

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1522

By: Pemberton of the Senate

and

6 Tedford of the House

7  
8  
9 COMMITTEE SUBSTITUTE

10 An Act relating to the State Board of Education;  
11 amending 70 O.S. 2021, Section 3-104, as last amended  
12 by Section 4, Chapter 323, O.S.L. 2023 (70 O.S. Supp.  
13 2023, Section 3-104), which relates to powers and  
14 duties of the State Board of Education; removing  
15 certain definition; directing certain grants to be  
16 used for certain purposes; updating statutory  
17 language; repealing 70 O.S. 2021, Section 3-104, as  
18 amended by Section 1, Chapter 290, O.S.L. 2023, which  
19 relates to powers and duties of the State Board of  
20 Education; providing an effective date; and declaring  
21 an emergency.

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

23 SECTION 1. AMENDATORY 70 O.S. 2021, Section 3-104, as  
24 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,

1 subject to limitations otherwise provided by law, the State Board of  
2 Education shall:

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

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

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

16 a. State Aid to schools,

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

22 c. the Board shall determine the details by which the  
23 budget and the appropriations are administered.

24 Annually, the Board shall make preparations to

1 consolidate all of the functions of the Department in  
2 such a way that the budget can be based on two items,  
3 administration and aid to schools. A maximum amount  
4 for administration shall be designated as a part of  
5 the total appropriation;

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

- 11 a. detailed statistics and other information concerning  
12 enrollment, attendance, expenditures including State  
13 Aid, and other pertinent data for all public schools  
14 in this state,
- 15 b. reports from each and every division within the State  
16 Department of Education as submitted by the  
17 Superintendent of Public Instruction and any other  
18 division, department, institution, or other agency  
19 under the supervision of the Board,
- 20 c. recommendations for the improvement of the public  
21 school system of the state,
- 22 d. a statement of the receipts and expenditures of the  
23 State Board of Education for the past year, and  
24

1 e. a statement of plans and recommendations for the  
2 management and improvement of public schools and such  
3 other information relating to the educational  
4 interests of the state as may be deemed necessary and  
5 desirable;

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

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

21 a. the State Department of Education shall not issue a  
22 certificate to and shall revoke the certificate of any  
23 person who has been convicted, whether upon a verdict  
24 or plea of guilty or upon a plea of nolo contendere,

1 or received a suspended sentence or any probationary  
2 term for a crime or an attempt to commit a crime  
3 provided for in Section 843.5 of Title 21 of the  
4 Oklahoma Statutes if the offense involved sexual abuse  
5 or sexual exploitation as those terms are defined in  
6 Section 1-1-105 of Title 10A of the Oklahoma Statutes,  
7 Section 741, 843.1, if the offense included sexual  
8 abuse or sexual exploitation, 865 et seq., 885, 888,  
9 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,  
10 1111.1, 1114, or 1123 of Title 21 of the Oklahoma  
11 Statutes or who enters this state and who has been  
12 convicted, received a suspended sentence, or received  
13 a deferred judgment for a crime or attempted crime  
14 which, if committed or attempted in this state, would  
15 be a crime or an attempt to commit a crime provided  
16 for in any of the laws, and

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

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

18 7. Promulgate rules governing the classification, inspection,  
19 supervision, and accrediting of all public nursery, kindergarten,  
20 elementary and secondary schools, and on-site educational services  
21 provided by public school districts or state-accredited private  
22 schools in partial hospitalization programs, day treatment programs,  
23 and day hospital programs as defined in this ~~act~~ section, Section 3-  
24 104.7 of this title, and Section 603.4 of Title 10 of the Oklahoma

1 Statutes for persons between the ages of three (3) and twenty-one  
2 (21) years of age in the state. However, no school shall be denied  
3 accreditation solely on the basis of average daily attendance.

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

1 district shall be changed which will reduce it to a lower  
2 classification until due notice has been given to the proper  
3 authorities thereof and an opportunity given to correct the  
4 conditions which otherwise would be the cause of such reduction.

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

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

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

24



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

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

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

23           13. Have authority to require persons having administrative  
24 control of all school districts in Oklahoma to make such regular and

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

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

24

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

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

10       17. Have authority to provide for the health and safety of  
11 school children and school personnel while under the jurisdiction of  
12 school authorities;

13       18. Provide for the supervision of the transportation of  
14 pupils;

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

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

23       21. Administer the State Public Common School Building  
24 Equalization Fund established by Section 32 of Article X of the

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

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

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

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

24

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

1 charter school to determine the nonchargeable millage  
2 per student shortfall for each district, and

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

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



1 baseline local funding per student to the highest amount allowed  
2 with the funding available.

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

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

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

20 6. The Department shall provide the chair of the House  
21 Appropriations and Budget Committee and the chair of the Senate  
22 Appropriations Committee no later than February 1 of each year with  
23 an estimate of the upcoming year's redbud school grant allocation as  
24 prescribed by this section.

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

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

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

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