

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

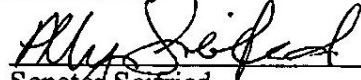
No. 1

☐ COMMITTEE AMENDMENT

(Date)

I move to amend House Bill No. 1277, by substituting the attached floor substitute (Request #2079) for the title, enacting clause, and entire body of the measure.

Submitted by:


Senator Seifried

I hereby grant permission for the floor substitute to be adopted.

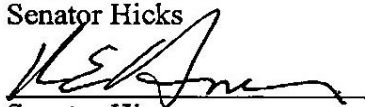

Senator Pugh, Chair (required)


Senator Seifried

Senator Dossett

Senator Deevers

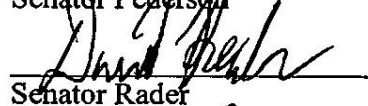
Senator Hicks


Senator Hines

Senator Paxton, President Pro Tempore

Senator Mann


Senator Pederson


Senator Rader


Senator Reinhardt

Senator Sacchieri

Senator Daniels, Majority Floor Leader

Note: Education committee majority requires six (6) members' signatures.

Seifried-EB-FS-HB1277

4/28/2025 2:16 PM

(Floor Amendments Only)

Date and Time Filed: 4-29-25

3:53pm 

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

FLOOR SUBSTITUTE
FOR ENGROSSED

HOUSE BILL NO. 1277

By: Caldwell (Chad) of the
House

and

Seifried of the Senate

FLOOR 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, or
- (4) a conviction for any of the offenses or basis for revocation set forth in this section and Section 3-104.1 of this title,

1 c. the State Board of Education shall not have the
2 authority to summarily revoke or suspend a license or
3 certificate pending an individual proceeding for
4 revocation or other action unless for a valid
5 emergency as defined in the Administrative Procedures
6 Act. Upon initiating a formal investigation, the
7 State Department of Education shall notify via
8 certified mail and electronic mail the superintendent
9 of the school district where the license or
10 certificate holder is employed. In no event shall the
11 State Board of Education move to revoke or suspend a
12 license or certificate, emergency or otherwise, unless
13 the license or certificate holder and any employing
14 school district received notice via certified mail and
15 electronic mail within three (3) days of the date the
16 application was filed with the State Board of
17 Education, and

18 d. all funds collected by the State Department of
19 Education for the issuance of certificates to
20 instructional, supervisory, and administrative
21 personnel in the public schools of the state shall be
22 deposited in the "Teachers' Certification Fund" in the
23 State Treasury and may be expended by the State Board
24 of Education to finance the activities of the State

1 Department of Education necessary to administer the
2 program, for consultative services, publication costs,
3 actual and necessary travel expenses as provided in
4 the State Travel Reimbursement Act incurred by persons
5 performing research work, and other expenses found
6 necessary by the State Board of Education for the
7 improvement of the preparation and certification of
8 teachers in this state. Provided, any unobligated
9 balance in the Teachers' Certification Fund in excess
10 of Ten Thousand Dollars (\$10,000.00) on June 30 of any
11 fiscal year shall be transferred to the General
12 Revenue Fund of this state. Until July 1, 1997, the
13 State Board of Education shall have authority for
14 approval of teacher education programs. The State
15 Board of Education shall also have authority for the
16 administration of teacher residency and professional
17 development, subject to the provisions of the Oklahoma
18 Teacher Preparation Act;

19 7. Promulgate rules governing the classification, inspection,
20 supervision, and accrediting of all public nursery, kindergarten,
21 elementary and secondary schools, and on-site educational services
22 provided by public school districts or state-accredited private
23 schools in partial hospitalization programs, day treatment programs,
24 and day hospital programs as defined in ~~this section~~, Section 3-

1 104.7 of this title, and Section ~~603.4~~ 175.20 of Title 10 of the
2 Oklahoma Statutes for persons between the ages of three (3) and
3 twenty-one (21) years of age in the state. However, no school shall
4 be denied accreditation solely on the basis of average daily
5 attendance.

6 Any school district which maintains an elementary school and
7 faces the necessity of relocating its school facilities because of
8 construction of a lake, either by state or federal authority, which
9 will inundate the school facilities, shall be entitled to receive
10 probationary accreditation from the State Board of Education for a
11 period of five (5) years after June 12, 1975, and any school
12 district, otherwise qualified, shall be entitled to receive
13 probationary accreditation from the State Board of Education for a
14 period of two (2) consecutive years to attain the minimum average
15 daily attendance. The Head Start and public nurseries or
16 kindergartens operated from community action agency funds shall not
17 be subjected to the accrediting rules of the State Board of
18 Education. Neither will the State Board of Education make rules
19 affecting the operation of the public nurseries and kindergartens
20 operated from federal funds secured through community action
21 agencies even though they may be operating in the public schools of
22 the state. However, any of the Head Start or public nurseries or
23 kindergartens operated under federal regulations may make
24 application for accrediting from the State Board of Education but

1 will be accredited only if application for the approval of the
2 programs is made. The status of no school district shall be changed
3 which will reduce it to a lower classification until due notice has
4 been given to the proper authorities thereof and an opportunity
5 given to correct the conditions which otherwise would be the cause
6 of such reduction.

7 Private and parochial schools may be accredited and classified
8 in like manner as public schools or, if an accrediting association
9 is approved by the State Board of Education, by procedures
10 established by the State Board of Education to accept accreditation
11 by such accrediting association, if application is made to the State
12 Board of Education for such accrediting;

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

20 9. Be and is specifically hereby designated as the agency of
21 this state to cooperate and deal with any officer, board, or
22 authority of the United States Government under any law of the
23 United States which may require or recommend cooperation with any
24

1 state board having charge of the administration of public schools
2 unless otherwise provided by law;

3 10. Be and is hereby designated as the ~~"State Educational~~
4 ~~Agency"~~ state educational agency referred to in Public Law 396 of
5 the 79th Congress of the United States, as amended, which ~~law states~~
6 ~~that the act~~ may be ~~cited~~ known as the ~~"National~~ Richard B. Russell
7 National School Lunch Act ~~Act~~, and the State Board of Education is
8 hereby authorized and directed to accept the terms and provisions of
9 the act and to enter into such agreements, not in conflict with the
10 Constitution of Oklahoma or the Constitution and Statutes of the
11 United States, as may be necessary or appropriate to secure for this
12 state the benefits of the school lunch program established and
13 referred to in the act;

14 11. Have authority to secure and administer the benefits of the
15 Richard B. Russell National School Lunch Act, Public Law 396 of the
16 79th Congress of the United States, as amended, in this state and is
17 hereby authorized to employ or appoint and fix the compensation of
18 such additional officers or employees and to incur such expenses as
19 may be necessary for the accomplishment of the above purpose, and
20 administer the distribution of any state funds appropriated by the
21 Legislature required as federal matching to reimburse on children's
22 meals;

23 12. Accept and provide for the administration of any land,
24 money, buildings, gifts, ~~donation~~ donations, or other things of

1 value which may be offered or bequeathed to the schools under the
2 supervision or control of the Board;

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

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

1 bulletins relating to the school lunch program. The fund shall be
2 administered in accordance with Section 155 of Title 62 of the
3 Oklahoma Statutes;

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

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

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

16 18. Provide for the supervision of the transportation of
17 pupils;

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

21 20. Have authority and is hereby required to perform all duties
22 necessary to the administration of the public school system in
23 Oklahoma as specified in the Oklahoma School Code; and, in addition
24

1 thereto, those duties not specifically mentioned herein if not
2 delegated by law to any other agency or official;

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

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

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

24

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

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

- 16 a. divide the county four-mill levy revenue by four to
17 determine the nonchargeable county four-mill revenue
18 for each school district,
- 19 b. determine the amount of new revenue generated by the
20 five-mill building fund levy as authorized by Section
21 10 of Article X of the Oklahoma Constitution for each
22 school district as reported in the Oklahoma Cost
23 Accounting System for the preceding fiscal year,

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

1 charter school to determine the nonchargeable millage
2 per student shortfall for each district, and
3 g. the nonchargeable millage per student shortfall for a
4 school district or eligible charter school shall be
5 multiplied by the average daily membership of the
6 preceding school year of the eligible school district
7 or eligible charter school. This amount shall be the
8 redbud school grant amount for the school district or
9 eligible charter school.

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

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.

6
7 60-1-2079 EB 4/29/2025 4:04:38 PM