

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 520

6 By: Pugh

7 COMMITTEE SUBSTITUTE

8 An Act relating to schools; directing the
9 accreditation standards division of the State
10 Department of Education to be placed under the
11 authority of the Commission for Educational Quality
12 and Accountability on certain date; providing for
13 transfer of property and personnel; expressing
14 legislative intent for retention of certain employee
15 pay and benefits; requiring execution of certain
16 conveyances by certain date; providing for
17 contractual succession; specifying effectiveness of
18 certain rules; providing for coordination of
19 transfers; amending 70 O.S. 2021, Section 3-104, as
20 last amended by Section 4, Chapter 323, O.S.L. 2023
21 (70 O.S. Supp. 2023, Section 3-104), which relates to
22 powers and duties of the State Board of Education;
23 directing the Commission for Educational Quality and
24 Accountability rather than the State Board of
Education to make certain accreditation
determinations; updating statutory language and
references; amending 70 O.S. 2021, Section 3-104.3,
which relates to withdrawal or denial of state
accreditation; updating statutory references;
directing the Commission for Educational Quality and
Accountability, rather than the State Board of
Education, to take certain action; amending 70 O.S.
2021, Section 3-104.4, which relates to standards for
accreditation of schools; directing the Commission
for Educational Quality and Accountability, rather
than the State Board of Education, to adopt standards
for accreditation; directing standards to be made
available for public inspection at the Office of
Educational Quality and Accountability; directing the
Office of Educational Quality and Accountability,
rather than the State Department of Education, to
investigate certain complaints and make certain

1 report; allowing the Commission, rather than the
2 Board, to withdraw certain accreditation; authorizing
3 the Commission, rather than the Board, to close a
4 school under certain circumstances; directing the
5 Commission, rather than the Board, to provide certain
6 assistance; prohibiting the Commission, rather than
7 the Board, from assessing certain penalty under
8 certain circumstances; updating statutory reference;
9 updating statutory language; amending 70 O.S. 2021,
10 Section 3-116.2, which relates to the Commission for
11 Educational Quality and Accountability; updating
12 statutory references; directing the Commission to
13 assume certain duties on certain date; providing for
14 promulgation of rules; providing for codification;
15 providing an effective date; and declaring an
16 emergency.

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 3-116.7 of Title 70, unless
20 there is created a duplication in numbering, reads as follows:

21 A. On July 1, 2024, the accreditation standards division of the
22 State Department of Education shall be placed under the authority of
23 the Commission for Educational Quality and Accountability. Except
24 as otherwise provided for in this section, the transfer shall
include all real property, buildings, furniture, equipment,
supplies, records, personnel, assets, current and future
liabilities, fund balances, encumbrances, obligations, and
indebtedness associated with the accreditation standards division.

B. All employees of the accreditation standards division of the
State Department of Education on July 1, 2024, including related

1 liabilities for sick leave, annual leave, holidays, unemployment
2 benefits, and workers' compensation benefits accruing prior to July
3 1, 2024, to such personnel shall be transferred to the Commission
4 for Educational Quality and Accountability as of July 1, 2024. It
5 is the intent of the Legislature that, to the extent possible, the
6 Commission ensure that the employees retain pay and benefits, as
7 much as possible, including longevity, dependent insurance benefits,
8 seniority, rights, and other privileges or benefits.

9 C. Appropriate conveyances and other documents shall be
10 executed by January 1, 2025, to effectuate the transfer of property
11 owned by the accreditation standards division of the State
12 Department of Education to the Commission for Educational Quality
13 and Accountability.

14 D. The Commission for Educational Quality and Accountability
15 shall succeed to any contractual rights and responsibilities
16 incurred by the accreditation standards division of the State
17 Department of Education.

18 E. The rules of the State Board of Education relating to
19 accreditation of schools in this state that are in effect on July 1,
20 2024, shall be enforceable by the Commission for Educational Quality
21 and Accountability until the Commission establishes rules.

22 F. The Office of Management and Enterprise Services shall
23 coordinate the transfers described in this section.

24

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

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

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

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

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

- 21 a. State Aid to schools,
- 22 b. the supervision of all other functions of general and
23 special education including general control, free
24 textbooks, school lunch, Indian education, and all

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

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

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

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

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

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

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

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

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

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

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

10 Any school district which maintains an elementary school and
11 faces the necessity of relocating its school facilities because of
12 construction of a lake, either by state or federal authority, which
13 will inundate the school facilities, shall be entitled to receive
14 probationary accreditation from the ~~State Board of Education~~
15 Commission for Educational Quality and Accountability for a period
16 of five (5) years after June 12, 1975, and any school district,
17 otherwise qualified, shall be entitled to receive probationary
18 accreditation from the ~~State Board of Education~~ Commission for
19 Educational Quality and Accountability for a period of two (2)
20 consecutive years to attain the minimum average daily attendance.
21 The Head Start and public nurseries or kindergartens operated from
22 ~~Community Action Agency~~ community action agency funds shall not be
23 subjected to the accrediting rules of the ~~State Board of Education~~
24 Commission. Neither will the ~~State Board of Education~~ Commission

1 make rules affecting the operation of the public nurseries and
2 kindergartens operated from federal funds secured through ~~Community~~
3 ~~Action Agencies~~ community action agencies even though they may be
4 operating in the public schools of the state. However, any of the
5 Head Start or public nurseries or kindergartens operated under
6 federal regulations may make application for accrediting from the
7 ~~State Board of Education~~ Commission for Educational Quality and
8 Accountability but will be accredited only if application for the
9 approval of the programs is made. The status of no school district
10 shall be changed which will reduce it to a lower classification
11 until due notice has been given to the proper authorities thereof
12 and an opportunity given to correct the conditions which otherwise
13 would be the cause of such reduction.

14 Private and parochial schools may be accredited and classified
15 in like manner as public schools or, if an accrediting association
16 is approved by the State Board of Education, by procedures
17 established by the State Board of Education to accept accreditation
18 by such accrediting association, if application is made to the State
19 Board of Education for such accrediting;

20 8. Be the legal agent of this state to accept, in its
21 discretion, the provisions of any Act of Congress appropriating or
22 apportioning funds which are now, or may hereafter be, provided for
23 use in connection with any phase of the system of public education
24 in Oklahoma. It shall prescribe such rules as it finds necessary to

1 provide for the proper distribution of such funds in accordance with
2 the state and federal laws;

3 9. Be and is specifically hereby designated as the agency of
4 this state to cooperate and deal with any officer, board, or
5 authority of the United States Government under any law of the
6 United States which may require or recommend cooperation with any
7 state board having charge of the administration of public schools
8 unless otherwise provided by law;

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

19 11. Have authority to secure and administer the benefits of the
20 National School Lunch Act, Public Law 396 of the 79th Congress of
21 the United States, in this state and is hereby authorized to employ
22 or appoint and fix the compensation of such additional officers or
23 employees and to incur such expenses as may be necessary for the
24 accomplishment of the above purpose, administer the distribution of

1 any state funds appropriated by the Legislature required as federal
2 matching to reimburse on children's meals;

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

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

17 14. Have general supervision of the school lunch program. The
18 State Board of Education may sponsor workshops for personnel and
19 participants in the school lunch program and may develop, print, and
20 distribute free of charge or sell any materials, books, and
21 bulletins to be used in the school lunch programs. There is hereby
22 created in the State Treasury a revolving fund for the Board, to be
23 designated the ~~School Lunch Workshop Revolving Fund~~ "School Lunch
24 Workshop Revolving Fund". The fund shall consist of all fees

1 derived from or on behalf of any participant in any such workshop
2 sponsored by the State Board of Education, or from the sale of any
3 materials, books, and bulletins, and funds shall be disbursed for
4 expenses of such workshops and for developing, printing, and
5 distributing of the materials, books, and bulletins relating to the
6 school lunch program. The fund shall be administered in accordance
7 with Section 155 of Title 62 of the Oklahoma Statutes;

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

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

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

20 18. Provide for the supervision of the transportation of
21 pupils;

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

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

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

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

20 22. Recognize that the Director of the Department of
21 Corrections shall be the administrative authority for the schools
22 which are maintained in the state reformatories and shall appoint
23 the principals and teachers in such schools. Provided, that rules
24 of the State Board of Education for the classification, and

1 inspection, ~~and accreditation~~ of public schools shall be applicable
2 to such schools; and such schools shall comply with ~~standards set~~
3 rules adopted by the State Board of Education; and

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

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

19 a. divide the county four-mill levy revenue by four to
20 determine the nonchargeable county four-mill revenue
21 for each school district,

22 b. determine the amount of new revenue generated by the
23 five-mill building fund levy as authorized by Section
24 10 of Article X of the Oklahoma Constitution for each

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

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

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

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

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 3. AMENDATORY 70 O.S. 2021, Section 3-104.3, is
2 amended to read as follows:

3 Section 3-104.3. A. The Legislature, recognizing its
4 obligation to the children of this state to ensure their opportunity
5 to receive an excellent education, and recognizing its obligation to
6 the taxpayers of this state to ensure that schooling is accomplished
7 in an efficient manner, hereby establishes requirements for
8 compliance with quality standards which the public schools and
9 school districts, within the limits of resources now or subsequently
10 available, must meet.

11 B. State accreditation shall be withdrawn from or denied to
12 schools or school districts that do not meet the requirements of
13 Sections ~~2~~ 3-104.4, ~~3~~ 11-103, ~~6~~ 11-103.6, ~~28~~ 18-113.1, ~~29~~ 18-113.2,
14 ~~30~~ 18-113.3, ~~44, 45, 46, 47, 48~~ 18-114.15, and ~~49~~ 5-141 of this ~~act~~
15 title, and the ~~State Board of Education~~ Commission for Educational
16 Quality and Accountability shall take action as required by this ~~act~~
17 section to ensure that students affected are enrolled in schools
18 that are able to maintain state accreditation. Nothing herein shall
19 be construed as prohibiting the withdrawing or denial of
20 accreditation for failure to meet requirements as elsewhere provided
21 by law.

22 SECTION 4. AMENDATORY 70 O.S. 2021, Section 3-104.4, is
23 amended to read as follows:

24

1 Section 3-104.4. A. ~~The State Board of Education~~ Commission
2 for Educational Quality and Accountability shall adopt standards for
3 the accreditation of the public schools in this state according to
4 the requirements of Section 3-104.3 et seq. of this title, to be
5 effective as set forth in Section 3-104.3 et seq. of this title.
6 The accreditation standards shall incorporate the curricular
7 standards established pursuant to Section 11-103.6 of this title.
8 The accreditation standards shall equal or exceed nationally
9 recognized accreditation standards to the extent that the standards
10 are consistent with an academic results oriented approach to
11 accreditation. The accreditation adopted by the ~~State Board~~
12 Commission for Educational Quality and Accountability shall
13 encompass accreditation for elementary schools, middle schools,
14 junior high schools, and high schools. The accreditation standards
15 shall be made available for public inspection at the ~~offices of the~~
16 ~~State Department of Education~~ Office of Educational Quality and
17 Accountability.

18 B. Standards for accreditation adopted by the ~~State Board of~~
19 ~~Education~~ Commission for Educational Quality and Accountability
20 shall include standards relating to the provision of school
21 counselors to the public school children of this state. The ~~State~~
22 ~~Board of Education~~ Commission shall require each ~~local~~ school
23 district to provide information regarding the number of counselors
24 serving each school site, the duties of all such counselors

1 including all administrative duties, the number of students served
2 by each counselor, and information regarding the number of
3 counselors employed per elementary school, middle school, junior
4 high school, and high school.

5 C. Except as otherwise provided, schools shall meet the
6 accreditation standards as a condition of continued accreditation.
7 Nothing herein shall be construed as preventing changes to the
8 adopted standards by the ~~State Board of Education~~ Commission for
9 Educational Quality and Accountability pursuant to the
10 Administrative Procedures Act. The accreditation standards shall
11 provide for warnings, probation, or nonaccredited status for schools
12 that fail to meet the standards. The ~~Department~~ Office of
13 Educational Quality and Accountability shall investigate a complaint
14 of failure to provide educational services or failure to comply with
15 accreditation standards within thirty (30) days of receiving the
16 complaint. If the ~~Department~~ Office of Educational Quality and
17 Accountability determines that a school has failed to comply with
18 the accreditation standards, the ~~Department~~ Office shall report the
19 recommended warning, probation, or nonaccredited accreditation
20 status to the ~~State Board of Education~~ Commission for Educational
21 Quality and Accountability within ninety (90) days. If a school
22 does not take action to comply with the accreditation standards
23 within ninety (90) days after a report is filed by the ~~Department~~
24 Office, the ~~Board~~ Commission for Educational Quality and

1 Accountability shall withdraw accreditation for the school. The
2 ~~State Board Commission's~~ accreditation regulations shall provide for
3 warnings and for assistance to schools and school districts whenever
4 there is reason to believe a school is in danger of losing its state
5 accreditation.

6 D. If one or more school sites fail to receive accreditation as
7 required pursuant to this section or subsequently lose
8 accreditation, the ~~State Board of Education~~ Commission for
9 Educational Quality and Accountability shall close the school and
10 reassign the students to accredited schools within the district or
11 shall annex the district to one or more other districts in which the
12 students can be educated in accredited schools.

13 E. Standards for accreditation adopted by the ~~State Board of~~
14 ~~Education~~ Commission for Educational Quality and Accountability
15 shall include standards relating to the provision of educational
16 services provided in partial hospitalization programs, day treatment
17 programs, day hospital programs, residential treatment programs, and
18 emergency shelter programs for persons between the ages of three (3)
19 and twenty-one (21) years of age. The accreditation standards shall
20 apply to on-site and off-site educational services provided by
21 public school districts or state-accredited private schools. Each
22 school which is providing or is required to provide educational
23 services for students placed in a program as described in this
24 subsection shall be actively monitored by the ~~State Department of~~

1 ~~Education~~ Office of Educational Quality and Accountability. The
2 ~~Department~~ Office shall determine on an ongoing basis if the
3 educational program and services are in compliance with the
4 accreditation standards.

5 F. The ~~State Board~~ Commission for Educational Quality and
6 Accountability shall provide assistance to districts in considering
7 the possibility of meeting accreditation requirements through the
8 use of nontraditional means of instruction. The ~~State Board~~
9 Commission shall also assist districts in forming cooperatives and
10 making arrangements for the use of satellite instruction or other
11 instructional technologies to the extent that use of such
12 instructional means meets accreditation standards.

13 G. 1. Accreditation shall not be withdrawn from or denied nor
14 shall a penalty be assessed against a school or school district for
15 failing to meet the media materials and equipment standards, media
16 program expenditure standards, and media personnel standards as set
17 forth in the accreditation standards adopted by the ~~Board~~ Commission
18 for Educational Quality and Accountability.

19 2. The provisions of paragraph 1 of this subsection shall cease
20 to be effective during the fiscal year which begins on the July 1
21 immediately succeeding the legislative session during which the
22 measure appropriating monies to the State Board of Education for the
23 financial support of public schools is enacted as law and such
24 appropriation amount is at least Fifty Million Dollars

1 (\$50,000,000.00) greater than the amount of money appropriated to
2 the State Board of Education for the financial support of public
3 schools for the fiscal year ending June 30, 2019, pursuant to
4 Chapter 146, O.S.L. 2018. Provided, the Fifty Million Dollars
5 (\$50,000,000.00) shall not include any amount of appropriations
6 dedicated for support or certified employee salary increases.
7 Accreditation shall not be withdrawn from or denied nor shall a
8 penalty be assessed against a school or school district for failing
9 to meet the media personnel standards as set forth in accreditation
10 standards adopted by the ~~Board~~ Commission.

11 H. 1. The ~~State Board~~ Commission for Educational Quality and
12 Accountability shall not assess a financial penalty against any
13 school district which is given a deficiency in accreditation status
14 during any fiscal year as provided for in this subsection.

15 2. Beginning with the fiscal year which begins July 1, 2021, if
16 the amount of money appropriated to the State Board of Education for
17 the financial support of public schools including funds apportioned
18 pursuant to Section ~~2~~ 426 of ~~this act~~ Title 63 of the Oklahoma
19 Statutes, is at least One Hundred Million Dollars (\$100,000,000.00)
20 greater than the amount of money appropriated to the State Board of
21 Education for the financial support of public schools for the fiscal
22 year ending June 30, 2019, pursuant to Chapter 146, O.S.L. 2018, a
23 financial penalty shall be assessed against any school districts
24 that do not comply with the class size limitations for kindergarten

1 as provided for in Section 18-113.2 of this title and class size
2 limitations for grade one as provided for in subsection A of Section
3 18-113.1 of this title. Provided, the One Hundred Million Dollars
4 (\$100,000,000.00) shall not include any amount of appropriations
5 dedicated for support or certified employee salary increases.

6 3. The State Department of Education shall submit a report on
7 statewide classroom sizes to the President Pro Tempore of the
8 ~~Oklahoma State~~ Senate and the Speaker of the ~~Oklahoma~~ House of
9 Representatives no later than January 1, 2022.

10 I. Except as provided for in subsection J of this section,
11 beginning with the 2019-2020 school year, evaluations of schools to
12 determine whether they meet the accreditation standards set forth in
13 accordance with this section shall occur once every four (4) years
14 on a schedule adopted by the ~~State Board of Education~~ Commission for
15 Educational Quality and Accountability. The ~~Board~~ Commission may
16 interrupt the evaluation schedule provided in this subsection for
17 reasons including a change in the superintendent of the school
18 district; determination that one or more school district board
19 members have not met the continuing education requirements as
20 defined by this title; determination that the school district
21 falsified information submitted to any public city, county, state,
22 or federal official or agency; initiation of an investigation by the
23 ~~Board~~ Commission, the State Board of Education, or a law enforcement
24 agency; or other determination by the ~~Board~~ Commission that

1 standards for accreditation are not being met by the school
2 district. The schedule adopted by the ~~Board~~ Commission shall allow
3 for school districts receiving no deficiencies for two (2)
4 consecutive years to be reviewed for accreditation less than
5 annually. Provided, however, that schools shall be evaluated
6 annually for the purposes of:

- 7 1. Local, state, and federal funding;
- 8 2. Health and safety;
- 9 3. Certification requirements for teachers, principals, and
10 superintendents;
- 11 4. School board governance, including instructional and
12 continuing education requirements for school board members; and
- 13 5. Any other requirements under state or federal law.

14 J. Beginning with the 2019-2020 school year, if a public school
15 receives a deficiency on its accreditation report, the public school
16 shall be evaluated annually to determine if it meets the
17 accreditation standards set forth in accordance with this section.
18 If the public school receives no deficiencies for two (2)
19 consecutive years, the public school shall be subject to the
20 evaluation timeline established in subsection I of this section.

21 SECTION 5. AMENDATORY 70 O.S. 2021, Section 3-116.2, is
22 amended to read as follows:

23
24

1 Section 3-116.2. A. Effective January 1, 2013, there is hereby
2 created the Commission for Educational Quality and Accountability.
3 The membership of the Commission shall consist of:
4 1. The Secretary of Education, who shall serve as the chair of
5 the Commission;
6 2. One member appointed by the Governor, with the advice and
7 consent of the Senate, representing business and industry from an
8 Oklahoma employer with five hundred (500) or fewer employees;
9 3. One member appointed by the Governor, with the advice and
10 consent of the Senate, who is a parent of a child enrolled in a
11 public school in this state;
12 4. One member appointed by the Governor, with the advice and
13 consent of the Senate, who is an administrator of a public school
14 district;
15 5. One member appointed by the Governor, with the advice and
16 consent of the Senate, who shall represent higher education teacher
17 education programs;
18 6. One member appointed by the Governor, with the advice and
19 consent of the Senate, who shall be an active classroom teacher in
20 kindergarten through grade six; and
21 7. One member appointed by the Governor, with the advice and
22 consent of the Senate, who shall be an active classroom teacher in
23 grades seven through twelve.
24

1 The terms of the initial appointed members shall commence on
2 January 1, 2013, and shall end on June 30, 2014. The terms of
3 subsequently appointed members shall commence on July 1 of each year
4 following the election of the Governor thereafter and shall be for
5 four (4) years. If a vacancy occurs, the vacancy shall be filled
6 for the unexpired term in the same manner as the office was
7 previously filled.

8 B. A quorum of the Commission, which shall consist of four
9 members, shall be present in order for the Commission to transact
10 any business. Members shall be reimbursed for travel in the
11 performance of their official duties in accordance with the State
12 Travel Reimbursement Act.

13 C. Prior to July 1, 2013, the Commission shall meet to organize
14 and plan for the assumption of the powers and duties of the
15 Education Oversight Board and the Oklahoma Commission for Teacher
16 Preparation.

17 D. Beginning July 1, 2013, the Commission shall assume the
18 following duties:

19 1. Oversee implementation of the provisions of Enrolled House
20 Bill No. 1017 of the 1st Extraordinary Session of the 42nd Oklahoma
21 Legislature;

22 2. Implementation of the provisions of the Oklahoma Teacher
23 Preparation Act as provided for in law;

24

1 3. Make recommendations to the Governor and Legislature on
2 methods to achieve an aligned, seamless system from preschool
3 through postsecondary education; and

4 4. Set performance levels and corresponding cut scores pursuant
5 to the Oklahoma School Testing Program Act and as provided for in
6 Section 1210.541 of ~~Title 70 of the Oklahoma Statutes~~ this title.

7 E. Beginning July 1, 2013, the Commission shall govern the
8 operation of the Office of Educational Quality and Accountability
9 created in Section 3-117 of ~~Title 70 of the Oklahoma Statutes~~ this
10 title.

11 F. 1. Beginning July 1, 2014, the Commission shall assume the
12 following duties of the Oklahoma Commission for Teacher Preparation
13 according to the provisions of the Oklahoma Teacher Preparation Act:

- 14 a. approval and accreditation of teacher education
15 programs, and
- 16 b. assessment of candidates for licensure and
17 certification.

18 2. To implement the provisions of this subsection the
19 Commission shall:

- 20 a. include the State Board of Education in the process,
- 21 b. review and assess approved, accredited, and new
22 programs of teacher education, and
- 23 c. encourage studies and research designed to improve
24 teacher education.

1 G. Beginning July 1, 2024, the Commission shall assume the
2 following duties:

3 1. Adoption of standards for the accreditation of public
4 schools in this state pursuant to the provisions of Section 3-104.4
5 of this title; and

6 2. Evaluating schools to determine whether they meet the
7 accreditation standards adopted by the Commission.

8 H. The Commission shall promulgate rules to implement the
9 provisions of this act.

10 SECTION 6. This act shall become effective July 1, 2024.

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

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