

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL 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

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

c. all funds collected by the State Department of  
Education for the issuance of certificates to  
instructional, supervisory, and administrative  
personnel in the public schools of the state shall be  
deposited in the "Teachers' Certification Fund" in the  
State Treasury and may be expended by the State Board  
of Education to finance the activities of the State  
Department of Education necessary to administer the  
program, for consultative services, publication costs,  
actual and necessary travel expenses as provided in  
the State Travel Reimbursement Act incurred by persons  
performing research work, and other expenses found  
necessary by the State Board of Education for the  
improvement of the preparation and certification of  
teachers in this state. Provided, any unobligated  
balance in the Teachers' Certification Fund in excess  
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.

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