

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1522

By: Pemberton

AS INTRODUCED

An Act relating to the State Board of Education; amending 70 O.S. 2021, Section 3-104, as last amended by Section 4, Chapter 323, O.S.L. 2023 (70 O.S. Supp. 2023, Section 3-104), which relates to powers and duties of the State Board of Education; modifying definition; updating statutory language; repealing 70 O.S. 2021, Section 3-104, as amended by Section 1, Chapter 290, O.S.L. 2023, which relates to powers and duties of the State Board of Education; 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 4, Chapter 323, O.S.L. 2023 (70 O.S. Supp. 2023, 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 Department as prepared by the Superintendent
7 of Public Instruction and supported by detailed data on needs and
8 proposed operations as partially determined by the budgetary needs
9 of local school districts filed with the State Board of Education
10 for the ensuing fiscal year. Appropriations therefor shall be made
11 in lump-sum form for each major item in the budget as follows:

- 12 a. State Aid to schools,
- 13 b. the supervision of all other functions of general and
14 special education including general control, free
15 textbooks, school lunch, Indian education, and all
16 other functions of the Board and an amount sufficient
17 to adequately staff and administer these services, and
- 18 c. the Board shall determine the details by which the
19 budget and the appropriations are administered.

20 Annually, the Board shall make preparations to
21 consolidate all of the functions of the Department in
22 such a way that the budget can be based on two items,
23 administration and aid to schools. A maximum amount
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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 to the Governor and the
5 Legislature a report for the year ending June 30 immediately
6 preceding the regular session of the Legislature. The report shall
7 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

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

1 Oklahoma Statutes if the offense involved sexual abuse
2 or sexual exploitation as those terms are defined in
3 Section 1-1-105 of Title 10A of the Oklahoma Statutes,
4 Section 741, 843.1, if the offense included sexual
5 abuse or sexual exploitation, 865 et seq., 885, 888,
6 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,
7 1111.1, 1114, or 1123 of Title 21 of the Oklahoma
8 Statutes or who enters this state and who has been
9 convicted, received a suspended sentence, or received
10 a deferred judgment for a crime or attempted crime
11 which, if committed or attempted in this state, would
12 be a crime or an attempt to commit a crime provided
13 for in any of the laws, and

14 b. all funds collected by the State Department of
15 Education for the issuance of certificates to
16 instructional, supervisory, and administrative
17 personnel in the public schools of the state shall be
18 deposited in the "Teachers' Certification Fund" in the
19 State Treasury and may be expended by the State Board
20 of Education to finance the activities of the State
21 Department of Education necessary to administer the
22 program, for consultative services, publication costs,
23 actual and necessary travel expenses as provided in
24 the State Travel Reimbursement Act incurred by persons

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

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

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

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

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

16 9. Be and is specifically hereby designated as the agency of
17 this state to cooperate and deal with any officer, board, or
18 authority of the United States Government under any law of the
19 United States which may require or recommend cooperation with any
20 state board having charge of the administration of public schools
21 unless otherwise provided by law;

22 10. Be and is hereby designated as the "State Educational
23 Agency" referred to in Public Law 396 of the 79th Congress of the
24 United States, which law states that the act may be cited as the

1 "National School Lunch Act", and the State Board of Education is
2 hereby authorized and directed to accept the terms and provisions of
3 the act and to enter into such agreements, not in conflict with the
4 Constitution of Oklahoma or the Constitution and Statutes of the
5 United States, as may be necessary or appropriate to secure for this
6 state the benefits of the school lunch program established and
7 referred to in the act;

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

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

20 13. Have authority to require persons having administrative
21 control of all school districts in Oklahoma to make such regular and
22 special reports regarding the activities of the schools in the
23 districts as the Board may deem needful for the proper exercise of
24 its duties and functions. Such authority shall include the right of

1 the State Board of Education to withhold all state funds under its
2 control, to withhold official recognition including accrediting,
3 until such required reports have been filed and accepted in the
4 office of the Board and to revoke the certificates of persons
5 failing or refusing to make such reports;

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

21 15. Prescribe all forms for school district and county officers
22 to report to the State Board of Education where required. The State
23 Board of Education shall also prescribe a list of appropriation
24 accounts by which the funds of school districts shall be budgeted,

1 accounted for, and expended; and it shall be the duty of the State
2 Auditor and Inspector in prescribing all budgeting, accounting, and
3 reporting forms for school funds to conform to such lists;

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

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

9 18. Provide for the supervision of the transportation of
10 pupils;

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

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

19 21. Administer the State Public Common School Building
20 Equalization Fund established by Section 32 of Article X of the
21 Oklahoma Constitution. Any monies as may be appropriated or
22 designated by the Legislature, other than ad valorem taxes, any
23 other funds identified by the State Department of Education, which
24 may include, but not be limited to, grants-in-aid from the federal

1 government for building purposes, the proceeds of all property that
2 shall fall to the state by escheat, penalties for unlawful holding
3 of real estate by corporations, and capital gains on assets of the
4 permanent school funds, shall be deposited in the State Public
5 Common School Building Equalization Fund. The fund shall be used to
6 aid school districts and charter schools in acquiring buildings,
7 subject to the limitations fixed by Section 32 of Article X of the
8 Oklahoma Constitution. It is hereby declared that the term
9 "acquiring buildings" as used in Section 32 of Article X of the
10 Oklahoma Constitution shall mean acquiring or improving school
11 sites, constructing, repairing, remodeling, or equipping buildings,
12 paying property insurance premiums for school facilities, or
13 acquiring school furniture, fixtures, or equipment. It is hereby
14 declared that the term "school districts" as used in Section 32 of
15 Article X of the Oklahoma Constitution shall mean school districts
16 and eligible charter schools as defined in subsection B of this
17 section. The State Board of Education shall disburse redbud school
18 grants annually from the State Public Common School Building
19 Equalization Fund to public schools and eligible charter schools
20 pursuant to subsection B of this section. The Board shall
21 promulgate rules for the implementation of disbursing redbud school
22 grants pursuant to this section. The State Board of Education shall
23 prescribe rules for making grants of aid from, and for otherwise
24 administering, the fund pursuant to the provisions of this

1 paragraph, and may employ and fix the duties and compensation of
2 technicians, aides, clerks, stenographers, attorneys, and other
3 personnel deemed necessary to carry out the provisions of this
4 paragraph. The cost of administering the fund shall be paid from
5 monies appropriated to the State Board of Education for the
6 operation of the State Department of Education. From monies
7 apportioned to the fund, the State Department of Education may
8 reserve not more than one-half of one percent (1/2 of 1%) for
9 purposes of administering the fund;

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

18 23. Have authority to administer a revolving fund which is
19 hereby created in the State Treasury, to be designated the
20 ~~Statistical Services Revolving Fund~~ Statistical Services Revolving
21 Fund". The fund shall consist of all monies received from the
22 various school districts of the state, the United States Government,
23 and other sources for the purpose of furnishing or financing
24 statistical services and for any other purpose as designated by the

1 Legislature. The State Board of Education is hereby authorized to
2 enter into agreements with school districts, municipalities, the
3 United States Government, foundations, and other agencies or
4 individuals for services, programs, or research projects. The
5 Statistical Services Revolving Fund shall be administered in
6 accordance with Section 155 of Title 62 of the Oklahoma Statutes.

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

- 9 a. divide the county four-mill levy revenue by four to
10 determine the nonchargeable county four-mill revenue
11 for each school district,
- 12 b. determine the amount of new revenue generated by the
13 five-mill building fund levy as authorized by Section
14 10 of Article X of the Oklahoma Constitution for each
15 school district as reported in the Oklahoma Cost
16 Accounting System for the preceding fiscal year,
- 17 c. add the amounts calculated in subparagraphs a and b of
18 this paragraph to determine the nonchargeable millage
19 for each school district,
- 20 d. add the nonchargeable millage in each district
21 statewide as calculated in subparagraph c of this
22 paragraph and divide the total by the average daily
23 membership in public schools statewide based on the
24 preceding school year's average daily membership,

1 according to the provisions of Section 18-107 of this
2 title. This amount is the statewide nonchargeable
3 millage per student, known as the baseline local
4 funding per student,

5 e. all eligible charter schools shall be included in
6 these calculations as unique school districts,
7 separate from the school district that may sponsor the
8 eligible charter school, and the total number of
9 districts shall be used to determine the statewide
10 average baseline local funding per student,

11 f. for each school district or eligible charter school
12 which is below the baseline local funding per student,
13 the Department shall subtract the baseline local
14 funding per student from the average nonchargeable
15 millage per student of the school district or eligible
16 charter school to determine the nonchargeable millage
17 per student shortfall for each district, and

18 g. the nonchargeable millage per student shortfall for a
19 school district or eligible charter school shall be
20 multiplied by the average daily membership of the
21 preceding school year of the eligible school district
22 or eligible charter school. This amount shall be the
23 redbud school grant amount for the school district or
24 eligible charter school.

1 2. For fiscal year 2022, monies for the redbud school grants
2 shall be expended from the funds apportioned pursuant to Section 426
3 of Title 63 of the Oklahoma Statutes. For fiscal year 2023 and each
4 subsequent fiscal year, monies for the redbud school grants shall be
5 appropriated pursuant to Section 426 of Title 63 of the Oklahoma
6 Statutes, not to exceed three-fourths (3/4) of the tax collected in
7 the preceding fiscal year pursuant to Section 426 of Title 63 of the
8 Oklahoma Statutes as determined by the Oklahoma Tax Commission. For
9 fiscal year 2023 and each subsequent fiscal year, if such
10 appropriated funds are insufficient to fund the redbud school
11 grants, then an additional apportionment of funds shall be made from
12 sales tax collections as provided by subsection D of Section 1353 of
13 Title 68 of the Oklahoma Statutes. If both funds are insufficient,
14 the Department shall promulgate rules to permit a decrease to the
15 baseline local funding per student to the highest amount allowed
16 with the funding available.

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

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

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

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

16 SECTION 2. REPEALER 70 O.S. 2021, Section 3-104, as
17 amended by Section 1, Chapter 290, O.S.L. 2023, is hereby repealed.

18 SECTION 3. This act shall become effective July 1, 2024.

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

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