 of each grant awarded by the Board each year shall not exceed Four
14 Million Dollars (\$4,000,000.00). From the total amount available to
15 provide grants to public schools and charter schools, charter
16 schools shall be allocated the greater of ten percent (10%) of the
17 total amount or the percent of students enrolled in charter schools
18 that are not sponsored by the Statewide Virtual Charter School Board
19 as compared to the student enrollment in school districts which have
20 a total assessed property valuation per average daily membership
21 that is equal to or less than twenty-five percent (25%) of the state
22 total assessed property valuation per average daily membership. The
23 Board shall give priority consideration to school districts which
24 have a total assessed property valuation per average daily

1 membership that is equal to or less than twenty-five percent (25%)
2 of the state average total assessed property valuation per average
3 daily membership. The Board is authorized to prorate grants awarded
4 if monies are not sufficient in the fund to award grants to
5 qualified districts and charter schools. The State Board of
6 Education shall make available to eligible charter schools any
7 unused grant funds that remain after the initial allocation to all
8 eligible public school districts and charter schools of this state.
9 The State Board of Education shall prescribe rules for making grants
10 of aid from, and for otherwise administering, the fund pursuant to
11 the provisions of this paragraph, and may employ and fix the duties
12 and compensation of technicians, aides, clerks, stenographers,
13 attorneys and other personnel deemed necessary to carry out the
14 provisions of this paragraph. The cost of administering the fund
15 shall be paid from monies appropriated to the State Board of
16 Education for the operation of the State Department of Education;

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

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

14 24. Have authority to issue subpoenas for the appearance or
15 production of persons, records, books, papers, documents, other
16 tangible things of schools or other third parties in connection with
17 an investigation or disciplinary matter relating to its functions as
18 set forth in this section.

19 SECTION 2. This act shall become effective November 1, 2020.
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