

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1797

By: Kerbs

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6 AS INTRODUCED

7 An Act relating to agriculture; designating the
8 Oklahoma Department of Agriculture, Food, and
9 Forestry as the state educational agency referenced
10 by the National School Lunch Act; providing that the
11 Oklahoma Department of Agriculture, Food, and
12 Forestry may secure and administer the benefits of
13 the National School Lunch Act; directing the Oklahoma
14 Department of Agriculture, Food, and Forestry to
15 provide general supervision of the school lunch
16 program; creating the School Lunch Workshop Revolving
17 Fund; providing for the allocation of funds for the
18 school lunch program; amending 70 O.S. 2021, Section
19 3-104, as last amended by Section 2, Chapter 445,
20 O.S.L. 2024 (70 O.S. Supp. 2024, Section 3-104),
21 which relates to the State Board of Education's
22 powers and duties; removing the State Board of
23 Education from overseeing and administering school
24 lunch program under the National School Lunch Act;
repealing 70 O.S. 2021, Section 3-119, which relates
to the school lunch program; providing for
codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 3041 of Title 2, unless there is
created a duplication in numbering, reads as follows:

1 The Oklahoma Department of Agriculture, Food, and Forestry
2 shall:

3 1. Be and is hereby designated as the "State Educational
4 Agency" referred to in Public Law 396 of the 79th Congress of the
5 United States, which law states that said act may be cited as the
6 "National School Lunch Act", and said Oklahoma Department of
7 Agriculture, Food, and Forestry is hereby authorized and directed to
8 accept the terms and provisions of said act and to enter into such
9 agreements, not in conflict with the Constitution of Oklahoma or the
10 Constitution and statutes of the United States, as may be necessary
11 or appropriate to secure for the State of Oklahoma the benefits of
12 the school lunch program established and referred to in said act;

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

21 3. Have general supervision of the school lunch program. The
22 Oklahoma Department of Agriculture, Food, and Forestry may sponsor
23 workshops for personnel and participants in the school lunch program
24 and may develop, print, and distribute free of charge or sell any

1 materials, books, and bulletins to be used in such school lunch
2 programs. There is hereby created in the State Treasury a revolving
3 fund for the Oklahoma Department of Agriculture, Food, and Forestry,
4 to be designated the "School Lunch Workshop Revolving Fund". The
5 fund shall consist of all fees derived from or on behalf of any
6 participant in any such workshop sponsored by the Oklahoma
7 Department of Agriculture, Food, and Forestry, or from the sale of
8 any materials, books, and bulletins, and such funds shall be
9 disbursed for expenses of such workshops and for developing,
10 printing, and distributing such materials, books, and bulletins
11 related to the school lunch program. The fund shall be administered
12 in accordance with Section 155 of Title 62 of the Oklahoma Statutes.

13 SECTION 2. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 3042 of Title 2, unless there is
15 created a duplication in numbering, reads as follows:

16 Funds appropriated to the Oklahoma Department of Agriculture,
17 Food, and Forestry for school lunch matching and the school lunch
18 program shall be apportioned by the Oklahoma Department of
19 Agriculture, Food, and Forestry to each school district for the
20 purpose of providing meals for children in compliance with the
21 National School Lunch Act and the Child Nutrition Act of 1966 and
22 Public Law 91-248, as they may hereafter be amended or supplemented.

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1 SECTION 3. AMENDATORY 70 O.S. 2021, Section 3-104, as
2 last amended by Section 2, Chapter 445, O.S.L. 2024 (70 O.S. Supp.
3 2024, Section 3-104), is amended to read as follows:

4 Section 3-104. A. The supervision of the public school system
5 of Oklahoma shall be vested in the State Board of Education and,
6 subject to limitations otherwise provided by law, the State Board of
7 Education shall:

8 1. Adopt policies and make rules for the operation of the
9 public school system of the state;

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

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

21 a. State Aid to schools,

22 b. the supervision of all other functions of general and
23 special education including general control, free
24 textbooks, school lunch, Indian education, and all

1 other functions of the Board and an amount sufficient
2 to adequately staff and administer these services, and
3 c. the Board shall determine the details by which the
4 budget and the appropriations are administered.
5 Annually, the Board shall make preparations to
6 consolidate all of the functions of the Department in
7 such a way that the budget can be based on two items,
8 administration and aid to schools. A maximum amount
9 for administration shall be designated as a part of
10 the total appropriation;

11 4. On the first day of December preceding each regular session
12 of the Legislature, prepare and deliver to the Governor and the
13 Legislature a report for the year ending June 30 immediately
14 preceding the regular session of the Legislature. The report shall
15 contain:

- 16 a. detailed statistics and other information concerning
17 enrollment, attendance, expenditures including State
18 Aid, and other pertinent data for all public schools
19 in this state,
20 b. reports from each and every division within the State
21 Department of Education as submitted by the
22 Superintendent of Public Instruction and any other
23 division, department, institution, or other agency
24 under the supervision of the Board,

- c. recommendations for the improvement of the public school system of the state,
- d. a statement of the receipts and expenditures of the State Board of Education for the past year, and
- e. a statement of plans and recommendations for the management and improvement of public schools and such other information relating to the educational interests of the state as may be deemed necessary and desirable;

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

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

1 a. the State Department of Education shall not issue a
2 certificate to and shall revoke the certificate of any
3 person who has been convicted, whether upon a verdict
4 or plea of guilty or upon a plea of nolo contendere,
5 or received a suspended sentence or any probationary
6 term for a crime or an attempt to commit a crime
7 provided for in Section 843.5 of Title 21 of the
8 Oklahoma Statutes if the offense involved sexual abuse
9 or sexual exploitation as those terms are defined in
10 Section 1-1-105 of Title 10A of the Oklahoma Statutes,
11 Section 741, 843.1, if the offense included sexual
12 abuse or sexual exploitation, 865 et seq., 885, 888,
13 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,
14 1111.1, 1114, or 1123 of Title 21 of the Oklahoma
15 Statutes or who enters this state and who has been
16 convicted, received a suspended sentence, or received
17 a deferred judgment for a crime or attempted crime
18 which, if committed or attempted in this state, would
19 be a crime or an attempt to commit a crime provided
20 for in any of the laws, and

21 b. all funds collected by the State Department of
22 Education for the issuance of certificates to
23 instructional, supervisory, and administrative
24 personnel in the public schools of the state shall be

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

22 7. Promulgate rules governing the classification, inspection,
23 supervision, and accrediting of all public nursery, kindergarten,
24 elementary and secondary schools, and on-site educational services

1 provided by public school districts or state-accredited private
2 schools in partial hospitalization programs, day treatment programs,
3 and day hospital programs as defined in this section, Section 3-
4 104.7 of this title, and Section 603.4 of Title 10 of the Oklahoma
5 Statutes for persons between the ages of three (3) and twenty-one
6 (21) years of age in the state. However, no school shall be denied
7 accreditation solely on the basis of average daily attendance.

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

1 kindergartens operated under federal regulations may make
2 application for accrediting from the State Board of Education but
3 will be accredited only if application for the approval of the
4 programs is made. The status of no school district shall be changed
5 which will reduce it to a lower classification until due notice has
6 been given to the proper authorities thereof and an opportunity
7 given to correct the conditions which otherwise would be the cause
8 of such reduction.

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

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

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

1 United States which may require or recommend cooperation with any
2 state board having charge of the administration of public schools
3 unless otherwise provided by law;

4 ~~10. Be and is hereby designated as the "State Educational~~
5 ~~Agency" referred to in Public Law 396 of the 79th Congress of the~~
6 ~~United States, which law states that the act may be cited as the~~
7 ~~"National School Lunch 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 ~~National School Lunch Act, Public Law 396 of the 79th Congress of~~
16 ~~the United States, in this state and is hereby authorized to employ~~
17 ~~or appoint and fix the compensation of such additional officers or~~
18 ~~employees and to incur such expenses as may be necessary for the~~
19 ~~accomplishment of the above purpose, administer the distribution of~~
20 ~~any state funds appropriated by the Legislature required as federal~~
21 ~~matching to reimburse on children's meals;~~

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

3 ~~13.~~ 11. Have authority to require persons having
4 administrative control of all school districts in Oklahoma to make
5 such regular and special reports regarding the activities of the
6 schools in the districts as the Board may deem needful for the
7 proper exercise of its duties and functions. Such authority shall
8 include the right of the State Board of Education to withhold all
9 state funds under its control, to withhold official recognition
10 including accrediting, until such required reports have been filed
11 and accepted in the office of the Board and to revoke the
12 certificates of persons 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.~~ 12. Prescribe all forms for school district and county
5 officers to report to the State Board of Education where required.
6 The State Board of Education shall also prescribe a list of
7 appropriation accounts by which the funds of school districts shall
8 be budgeted, accounted for, and expended; and it shall be the duty
9 of the State Auditor and Inspector in prescribing all budgeting,
10 accounting, and reporting forms for school funds to conform to such
11 lists;

12 ~~16.~~ 13. Provide for the establishment of a uniform system of
13 pupil and personnel accounting, records, and reports;

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

17 ~~18.~~ 15. Provide for the supervision of the transportation of
18 pupils;

19 ~~19.~~ 16. Have authority, upon request of the local school
20 board, to act in behalf of the public schools of the state in the
21 purchase of transportation equipment;

22 ~~20.~~ 17. Have authority and is hereby required to perform all
23 duties necessary to the administration of the public school system
24 in Oklahoma as specified in the Oklahoma School Code; and, in

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

3 ~~21.~~ 18. 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.~~ 19. 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

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1 ~~23.~~ 20. 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,

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- 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
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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
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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 4. REPEALER 70 O.S. 2021, Section 3-119, is
2 hereby repealed.

3 SECTION 5. This act shall become effective July 1, 2026.
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