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AS AMENDED

By: Pugh

emergency]

A. The Board of Agriculture shall be and is hereby designated as the "State Educational Agency" referred to in Public Law 396 of the 79th Congress of the United States, which law states that the act may be cited as the "National School Lunch Act". The Board of Agriculture is hereby authorized and directed to accept the terms and provisions of the National School Lunch Act and to enter into any agreements, not in conflict with the Constitution of Oklahoma or the Constitution and Statutes of the United States, as may be necessary or appropriate to secure for this state the

1 benefits of the school lunch program established and referred to in
2 this act.

3 B. The Board of Agriculture shall have authority to secure and
4 administer the benefits of the National School Lunch Act in this
5 state and is hereby authorized to employ or appoint and fix the
6 compensation of additional officers or employees and to incur any
7 expenses as may be necessary for the accomplishment of that purpose.
8 The Board shall administer the distribution of any state funds
9 appropriated by the Legislature which are required as federal
10 matching to reimburse on children's meals.

11 C. The Board of Agriculture shall have general supervision of
12 the school lunch program as provided for in this section. The Board
13 of Agriculture may sponsor workshops for personnel and participants
14 in the school lunch program and may develop, print, and distribute
15 free of charge or sell any materials, books, and bulletins to be
16 used in school lunch programs.

17 D. There is hereby created in the State Treasury a revolving
18 fund for the Board of Agriculture to be designated the "School Lunch
19 Workshop Revolving Fund". The fund shall be a continuing fund, not
20 subject to fiscal year limitations, and shall consist of all monies
21 received by the Board of Agriculture from all fees derived from or
22 on behalf of any participant in any workshop sponsored by the Board
23 of Agriculture or from the sale of any materials, books, and
24 bulletins. All monies accruing to the credit of the fund are hereby

1 appropriated and may be budgeted and expended by the Board of
2 Agriculture for the purpose of paying for the expenses of the
3 workshops and for developing, printing, and distributing materials,
4 books, and bulletins relating to the school lunch program.

5 Expenditures from the fund shall be made upon warrants issued by the
6 State Treasurer against claims filed as prescribed by law with the
7 Director of the Office of Management and Enterprise Services for
8 approval and payment.

9 E. Funds appropriated to the Board of Agriculture for school
10 lunch matching and school lunch programs shall be apportioned by the
11 Board of Agriculture to school districts for the purpose of
12 providing meals for children in compliance with the National School
13 Lunch Act, the Child Nutrition Act of 1966, and Public Law 91-248,
14 as amended or supplemented.

15 F. The authority granted to the Board of Agriculture pursuant
16 to this section shall include the authority to implement and
17 administer any federal child nutrition programs administered by the
18 State Board of Education prior to the effective date of this act.
19 The federal child nutrition programs shall include, in addition to
20 the National School Lunch Program, the following:

- 21 1. School Breakfast Program;
- 22 2. Afterschool Snack Program;
- 23 3. Summer Food Service Program;
- 24 4. Nutrition Education and Training Program;

1 5. Special Milk Program;

2 6. Child and Adult Care Food Program; and

3 7. School Meals Initiative.

4 SECTION 2. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 3-119.1 of Title 70, unless
6 there is created a duplication in numbering, reads as follows:

7 A. As of the effective date of this act, the Child Nutrition
8 Programs Division of the State Department of Education including all
9 personnel of the Division and all property and assets belonging to
10 or assigned to the Division, is hereby transferred to the Oklahoma
11 Department of Agriculture, Food, and Forestry. All powers, duties,
12 and responsibilities of the Division relating to the administration
13 of child nutrition programs as set forth in Section 1 of this act
14 shall hereafter be exercised by the Oklahoma Department of
15 Agriculture, Food, and Forestry.

16 B. All employees of the Child Nutrition Programs Division of
17 the State Department of Education on the effective date of this act
18 including related liabilities for sick leave, annual leave,
19 holidays, unemployment benefits, and workers' compensation benefits
20 accruing to the employees prior to the effective date of this act
21 shall be transferred to the Oklahoma Department of Agriculture,
22 Food, and Forestry as of the effective date of this act. It is the
23 intent of the Legislature that, to the extent possible, the Oklahoma
24 Department of Agriculture, Food, and Forestry ensure that the

1 employees retain pay and benefits, as much as possible including
2 longevity, dependent insurance benefits, seniority, rights, and
3 other privileges or benefits.

4 C. The provisions of this section shall not prohibit or affect
5 the authority of the State Board of Education to provide supervision
6 of school lunch functions of public school districts.

7 SECTION 3. AMENDATORY 70 O.S. 2021, Section 3-104, is
8 amended to read as follows:

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

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

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

19 3. Submit to the Governor a departmental budget based upon
20 major functions of the Department as prepared by the ~~State~~
21 Superintendent of Public Instruction and supported by detailed data
22 on needs and proposed operations as partially determined by the
23 budgetary needs of local school districts filed with the State Board
24 of Education for the ensuing fiscal year. Appropriations therefor

1 shall be made in lump-sum form for each major item in the budget as
2 follows:

- 3 a. State Aid to schools,
- 4 b. the supervision of all other functions of general and
5 special education including general control, free
6 textbooks, school lunch, Indian education, and all
7 other functions of the Board and an amount sufficient
8 to adequately staff and administer these services, and
- 9 c. the Board shall determine the details by which the
10 budget and the appropriations are administered.
11 Annually, the Board shall make preparations to
12 consolidate all of the functions of the Department in
13 such a way that the budget can be based on two items,
14 administration and aid to schools. A maximum amount
15 for administration shall be designated as a part of
16 the total appropriation;

17 4. On the first day of December preceding each regular session
18 of the Legislature, prepare and deliver to the Governor and the
19 Legislature a report for the year ending June 30 immediately
20 preceding the regular session of the Legislature. The report shall
21 contain:

- 22 a. detailed statistics and other information concerning
23 enrollment, attendance, expenditures including State
24

1 Aid, and other pertinent data for all public schools
2 in this state,

3 b. reports from each and every division within the State
4 Department of Education as submitted by the ~~State~~
5 Superintendent of Public Instruction and any other
6 division, department, institution, or other agency
7 under the supervision of the Board,

8 c. recommendations for the improvement of the public
9 school system of the state,

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

12 e. a statement of plans and recommendations for the
13 management and improvement of public schools and such
14 other information relating to the educational
15 interests of the state as may be deemed necessary and
16 desirable;

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

20 6. Have authority in matters pertaining to the licensure and
21 certification of persons for instructional, supervisory, and
22 administrative positions and services in the public schools of the
23 state subject to the provisions of Section 6-184 of this title, and
24 shall formulate rules governing the issuance and revocation of

1 certificates for superintendents of schools, principals,
2 supervisors, librarians, clerical employees, school nurses, school
3 bus drivers, visiting teachers, classroom teachers, and for other
4 personnel performing instructional, administrative, and supervisory
5 services, but not including members of boards of education and other
6 employees who do not work directly with pupils, and may charge and
7 collect reasonable fees for the issuance of such certificates:

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

1 which, if committed or attempted in this state, would
2 be a crime or an attempt to commit a crime provided
3 for in any of ~~said~~ the laws,

4 b. all funds collected by the State Department of
5 Education for the issuance of certificates to
6 instructional, supervisory, and administrative
7 personnel in the public schools of the state shall be
8 deposited in the "Teachers' Certificate Fund" in the
9 State Treasury and may be expended by the State Board
10 of Education to finance the activities of the State
11 Department of Education necessary to administer the
12 program, for consultative services, publication costs,
13 actual and necessary travel expenses as provided in
14 the State Travel Reimbursement Act incurred by persons
15 performing research work, and other expenses found
16 necessary by the State Board of Education for the
17 improvement of the preparation and certification of
18 teachers in Oklahoma. Provided, any unobligated
19 balance in the Teachers' Certificate Fund in excess of
20 Ten Thousand Dollars (\$10,000.00) on June 30 of any
21 fiscal year shall be transferred to the General
22 Revenue Fund of ~~the State of Oklahoma~~ this state.
23 Until July 1, 1997, the State Board of Education shall
24 have authority for approval of teacher education

1 programs. The State Board of Education shall also
2 have authority for the administration of teacher
3 residency and professional development, subject to the
4 provisions of the Oklahoma Teacher Preparation Act;

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

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

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

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

21 8. Be the legal agent of ~~the State of Oklahoma~~ this state to
22 accept, in its discretion, the provisions of any Act of Congress
23 appropriating or apportioning funds which are now, or may hereafter
24 be, provided for use in connection with any phase of the system of

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 9. Be and is specifically hereby designated as the agency of
5 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 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 11. ~~Have authority to secure and administer the benefits of the~~
21 ~~National School Lunch Act, Public Law 396 of the 79th Congress of~~
22 ~~the United States, in the State of Oklahoma and is hereby authorized~~
23 ~~to employ or appoint and fix the compensation of such additional~~
24 ~~officers or employees and to incur such expenses as may be necessary~~

~~for the accomplishment of the above purpose, administer the distribution of any state funds appropriated by the Legislature required as federal matching to reimburse on children's meals;~~

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

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

~~14. Have general supervision of the school lunch program. The State Board of Education may sponsor workshops for personnel and participants in the school lunch program and may develop, print and distribute free of charge or sell any materials, books and bulletins to be used in such school lunch programs. There is hereby created in the State Treasury a revolving fund for the Board, to be designated the School Lunch Workshop Revolving Fund. The fund shall~~

~~consist of all fees derived from or on behalf of any participant in any such workshop sponsored by the State Board of Education, or from the sale of any materials, books and bulletins, and such funds shall be disbursed for expenses of such workshops and for developing, printing and distributing of such materials, books and bulletins relating to the school lunch program. The fund shall be administered in accordance with Section 155 of Title 62 of the Oklahoma Statutes;~~

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

~~16.~~ 13. Provide for the establishment of a uniform system of pupil and personnel accounting, records, and reports;

~~17.~~ 14. Have authority to provide for the health and safety of school children and school personnel while under the jurisdiction of school authorities;

~~18.~~ 15. Provide for the supervision of the transportation of pupils;

1 ~~19.~~ 16. Have authority, upon request of the local school board,
2 to act in behalf of the public schools of the state in the purchase
3 of transportation equipment;

4 ~~20.~~ 17. Have authority and is hereby required to perform all
5 duties necessary to the administration of the public school system
6 in Oklahoma as specified in the Oklahoma School Code; and, in
7 addition thereto, those duties not specifically mentioned herein if
8 not delegated by law to any other agency or official;

9 ~~21.~~ 18. Administer the State Public Common School Building
10 Equalization Fund established by Section 32 of Article X of the
11 Oklahoma Constitution. Any monies as may be appropriated or
12 designated by the Legislature, other than ad valorem taxes, any
13 other funds identified by the State Department of Education, which
14 may include, but not be limited to, grants-in-aid from the federal
15 government for building purposes, the proceeds of all property that
16 shall fall to the state by escheat, penalties for unlawful holding
17 of real estate by corporations, and capital gains on assets of the
18 permanent school funds, shall be deposited in the State Public
19 Common School Building Equalization Fund. The fund shall be used to
20 aid school districts and charter schools in acquiring buildings,
21 subject to the limitations fixed by Section 32 of Article X of the
22 Oklahoma Constitution. It is hereby declared that the term
23 "acquiring buildings" as used in Section 32 of Article X of the
24 Oklahoma Constitution shall mean acquiring or improving school

1 sites, constructing, repairing, remodeling, or equipping buildings,
2 or acquiring school furniture, fixtures, or equipment. It is hereby
3 declared that the term "school districts" as used in Section 32 of
4 Article X of the Oklahoma Constitution shall mean school districts
5 and eligible charter schools as defined in subsection B of this
6 section. The State Board of Education shall disburse redbud school
7 grants annually from the State Public Common School Building
8 Equalization Fund to public schools and eligible charter schools
9 pursuant to subsection B of this section. The Board shall
10 promulgate rules for the implementation of disbursing redbud school
11 grants pursuant to this section. The State Board of Education shall
12 prescribe rules for making grants of aid from, and for otherwise
13 administering, the fund pursuant to the provisions of this
14 paragraph, and may employ and fix the duties and compensation of
15 technicians, aides, clerks, stenographers, attorneys, and other
16 personnel deemed necessary to carry out the provisions of this
17 paragraph. The cost of administering the fund shall be paid from
18 monies appropriated to the State Board of Education for the
19 operation of the State Department of Education. From monies
20 apportioned to the fund, the State Department of Education may
21 reserve not more than one-half of one percent (1/2 of 1%) for
22 purposes of administering the fund;

23 ~~22.~~ 19. Recognize that the Director of the Oklahoma Department
24 of Corrections shall be the administrative authority for the schools

1 which are maintained in the state reformatories and shall appoint
2 the principals and teachers in such schools. Provided, that rules
3 of the State Board of Education for the classification, inspection,
4 and accreditation of public schools shall be applicable to such
5 schools; and such schools shall comply with standards set by the
6 State Board of Education; and

7 ~~23.~~ 20. Have authority to administer a revolving fund which is
8 hereby created in the State Treasury, to be designated the
9 Statistical Services Revolving Fund. The fund shall consist of all
10 monies received from the various school districts of the state, the
11 United States Government, and other sources for the purpose of
12 furnishing or financing statistical services and for any other
13 purpose as designated by the Legislature. The State Board of
14 Education is hereby authorized to enter into agreements with school
15 districts, municipalities, the United States Government,
16 foundations, and other agencies or individuals for services,
17 programs, or research projects. The Statistical Services Revolving
18 Fund shall be administered in accordance with Section 155 of Title
19 62 of the Oklahoma Statutes.

20 B. 1. The redbud school grants shall be determined by the
21 State Department of Education as follows:

- 22 a. divide the county four-mill levy revenue by four to
23 determine the nonchargeable county four-mill revenue
24 for each school district,

- 1 b. determine the amount of new revenue generated by the
2 five-mill building fund levy as authorized by Section
3 10 of Article X of the Oklahoma Constitution for each
4 school district as reported in the Oklahoma Cost
5 Accounting System for the preceding fiscal year,
- 6 c. add the amounts calculated in subparagraphs a and b of
7 this paragraph to determine the nonchargeable millage
8 for each school district,
- 9 d. add the nonchargeable millage in each district
10 statewide as calculated in subparagraph c of this
11 paragraph and divide the total by the average daily
12 membership in public schools statewide based on the
13 preceding school year's average daily membership,
14 according to the provisions of Section 18-107 of this
15 title. This amount is the statewide nonchargeable
16 millage per student, known as the baseline local
17 funding per student,
- 18 e. all eligible charter schools shall be included in
19 these calculations as unique school districts,
20 separate from the school district that may sponsor the
21 eligible charter school, and the total number of
22 districts shall be used to determine the statewide
23 average baseline local funding per student,
- 24

- 1 f. for each school district or eligible charter school
2 which is below the baseline local funding per student,
3 the Department shall subtract the baseline local
4 funding per student from the average nonchargeable
5 millage per student of the school district or eligible
6 charter school to determine the nonchargeable millage
7 per student shortfall for each district, and
- 8 g. the nonchargeable millage per student shortfall for a
9 school district or eligible charter school shall be
10 multiplied by the average daily membership of the
11 preceding school year of the eligible school district
12 or eligible charter school. This amount shall be the
13 redbud school grant amount for the school district or
14 eligible charter school.

15 2. For fiscal year 2022, monies for the redbud school grants
16 shall be expended from the funds apportioned pursuant to ~~Section 2~~
17 Section 426 of this act Title 63 of the Oklahoma Statutes. For
18 fiscal year 2023 and each subsequent fiscal year, monies for the
19 redbud school grants shall be appropriated pursuant to ~~Section 2~~
20 Section 426 of this act Title 63 of the Oklahoma Statutes, not to
21 exceed three-fourths (3/4) of the tax collected in the preceding
22 fiscal year pursuant to Section 426 of Title 63 of the Oklahoma
23 Statutes as determined by the Oklahoma Tax Commission. For fiscal
24 year 2023 and each subsequent fiscal year, if such appropriated

1 funds are insufficient to fund the redbud school grants, then an
2 additional apportionment of funds shall be made from sales tax
3 collections as provided by subsection D of Section ~~3~~ 1353 of ~~this~~
4 ~~act~~ Title 68 of the Oklahoma Statutes. If both funds are
5 insufficient, the Department shall promulgate rules to permit a
6 decrease to the baseline local funding per student to the highest
7 amount allowed with the funding available.

8 3. As used in this section, "eligible charter school" shall
9 mean a charter school which is sponsored pursuant to the provisions
10 of the Oklahoma Charter Schools Act. Provided, however, "eligible
11 charter school" shall not include a charter school sponsored by the
12 Statewide Virtual Charter School Board but shall only include those
13 which provide in-person or blended instruction, as provided by
14 Section 1-111 of this title, to not less than two-thirds (2/3) of
15 students as the primary means of instructional service delivery.

16 4. The Department shall develop a program to acknowledge the
17 redbud school grant recipients and shall include elected members of
18 the ~~Oklahoma~~ House of Representatives and ~~Oklahoma State~~ Senate who
19 represent the school districts and eligible charter schools.

20 5. The Department shall create a dedicated page on its website
21 listing annual redbud school grant recipients, amount awarded to
22 each recipient, and other pertinent information about the Redbud
23 School Funding Act.

1 6. The Department shall provide the Chair of the House
2 Appropriations and Budget Committee and the Chair of the Senate
3 Appropriations Committee no later than February 1 of each year with
4 an estimate of the upcoming year's redbud school grant allocation as
5 prescribed by this section.

6 SECTION 4. REPEALER 70 O.S. 2021, Section 3-119, is
7 hereby repealed.

8 SECTION 5. This act shall become effective July 1, 2022.

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

13 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
14 March 2, 2022 - DO PASS AS AMENDED
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