

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1546

By: Haste

AS INTRODUCED

An Act relating to the State Board of Education; amending 70 O.S. 2021, Section 3-104, as last amended by Section 4, Chapter 323, O.S.L. 2023 (70 O.S. Supp. 2023, Section 3-104), which relates to powers and duties of the State Board of Education; modifying definition; updating statutory language; repealing 70 O.S. 2021, Section 3-104, as last amended by Section 1, Chapter 290, O.S.L. 2023, which relates to powers and duties of the State Board of Education; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 3-104, as last amended by Section 4, Chapter 323, O.S.L. 2023 (70 O.S. Supp. 2023, Section 3-104), is amended to read as follows:

Section 3-104. A. 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;

2. Appoint, prescribe the duties, and fix the compensation of a secretary, an attorney, and all other personnel necessary for the

1 proper performance of the functions of the State Board of Education.

2 The secretary shall not be a member of the Board;

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

10 a. State Aid to schools,

11 b. the supervision of all other functions of general and
12 special education including general control, free
13 textbooks, school lunch, Indian education, and all
14 other functions of the Board and an amount sufficient
15 to adequately staff and administer these services, and

16 c. the Board shall determine the details by which the
17 budget and the appropriations are administered.

18 Annually, the Board shall make preparations to
19 consolidate all of the functions of the Department in
20 such a way that the budget can be based on two items,
21 administration and aid to schools. A maximum amount
22 for administration shall be designated as a part of
23 the total appropriation;

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

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

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

15 c. recommendations for the improvement of the public
16 school system of the state,

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

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

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

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

- 16 a. the State Department of Education shall not issue a
17 certificate to and shall revoke the certificate of any
18 person who has been convicted, whether upon a verdict
19 or plea of guilty or upon a plea of nolo contendere,
20 or received a suspended sentence or any probationary
21 term for a crime or an attempt to commit a crime
22 provided for in Section 843.5 of Title 21 of the
23 Oklahoma Statutes if the offense involved sexual abuse
24 or sexual exploitation as those terms are defined in

1 Section 1-1-105 of Title 10A of the Oklahoma Statutes,
2 Section 741, 843.1, if the offense included sexual
3 abuse or sexual exploitation, 865 et seq., 885, 888,
4 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,
5 1111.1, 1114, or 1123 of Title 21 of the Oklahoma
6 Statutes or who enters this state and who has been
7 convicted, received a suspended sentence, or received
8 a deferred judgment for a crime or attempted crime
9 which, if committed or attempted in this state, would
10 be a crime or an attempt to commit a crime provided
11 for in any of the laws, and

- 12 b. all funds collected by the State Department of
13 Education for the issuance of certificates to
14 instructional, supervisory, and administrative
15 personnel in the public schools of the state shall be
16 deposited in the "Teachers' Certification Fund" in the
17 State Treasury and may be expended by the State Board
18 of Education to finance the activities of the State
19 Department of Education necessary to administer the
20 program, for consultative services, publication costs,
21 actual and necessary travel expenses as provided in
22 the State Travel Reimbursement Act incurred by persons
23 performing research work, and other expenses found
24 necessary by the State Board of Education for the

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

13 7. Promulgate rules governing the classification, inspection,
14 supervision, and accrediting of all public nursery, kindergarten,
15 elementary and secondary schools, and on-site educational services
16 provided by public school districts or state-accredited private
17 schools in partial hospitalization programs, day treatment programs,
18 and day hospital programs as defined in this ~~act~~ section, Section 3-
19 104.7 of this title, and Section 603.4 of Title 10 of the Oklahoma
20 Statutes for persons between the ages of three (3) and twenty-one
21 (21) years of age in the state. However, no school shall be denied
22 accreditation solely on the basis of average daily attendance.

23 Any school district which maintains an elementary school and
24 faces the necessity of relocating its school facilities because of
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1 construction of a lake, either by state or federal authority, which
2 will inundate the school facilities, shall be entitled to receive
3 probationary accreditation from the State Board of Education for a
4 period of five (5) years after June 12, 1975, and any school
5 district, otherwise qualified, shall be entitled to receive
6 probationary accreditation from the State Board of Education for a
7 period of two (2) consecutive years to attain the minimum average
8 daily attendance. The Head Start and public nurseries or
9 kindergartens operated from ~~Community Action Agency~~ community action
10 agency funds shall not be subjected to the accrediting rules of the
11 State Board of Education. Neither will the State Board of Education
12 make rules affecting the operation of the public nurseries and
13 kindergartens operated from federal funds secured through ~~Community~~
14 ~~Action Agencies~~ community action agencies even though they may be
15 operating in the public schools of the state. However, any of the
16 Head Start or public nurseries or kindergartens operated under
17 federal regulations may make application for accrediting from the
18 State Board of Education but will be accredited only if application
19 for the approval of the programs is made. The status of no school
20 district shall be changed which will reduce it to a lower
21 classification until due notice has been given to the proper
22 authorities thereof and an opportunity given to correct the
23 conditions which otherwise would be the cause of such reduction.

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

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

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

20 10. Be and is hereby designated as the "State Educational
21 Agency" referred to in Public Law 396 of the 79th Congress of the
22 United States, which law states that the act may be cited as the
23 "National School Lunch Act", and the State Board of Education is
24 hereby authorized and directed to accept the terms and provisions of

1 the act and to enter into such agreements, not in conflict with the
2 Constitution of Oklahoma or the Constitution and Statutes of the
3 United States, as may be necessary or appropriate to secure for this
4 state the benefits of the school lunch program established and
5 referred to in the act;

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

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

18 13. Have authority to require persons having administrative
19 control of all school districts in Oklahoma to make such regular and
20 special reports regarding the activities of the schools in the
21 districts as the Board may deem needful for the proper exercise of
22 its duties and functions. Such authority shall include the right of
23 the State Board of Education to withhold all state funds under its
24 control, to withhold official recognition including accrediting,

1 until such required reports have been filed and accepted in the
2 office of the Board and to revoke the certificates of persons
3 failing or refusing to make such reports;

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

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

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

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

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

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

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

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

1 shall fall to the state by escheat, penalties for unlawful holding
2 of real estate by corporations, and capital gains on assets of the
3 permanent school funds, shall be deposited in the State Public
4 Common School Building Equalization Fund. The fund shall be used to
5 aid school districts and charter schools in acquiring buildings,
6 subject to the limitations fixed by Section 32 of Article X of the
7 Oklahoma Constitution. It is hereby declared that the term
8 "acquiring buildings" as used in Section 32 of Article X of the
9 Oklahoma Constitution shall mean acquiring or improving school
10 sites, constructing, repairing, remodeling, or equipping buildings,
11 paying energy and utility costs, paying property insurance premiums
12 for school facilities, or acquiring school furniture, fixtures, or
13 equipment. It is hereby declared that the term "school districts"
14 as used in Section 32 of Article X of the Oklahoma Constitution
15 shall mean school districts and eligible charter schools as defined
16 in subsection B of this section. The State Board of Education shall
17 disburse redbud school grants annually from the State Public Common
18 School Building Equalization Fund to public schools and eligible
19 charter schools pursuant to subsection B of this section. The Board
20 shall promulgate rules for the implementation of disbursing redbud
21 school grants pursuant to this section. The State Board of
22 Education shall prescribe rules for making grants of aid from, and
23 for otherwise administering, the fund pursuant to the provisions of
24 this paragraph, and may employ and fix the duties and compensation

1 of technicians, aides, clerks, stenographers, attorneys, and other
2 personnel deemed necessary to carry out the provisions of this
3 paragraph. The cost of administering the fund shall be paid from
4 monies appropriated to the State Board of Education for the
5 operation of the State Department of Education. From monies
6 apportioned to the fund, the State Department of Education may
7 reserve not more than one-half of one percent (1/2 of 1%) for
8 purposes of administering the fund;

9 22. Recognize that the Director of the Department of
10 Corrections shall be the administrative authority for the schools
11 which are maintained in the state reformatories and shall appoint
12 the principals and teachers in such schools. Provided, that rules
13 of the State Board of Education for the classification, inspection,
14 and accreditation of public schools shall be applicable to such
15 schools; and such schools shall comply with standards set by the
16 State Board of Education; and

17 23. Have authority to administer a revolving fund which is
18 hereby created in the State Treasury, to be designated the
19 ~~Statistical Services Revolving Fund~~ "Statistical Services Revolving
20 Fund". The fund shall consist of all monies received from the
21 various school districts of the state, the United States Government,
22 and other sources for the purpose of furnishing or financing
23 statistical services and for any other purpose as designated by the
24 Legislature. The State Board of Education is hereby authorized to

1 enter into agreements with school districts, municipalities, the
2 United States Government, foundations, and other agencies or
3 individuals for services, programs, or research projects. The
4 Statistical Services Revolving Fund shall be administered in
5 accordance with Section 155 of Title 62 of the Oklahoma Statutes.

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

- 8 a. divide the county four-mill levy revenue by four to
9 determine the nonchargeable county four-mill revenue
10 for each school district,
- 11 b. determine the amount of new revenue generated by the
12 five-mill building fund levy as authorized by Section
13 10 of Article X of the Oklahoma Constitution for each
14 school district as reported in the Oklahoma Cost
15 Accounting System for the preceding fiscal year,
- 16 c. add the amounts calculated in subparagraphs a and b of
17 this paragraph to determine the nonchargeable millage
18 for each school district,
- 19 d. add the nonchargeable millage in each district
20 statewide as calculated in subparagraph c of this
21 paragraph and divide the total by the average daily
22 membership in public schools statewide based on the
23 preceding school year's average daily membership,
24 according to the provisions of Section 18-107 of this

1 title. This amount is the statewide nonchargeable
2 millage per student, known as the baseline local
3 funding per student,

4 e. all eligible charter schools shall be included in
5 these calculations as unique school districts,
6 separate from the school district that may sponsor the
7 eligible charter school, and the total number of
8 districts shall be used to determine the statewide
9 average baseline local funding per student,

10 f. for each school district or eligible charter school
11 which is below the baseline local funding per student,
12 the Department shall subtract the baseline local
13 funding per student from the average nonchargeable
14 millage per student of the school district or eligible
15 charter school to determine the nonchargeable millage
16 per student shortfall for each district, and

17 g. the nonchargeable millage per student shortfall for a
18 school district or eligible charter school shall be
19 multiplied by the average daily membership of the
20 preceding school year of the eligible school district
21 or eligible charter school. This amount shall be the
22 redbud school grant amount for the school district or
23 eligible charter school.

1 2. For fiscal year 2022, monies for the redbud school grants
2 shall be expended from the funds apportioned pursuant to Section 426
3 of Title 63 of the Oklahoma Statutes. For fiscal year 2023 and each
4 subsequent fiscal year, monies for the redbud school grants shall be
5 appropriated pursuant to Section 426 of Title 63 of the Oklahoma
6 Statutes, not to exceed three-fourths (3/4) of the tax collected in
7 the preceding fiscal year pursuant to Section 426 of Title 63 of the
8 Oklahoma Statutes as determined by the Oklahoma Tax Commission. For
9 fiscal year 2023 and each subsequent fiscal year, if such
10 appropriated funds are insufficient to fund the redbud school
11 grants, then an additional apportionment of funds shall be made from
12 sales tax collections as provided by subsection D of Section 1353 of
13 Title 68 of the Oklahoma Statutes. If both funds are insufficient,
14 the Department shall promulgate rules to permit a decrease to the
15 baseline local funding per student to the highest amount allowed
16 with the funding available.

17 3. As used in this section, "eligible charter school" shall
18 mean a charter school which is sponsored pursuant to the provisions
19 of the Oklahoma Charter Schools Act. Provided, however, ~~"eligible~~
20 ~~charter school"~~ eligible charter school shall not include a
21 statewide virtual charter school sponsored by the Statewide Charter
22 School Board but shall only include those which provide in-person or
23 blended instruction, as provided by Section 1-111 of this title, to
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1 not less than two-thirds (2/3) of students as the primary means of
2 instructional service delivery.

3 4. The Department shall develop a program to acknowledge the
4 redbud school grant recipients and shall include elected members of
5 the House of Representatives and Senate who represent the school
6 districts and eligible charter schools.

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

11 6. The Department shall provide the chair of the House
12 Appropriations and Budget Committee and the chair of the Senate
13 Appropriations Committee no later than February 1 of each year with
14 an estimate of the upcoming year's redbud school grant allocation as
15 prescribed by this section.

16 SECTION 2. REPEALER 70 O.S. 2021, Section 3-104, as last
17 amended by Section 1, Chapter 290, O.S.L. 2023, is hereby repealed.

18 SECTION 3. This act shall become effective July 1, 2024.

19 SECTION 4. It being immediately necessary for the preservation
20 of the public peace, health, or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.
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