

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

POLICY COMMITTEE
RECOMMENDATION

FOR

HOUSE BILL NO. 1491

By: Johns

POLICY COMMITTEE RECOMMENDATION

An Act relating to education; amending 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), which relates to the powers and duties of the State Board of Education; limiting the State Board of Education's authority to revoke or suspend licenses or certificates; requiring emergency to summarily revoke or suspend a license or certificate; requiring certain notice; 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 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 1. Adopt policies and make rules for the operation of the
2 public school system of the state;

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

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

14 a. State Aid to schools,

15 b. the supervision of all other functions of general and
16 special education including general control, free
17 textbooks, school lunch, Indian education, and all
18 other functions of the Board and an amount sufficient
19 to adequately staff and administer these services, and

20 c. the Board shall determine the details by which the
21 budget and the appropriations are administered.

22 Annually, the Board shall make preparations to
23 consolidate all of the functions of the Department in
24 such a way that the budget can be based on two items,

1 administration and aid to schools. A maximum amount
2 for administration shall be designated as a part of
3 the total appropriation;

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

- 9 a. detailed statistics and other information concerning
10 enrollment, attendance, expenditures including State
11 Aid, and other pertinent data for all public schools
12 in this state,
- 13 b. reports from each and every division within the State
14 Department of Education as submitted by the
15 Superintendent of Public Instruction and any other
16 division, department, institution, or other agency
17 under the supervision of the Board,
- 18 c. recommendations for the improvement of the public
19 school system of the state,
- 20 d. a statement of the receipts and expenditures of the
21 State Board of Education for the past year, and
- 22 e. a statement of plans and recommendations for the
23 management and improvement of public schools and such
24 other information relating to the educational

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

- (1) a willful violation of any state or federal law,
- (2) the abuse or neglect of a child,
- (3) moral turpitude, or
- (4) a conviction for any of the offenses or basis for revocation set forth in Sections 3-104 and 3-104.1 of this title, and

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

development, subject to the provisions of the Oklahoma
Teacher Preparation Act;

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

Any school district which maintains an elementary school and
faces the necessity of relocating its school facilities because of
construction of a lake, either by state or federal authority, which
will inundate the school facilities, shall be entitled to receive
probationary accreditation from the State Board of Education for a
period of five (5) years after June 12, 1975, and any school
district, otherwise qualified, shall be entitled to receive
probationary accreditation from the State Board of Education for a
period of two (2) consecutive years to attain the minimum average
daily attendance. The Head Start and public nurseries or
kindergartens operated from community action agency funds shall not
be subjected to the accrediting rules of the State Board of

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

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

20 8. Be the legal agent of this state to accept, in its
21 discretion, the provisions of any Act of Congress appropriating or
22 apportioning funds which are now, or may hereafter be, provided for
23 use in connection with any phase of the system of public education
24 in Oklahoma. It shall prescribe such rules as it finds necessary to

1 provide for the proper distribution of such funds in accordance with
2 the state and federal laws;

3 9. Be and is specifically hereby designated as the agency of
4 this state to cooperate and deal with any officer, board, or
5 authority of the United States Government under any law of the
6 United States which may require or recommend cooperation with any
7 state board having charge of the administration of public schools
8 unless otherwise provided by law;

9 10. Be and is hereby designated as the "State Educational
10 Agency" referred to in Public Law 396 of the 79th Congress of the
11 United States, which law states that the act may be cited as the
12 "National School Lunch Act", and the State Board of Education is
13 hereby authorized and directed to accept the terms and provisions of
14 the act and to enter into such agreements, not in conflict with the
15 Constitution of Oklahoma or the Constitution and Statutes of the
16 United States, as may be necessary or appropriate to secure for this
17 state the benefits of the school lunch program established and
18 referred to in the act;

19 11. Have authority to secure and administer the benefits of the
20 National School Lunch Act, Public Law 396 of the 79th Congress of
21 the United States, in this state and is hereby authorized to employ
22 or appoint and fix the compensation of such additional officers or
23 employees and to incur such expenses as may be necessary for the
24 accomplishment of the above purpose, administer the distribution of

1 any state funds appropriated by the Legislature required as federal
2 matching to reimburse on children's meals;

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

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

17 14. Have general supervision of the school lunch program. The
18 State Board of Education may sponsor workshops for personnel and
19 participants in the school lunch program and may develop, print, and
20 distribute free of charge or sell any materials, books, and
21 bulletins to be used in the school lunch programs. There is hereby
22 created in the State Treasury a revolving fund for the Board, to be
23 designated the "School Lunch Workshop Revolving Fund". The fund
24 shall consist of all fees derived from or on behalf of any

1 participant in any such workshop sponsored by the State Board of
2 Education, or from the sale of any materials, books, and bulletins,
3 and funds shall be disbursed for expenses of such workshops and for
4 developing, printing, and distributing of the materials, books, and
5 bulletins relating to the school lunch program. The fund shall be
6 administered in accordance with Section 155 of Title 62 of the
7 Oklahoma Statutes;

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

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

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

20 18. Provide for the supervision of the transportation of
21 pupils;

22 19. Have authority, upon request of the local school board, to
23 act in behalf of the public schools of the state in the purchase of
24 transportation equipment;

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

6 21. Administer the State Public Common School Building
7 Equalization Fund established by Section 32 of Article X of the
8 Oklahoma Constitution. Any monies as may be appropriated or
9 designated by the Legislature, other than ad valorem taxes, any
10 other funds identified by the State Department of Education, which
11 may include, but not be limited to, grants-in-aid from the federal
12 government for building purposes, the proceeds of all property that
13 shall fall to the state by escheat, penalties for unlawful holding
14 of real estate by corporations, and capital gains on assets of the
15 permanent school funds, shall be deposited in the State Public
16 Common School Building Equalization Fund. The fund shall be used to
17 aid school districts and charter schools in acquiring buildings,
18 subject to the limitations fixed by Section 32 of Article X of the
19 Oklahoma Constitution. It is hereby declared that redbud school
20 grants disbursed from the State Public Common School Building
21 Equalization Fund shall be used for the same purposes as a building
22 fund, as provided for in Section 1-118 of this title. It is hereby
23 declared that the term "school districts" as used in Section 32 of
24 Article X of the Oklahoma Constitution shall mean school districts

1 and eligible charter schools as defined in subsection B of this
2 section. The State Board of Education shall disburse redbud school
3 grants annually from the State Public Common School Building
4 Equalization Fund to public schools and eligible charter schools
5 pursuant to subsection B of this section. The Board shall
6 promulgate rules for the implementation of disbursing redbud school
7 grants pursuant to this section. The State Board of Education shall
8 prescribe rules for making grants of aid from, and for otherwise
9 administering, the fund pursuant to the provisions of this
10 paragraph, and may employ and fix the duties and compensation of
11 technicians, aides, clerks, stenographers, attorneys, and other
12 personnel deemed necessary to carry out the provisions of this
13 paragraph. The cost of administering the fund shall be paid from
14 monies appropriated to the State Board of Education for the
15 operation of the State Department of Education. From monies
16 apportioned to the fund, the State Department of Education may
17 reserve not more than one-half of one percent ($1/2$ of 1%) for
18 purposes of administering the fund;

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

1 schools; and such schools shall comply with standards set by the
2 State Board of Education; and

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

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

18 a. divide the county four-mill levy revenue by four to
19 determine the nonchargeable county four-mill revenue
20 for each school district,

21 b. determine the amount of new revenue generated by the
22 five-mill building fund levy as authorized by Section
23 10 of Article X of the Oklahoma Constitution for each
24

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

1 millage per student of the school district or eligible
2 charter school to determine the nonchargeable millage
3 per student shortfall for each district, and

4 g. the nonchargeable millage per student shortfall for a
5 school district or eligible charter school shall be
6 multiplied by the average daily membership of the
7 preceding school year of the eligible school district
8 or eligible charter school. This amount shall be the
9 redbud school grant amount for the school district or
10 eligible charter school.

11 2. For fiscal year 2022, monies for the redbud school grants
12 shall be expended from the funds apportioned pursuant to Section 426
13 of Title 63 of the Oklahoma Statutes. For fiscal year 2023 and each
14 subsequent fiscal year, monies for the redbud school grants shall be
15 appropriated pursuant to Section 426 of Title 63 of the Oklahoma
16 Statutes, not to exceed three-fourths (3/4) of the tax collected in
17 the preceding fiscal year pursuant to Section 426 of Title 63 of the
18 Oklahoma Statutes as determined by the Oklahoma Tax Commission. For
19 fiscal year 2023 and each subsequent fiscal year, if such
20 appropriated funds are insufficient to fund the redbud school
21 grants, then an additional apportionment of funds shall be made from
22 sales tax collections as provided by subsection D of Section 1353 of
23 Title 68 of the Oklahoma Statutes. If both funds are insufficient,
24 the Department shall promulgate rules to permit a decrease to the

1 baseline local funding per student to the highest amount allowed
2 with the funding available.

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

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

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

20 6. The Department shall provide the chair of the House
21 Appropriations and Budget Committee and the chair of the Senate
22 Appropriations Committee no later than February 1 of each year with
23 an estimate of the upcoming year's redbud school grant allocation as
24 prescribed by this section.

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

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

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7 60-1-12627 AQH 02/13/25