

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1277

By: Caldwell (Chad) of the
House

and

Seifried of the Senate

COMMITTEE SUBSTITUTE

[State Board of Education - report - license or
certificate - notification - effective date -
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 2, Chapter 445, O.S.L. 2024 (70 O.S. Supp.
2024, 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;

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 State Department of Education as prepared by
7 the Superintendent of Public Instruction and supported by detailed
8 data 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 electronically to the
5 Governor and the Legislature a report for the year ending June 30
6 immediately preceding the regular session of the Legislature. The
7 report shall 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
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
24

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, Section 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 the laws, ~~and~~

b. except as provided for in subparagraph a of this paragraph, the State Board of Education shall have the authority to revoke or suspend a license or certificate only for the following reasons:

- (1) a willful violation of any federal or state law,
- (2) the abuse or neglect of a child,
- (3) moral turpitude,
- (4) incompetency in the performance of duty, or
- (5) neglect of any professional duty.

The State Board of Education shall not have the authority to summarily revoke or suspend a certificate

1 pending an individual proceeding for revocation or
2 other action unless for a valid emergency as defined
3 in the Administrative Procedures Act. In no event
4 shall the State Board of Education move to revoke or
5 suspend a license or certificate unless the license or
6 certificate holder has received notice at least ten
7 (10) days prior to filing of the complaint, and

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

1 fiscal year shall be transferred to the General
2 Revenue Fund of this state. Until July 1, 1997, the
3 State Board of Education shall have authority for
4 approval of teacher education programs. The State
5 Board of Education shall also have authority for the
6 administration of teacher residency and professional
7 development, subject to the provisions of the Oklahoma
8 Teacher Preparation Act;

9 7. Promulgate rules governing the classification, inspection,
10 supervision, and accrediting of all public nursery, kindergarten,
11 elementary and secondary schools, and on-site educational services
12 provided by public school districts or state-accredited private
13 schools in partial hospitalization programs, day treatment programs,
14 and day hospital programs as defined in ~~this section~~, Section 3-
15 104.7 of this title, and Section ~~603.4~~ 175.20 of Title 10 of the
16 Oklahoma Statutes for persons between the ages of three (3) and
17 twenty-one (21) years of age in the state. However, no school shall
18 be denied accreditation solely on the basis of average daily
19 attendance.

20 Any school district which maintains an elementary school and
21 faces the necessity of relocating its school facilities because of
22 construction of a lake, either by state or federal authority, which
23 will inundate the school facilities, shall be entitled to receive
24 probationary accreditation from the State Board of Education for a

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

21 Private and parochial schools may be accredited and classified
22 in like manner as public schools or, if an accrediting association
23 is approved by the State Board of Education, by procedures
24 established by the State Board of Education to accept accreditation

1 by such accrediting association, if application is made to the State
2 Board of Education for such accrediting;

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

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

16 10. Be and is hereby designated as the ~~"State Educational~~
17 ~~Agency"~~ state educational agency referred to in Public Law 396 of
18 the 79th Congress of the United States, as amended, which ~~law states~~
19 ~~that the act~~ may be ~~cited~~ known as the ~~"National~~ Richard B. Russell
20 National School Lunch Act ~~Act~~, and the State Board of Education is
21 hereby authorized and directed to accept the terms and provisions of
22 the act and to enter into such agreements, not in conflict with the
23 Constitution of Oklahoma or the Constitution and Statutes of the
24 United States, as may be necessary or appropriate to secure for this

1 state the benefits of the school lunch program established and
2 referred to in the act;

3 11. Have authority to secure and administer the benefits of the
4 Richard B. Russell National School Lunch Act, Public Law 396 of the
5 79th Congress of the United States, as amended, in this state and is
6 hereby authorized to employ or appoint and fix the compensation of
7 such additional officers or employees and to incur such expenses as
8 may be necessary for the accomplishment of the above purpose, and
9 administer the distribution of any state funds appropriated by the
10 Legislature required as federal matching to reimburse on children's
11 meals;

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

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

1 office of the Board and to revoke the certificates of persons
2 failing or refusing to make such reports;

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

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

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

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

6 18. Provide for the supervision of the transportation of
7 pupils;

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

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

16 21. Administer the State Public Common School Building
17 Equalization Fund established by Section 32 of Article X of the
18 Oklahoma Constitution. Any monies as may be appropriated or
19 designated by the Legislature, other than ad valorem taxes, any
20 other funds identified by the State Department of Education, which
21 may include, but not be limited to, grants-in-aid from the federal
22 government for building purposes, the proceeds of all property that
23 shall fall to the state by escheat, penalties for unlawful holding
24 of real estate by corporations, and capital gains on assets of the

1 permanent school funds, shall be deposited in the State Public
2 Common School Building Equalization Fund. The fund shall be used to
3 aid school districts and charter schools in acquiring buildings,
4 subject to the limitations fixed by Section 32 of Article X of the
5 Oklahoma Constitution. It is hereby declared that redbud school
6 grants disbursed from the State Public Common School Building
7 Equalization Fund shall be used for the same purposes as a building
8 fund, as provided for in Section 1-118 of this title. It is hereby
9 declared that the term "school districts" as used in Section 32 of
10 Article X of the Oklahoma Constitution shall mean school districts
11 and eligible charter schools as defined in subsection B of this
12 section. The State Board of Education shall disburse redbud school
13 grants annually from the State Public Common School Building
14 Equalization Fund to public schools and eligible charter schools
15 pursuant to subsection B of this section. The Board shall
16 promulgate rules for the implementation of disbursing redbud school
17 grants pursuant to this section. The State Board of Education shall
18 prescribe rules for making grants of aid from, and for otherwise
19 administering, the fund pursuant to the provisions of this
20 paragraph, and may employ and fix the duties and compensation of
21 technicians, aides, clerks, stenographers, attorneys, and other
22 personnel deemed necessary to carry out the provisions of this
23 paragraph. The cost of administering the fund shall be paid from
24 monies appropriated to the State Board of Education for the

1 operation of the State Department of Education. From monies
2 apportioned to the fund, the State Department of Education may
3 reserve not more than one-half of one percent (1/2 of 1%) for
4 purposes of administering the fund;

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

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

1 Fund shall be administered in accordance with Section 155 of Title
2 62 of the Oklahoma Statutes.

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

5 a. divide the county four-mill levy revenue by four to
6 determine the nonchargeable county four-mill revenue
7 for each school district,

8 b. determine the amount of new revenue generated by the
9 five-mill building fund levy as authorized by Section
10 10 of Article X of the Oklahoma Constitution for each
11 school district as reported in the Oklahoma Cost
12 Accounting System for the preceding fiscal year,

13 c. add the amounts calculated in subparagraphs a and b of
14 this paragraph to determine the nonchargeable millage
15 for each school district,

16 d. add the nonchargeable millage in each district
17 statewide as calculated in subparagraph c of this
18 paragraph and divide the total by the average daily
19 membership in public schools statewide based on the
20 preceding school year's average daily membership,
21 according to the provisions of Section 18-107 of this
22 title. This amount is the statewide nonchargeable
23 millage per student, known as the baseline local
24 funding per student,

- 1 e. all eligible charter schools shall be included in
2 these calculations as unique school districts,
3 separate from the school district that may sponsor the
4 eligible charter school, and the total number of
5 districts shall be used to determine the statewide
6 average baseline local funding per student,
- 7 f. for each school district or eligible charter school
8 which is below the baseline local funding per student,
9 the Department shall subtract the baseline local
10 funding per student from the average nonchargeable
11 millage per student of the school district or eligible
12 charter school to determine the nonchargeable millage
13 per student shortfall for each district, and
- 14 g. the nonchargeable millage per student shortfall for a
15 school district or eligible charter school shall be
16 multiplied by the average daily membership of the
17 preceding school year of the eligible school district
18 or eligible charter school. This amount shall be the
19 redbud school grant amount for the school district or
20 eligible charter school.

21 2. For fiscal year 2022, monies for the redbud school grants
22 shall be expended from the funds apportioned pursuant to Section 426
23 of Title 63 of the Oklahoma Statutes. For fiscal year 2023 and each
24 subsequent fiscal year, monies for the redbud school grants shall be

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

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

22 4. The Department shall develop a program to acknowledge the
23 redbud school grant recipients and shall include elected members of
24

1 the House of Representatives and Senate who represent the school
2 districts and eligible charter schools.

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

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

12 SECTION 2. This act shall become effective July 1, 2025.

13 SECTION 3. It being immediately necessary for the preservation
14 of the public peace, health, or safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

17
18 60-1-2048 EB 4/21/2025 4:22:38 PM
19
20
21
22
23
24