

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1522

By: Pemberton and Haste of the  
Senate

3

and

4

Tedford of the House

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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; removing  
certain definition; directing certain grants to be  
used for certain purposes; 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.

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AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill  
and insert:

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"An Act relating to the State Board of Education;  
amending 70 O.S. 2021, Section 1-118, which relates  
to school district building funds; including purchase  
and maintenance of school buses as authorized  
expenditure; 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;  
removing certain definition; directing certain grants

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1 to be used for certain purposes; updating statutory  
2 language; repealing 70 O.S. 2021, Section 3-104, as  
3 amended by Section 1, Chapter 290, O.S.L. 2023, which  
4 relates to powers and duties of the State Board of  
5 Education; providing an effective date; and declaring  
6 an emergency.

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

7 SECTION 1. AMENDATORY 70 O.S. 2021, Section 1-118, is  
8 amended to read as follows:

9 Section 1-118. The building fund of any school district shall  
10 consist of all monies derived from the proceeds of a building fund  
11 levy of not to exceed five (5) mills in any year, voted by the  
12 people of a school district pursuant to the provisions of Article X,  
13 Section 10 of the Oklahoma Constitution, monies appropriated by the  
14 state for the purpose of capital expenditures or projects, monies  
15 allocated to a school district by the State Board of Education from  
16 the State Public Common School Building Equalization Fund and monies  
17 donated to a school district for the purpose of capital projects or  
18 improvements and may be used for erecting, remodeling, repairing or  
19 maintaining school buildings, for purchasing furniture, equipment  
20 and computer software to be used on or for school district property,  
21 for repairing and maintaining computer systems and equipment, for  
22 paying energy and utility costs, for purchasing telecommunications  
23 utilities and services, for paying fire and casualty insurance  
24 premiums for school facilities, for purchasing security systems, for

1 paying salaries of security personnel, for purchasing school buses,  
2 or for one or more, or all, of such purposes. Proceeds of such  
3 levies shall not be required to be used during the year for which a  
4 levy is made but may accumulate from year to year until adequate for  
5 the purposes intended. The building fund may also consist of monies  
6 allocated to a school district via the federal Coronavirus Response  
7 and Relief Supplemental Appropriation Act of 2021 (CRRSA) and the  
8 federal American Rescue Plan Act of 2021 (ARP). The building fund  
9 hereinabove defined is hereby declared to be a current expense fund,  
10 but shall not be considered a part of the general operating fund.  
11 No monies derived from the proceeds of the school levies made  
12 pursuant to the provisions of Article X, Section 9 of the Oklahoma  
13 Constitution may be placed in the building fund provided by this  
14 section.

15 SECTION 2. AMENDATORY 70 O.S. 2021, Section 3-104, as  
16 last amended by Section 4, Chapter 323, O.S.L. 2023 (70 O.S. Supp.  
17 2023, Section 3-104), is amended to read as follows:

18 Section 3-104. A. The supervision of the public school system  
19 of Oklahoma shall be vested in the State Board of Education and,  
20 subject to limitations otherwise provided by law, the State Board of  
21 Education shall:

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

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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  
24

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  
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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 ~~or acquiring school furniture, fixtures, or equipment~~ redbud school  
13 grants disbursed from the State Public Common School Building  
14 Equalization Fund shall be used for the same purposes as a building  
15 fund, as provided for in Section 1-118 of this title. It is hereby  
16 declared that the term "school districts" as used in Section 32 of  
17 Article X of the Oklahoma Constitution shall mean school districts  
18 and eligible charter schools as defined in subsection B of this  
19 section. The State Board of Education shall disburse redbud school  
20 grants annually from the State Public Common School Building  
21 Equalization Fund to public schools and eligible charter schools  
22 pursuant to subsection B of this section. The Board shall  
23 promulgate rules for the implementation of disbursing redbud school  
24 grants pursuant to this section. The State Board of Education shall

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

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

20 23. Have authority to administer a revolving fund which is  
21 hereby created in the State Treasury, to be designated the  
22 ~~Statistical Services Revolving Fund~~ Statistical Services Revolving  
23 Fund". The fund shall consist of all monies received from the  
24 various school districts of the state, the United States Government,

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

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

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



1 membership in public schools statewide based on the  
2 preceding school year's average daily membership,  
3 according to the provisions of Section 18-107 of this  
4 title. This amount is the statewide nonchargeable  
5 millage per student, known as the baseline local  
6 funding per student,

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

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

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

1 redbud school grant amount for the school district or  
2 eligible charter school.

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

19 3. As used in this section, "eligible charter school" shall  
20 mean a charter school which is sponsored pursuant to the provisions  
21 of the Oklahoma Charter Schools Act. Provided, however, "~~eligible~~  
22 ~~charter school~~" eligible charter school shall not include a  
23 statewide virtual charter school sponsored by the Statewide Charter  
24 School Board but shall only include those which provide in-person or

1 blended instruction, as provided by Section 1-111 of this title, to  
2 not less than two-thirds (2/3) of students as the primary means of  
3 instructional service delivery.

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

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

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

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

19 SECTION 4. This act shall become effective July 1, 2024.

20 SECTION 5. It being immediately necessary for the preservation  
21 of the public peace, health, or safety, an emergency is hereby  
22 declared to exist, by reason whereof this act shall take effect and  
23 be in full force from and after its passage and approval."  
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1 Passed the House of Representatives the 24th day of April, 2024.

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4 Presiding Officer of the House of  
Representatives  
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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2024.

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9 Presiding Officer of the Senate  
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1 ENGROSSED SENATE  
2 BILL NO. 1522

By: Pemberton and Haste of the  
Senate

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7 An Act relating to the State Board of Education;  
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10 2023, Section 3-104), which relates to powers and  
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18 an emergency.

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

SECTION 6. AMENDATORY 70 O.S. 2021, Section 3-104, as  
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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        1. Adopt policies and make rules for the operation of the  
2 public school system of the state;

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

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

14            a. State Aid to schools,

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

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

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

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

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

9 a. detailed statistics and other information concerning  
10 enrollment, attendance, expenditures including State  
11 Aid, and other pertinent data for all public schools  
12 in this state,

13 b. reports from each and every division within the State  
14 Department of Education as submitted by the  
15 Superintendent of Public Instruction and any other  
16 division, department, institution, or other agency  
17 under the supervision of the Board,

18 c. recommendations for the improvement of the public  
19 school system of the state,

20 d. a statement of the receipts and expenditures of the  
21 State Board of Education for the past year, and

22 e. a statement of plans and recommendations for the  
23 management and improvement of public schools and such  
24 other information relating to the educational

1 interests of the state as may be deemed necessary and  
2 desirable;

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

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

18 a. the State Department of Education shall not issue a  
19 certificate to and shall revoke the certificate of any  
20 person who has been convicted, whether upon a verdict  
21 or plea of guilty or upon a plea of nolo contendere,  
22 or received a suspended sentence or any probationary  
23 term for a crime or an attempt to commit a crime  
24 provided for in Section 843.5 of Title 21 of the



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  
24

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 ~~or acquiring school furniture, fixtures, or equipment~~ redbud school  
13 grants disbursed from the State Public Common School Building  
14 Equalization Fund shall be used for the same purposes as a building  
15 fund, as provided for in Section 1-118 of this title. It is hereby  
16 declared that the term "school districts" as used in Section 32 of  
17 Article X of the Oklahoma Constitution shall mean school districts  
18 and eligible charter schools as defined in subsection B of this  
19 section. The State Board of Education shall disburse redbud school  
20 grants annually from the State Public Common School Building  
21 Equalization Fund to public schools and eligible charter schools  
22 pursuant to subsection B of this section. The Board shall  
23 promulgate rules for the implementation of disbursing redbud school  
24 grants pursuant to this section. The State Board of Education shall



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

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

20 23. Have authority to administer a revolving fund which is  
21 hereby created in the State Treasury, to be designated the  
22 ~~Statistical Services Revolving Fund~~ Statistical Services Revolving  
23 Fund". The fund shall consist of all monies received from the  
24 various school districts of the state, the United States Government,

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

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

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

1 membership in public schools statewide based on the  
2 preceding school year's average daily membership,  
3 according to the provisions of Section 18-107 of this  
4 title. This amount is the statewide nonchargeable  
5 millage per student, known as the baseline local  
6 funding per student,

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

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

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

1 redbud school grant amount for the school district or  
2 eligible charter school.

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

19 3. As used in this section, "eligible charter school" shall  
20 mean a charter school which is sponsored pursuant to the provisions  
21 of the Oklahoma Charter Schools Act. Provided, however, "~~eligible~~  
22 ~~charter school~~" eligible charter school shall not include a  
23 statewide virtual charter school sponsored by the Statewide Charter  
24 School Board but shall only include those which provide in-person or

1 blended instruction, as provided by Section 1-111 of this title, to  
2 not less than two-thirds (2/3) of students as the primary means of  
3 instructional service delivery.

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

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

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

17 SECTION 7. REPEALER 70 O.S. 2021, Section 3-104, as  
18 amended by Section 1, Chapter 290, O.S.L. 2023, is hereby repealed.

19 SECTION 8. This act shall become effective July 1, 2024.

20 SECTION 9. It being immediately necessary for the preservation  
21 of the public peace, health, or safety, an emergency is hereby  
22 declared to exist, by reason whereof this act shall take effect and  
23 be in full force from and after its passage and approval.

24

1 Passed the Senate the 14th day of March, 2024.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2024.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives