

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 357

By: Dossett

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2021, Section 3-104, which relates to powers and duties of the State Board of Education; updating statutory language; allowing the Oklahoma School for the Blind and the Oklahoma School for the Deaf to be eligible for redbud school grants; updating statutory references; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 3-104, is amended to read as follows:

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

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

2. Appoint, prescribe the duties, and fix the compensation of a secretary, an attorney, and all other personnel necessary for the proper performance of the functions of the State Board of Education.

The secretary shall not be a member of the Board;

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

- 9           a. State Aid to schools,  
10           b. the supervision of all other functions of general and  
11           special education including general control, free  
12           textbooks, school lunch, Indian education, and all  
13           other functions of the Board and an amount sufficient  
14           to adequately staff and administer these services, and  
15           c. the Board shall determine the details by which the  
16           budget and the appropriations are administered.  
17           Annually, the Board shall make preparations to  
18           consolidate all of the functions of the Department in  
19           such a way that the budget can be based on two items,  
20           administration and aid to schools. A maximum amount  
21           for administration shall be designated as a part of  
22           the total appropriation;

23           4. On the first day of December preceding each regular session  
24 of the Legislature, prepare and deliver to the Governor and the

1 Legislature a report for the year ending June 30 immediately  
2 preceding the regular session of the Legislature. The report shall  
3 contain:

- 4 a. detailed statistics and other information concerning  
5 enrollment, attendance, expenditures including State  
6 Aid, and other pertinent data for all public schools  
7 in this state,
- 8 b. reports from each and every division within the State  
9 Department of Education as submitted by the ~~State~~  
10 Superintendent of Public Instruction and any other  
11 division, department, institution, or other agency  
12 under the supervision of the Board,
- 13 c. recommendations for the improvement of the public  
14 school system of the state,
- 15 d. a statement of the receipts and expenditures of the  
16 State Board of Education for the past year, and
- 17 e. a statement of plans and recommendations for the  
18 management and improvement of public schools and such  
19 other information relating to the educational  
20 interests of the state as may be deemed necessary and  
21 desirable;

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

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

13           a. the State Department of Education shall not issue a  
14 certificate to and shall revoke the certificate of any  
15 person who has been convicted, whether upon a verdict  
16 or plea of guilty or upon a plea of nolo contendere,  
17 or received a suspended sentence or any probationary  
18 term for a crime or an attempt to commit a crime  
19 provided for in Section 843.5 of Title 21 of the  
20 Oklahoma Statutes if the offense involved sexual abuse  
21 or sexual exploitation as those terms are defined in  
22 Section 1-1-105 of Title 10A of the Oklahoma Statutes,  
23 Section 741, 843.1, if the offense included sexual  
24 abuse or sexual exploitation, 865 et seq., 885, 888,

1 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,  
2 1111.1, 1114, or 1123 of Title 21 of the Oklahoma  
3 Statutes or who enters this state and who has been  
4 convicted, received a suspended sentence, or received  
5 a deferred judgment for a crime or attempted crime  
6 which, if committed or attempted in this state, would  
7 be a crime or an attempt to commit a crime provided  
8 for in any of ~~said~~ the laws,

- 9 b. all funds collected by the State Department of  
10 Education for the issuance of certificates to  
11 instructional, supervisory, and administrative  
12 personnel in the public schools of the state shall be  
13 deposited in the "Teachers' ~~Certificate~~ Certification  
14 Fund" in the State Treasury and may be expended by the  
15 State Board of Education to finance the activities of  
16 the State Department of Education necessary to  
17 administer the program, for consultative services,  
18 publication costs, actual and necessary travel  
19 expenses as provided in the State Travel Reimbursement  
20 Act incurred by persons performing research work, and  
21 other expenses found necessary by the State Board of  
22 Education for the improvement of the preparation and  
23 certification of teachers in ~~Oklahoma~~ this state.  
24 Provided, any unobligated balance in the Teachers'

1           ~~Certificate~~ Certification Fund in excess of Ten  
2           Thousand Dollars (\$10,000.00) on June 30 of any fiscal  
3           year shall be transferred to the General Revenue Fund  
4           of ~~the State of Oklahoma~~ this state. Until July 1,  
5           1997, the State Board of Education shall have  
6           authority for approval of teacher education programs.  
7           The State Board of Education shall also have authority  
8           for the administration of teacher residency and  
9           professional development, subject to the provisions of  
10          the Oklahoma Teacher Preparation Act;

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

20          Any school district which maintains an elementary school and  
21          faces the necessity of relocating its school facilities because of  
22          construction of a lake, either by state or federal authority, which  
23          will inundate the school facilities, shall be entitled to receive  
24          probationary accreditation from the State Board of Education for a

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

21 Private and parochial schools may be accredited and classified  
22 in like manner as public schools or, if an accrediting association  
23 is approved by the State Board of Education, by procedures  
24 established by the State Board of Education to accept accreditation

1 by such accrediting association, if application is made to the State  
2 Board of Education for such accrediting;

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

10 9. Be and is specifically hereby designated as the agency of  
11 this state to cooperate and deal with any officer, board, or  
12 authority of the United States Government under any law of the  
13 United States which may require or recommend cooperation with any  
14 state board having charge of the administration of public schools  
15 unless otherwise provided by law;

16 10. Be and is hereby designated as the "State Educational  
17 Agency" referred to in Public Law 396 of the 79th Congress of the  
18 United States, which law states that ~~said~~ the act may be cited as  
19 the "National School Lunch Act", and ~~said~~ the State Board of  
20 Education is hereby authorized and directed to accept the terms and  
21 provisions of ~~said~~ the act and to enter into such agreements, not in  
22 conflict with the Constitution of Oklahoma or the Constitution and  
23 Statutes of the United States, as may be necessary or appropriate to  
24



1 secure for ~~the State of Oklahoma~~ this state the benefits of the  
2 school lunch program established and referred to in ~~said~~ the act;

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

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

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

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

16           15. Prescribe all forms for school district and county officers  
17 to report to the State Board of Education where required. The State  
18 Board of Education shall also prescribe a list of appropriation  
19 accounts by which the funds of school districts shall be budgeted,  
20 accounted for, and expended; and it shall be the duty of the State  
21 Auditor and Inspector in prescribing all budgeting, accounting, and  
22 reporting forms for school funds to conform to such lists;

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

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

4 18. Provide for the supervision of the transportation of  
5 pupils;

6 19. Have authority, upon request of the local school board, to  
7 act in behalf of the public schools of the state in the purchase of  
8 transportation equipment;

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

14 21. Administer the State Public Common School Building  
15 Equalization Fund established by Section 32 of Article X of the  
16 Oklahoma Constitution. Any monies as may be appropriated or  
17 designated by the Legislature, other than ad valorem taxes, any  
18 other funds identified by the State Department of Education, which  
19 may include, but not be limited to, grants-in-aid from the federal  
20 government for building purposes, the proceeds of all property that  
21 shall fall to the state by escheat, penalties for unlawful holding  
22 of real estate by corporations, and capital gains on assets of the  
23 permanent school funds, shall be deposited in the State Public  
24 Common School Building Equalization Fund. The fund shall be used to

1 aid school districts and charter schools in acquiring buildings,  
2 subject to the limitations fixed by Section 32 of Article X of the  
3 Oklahoma Constitution. It is hereby declared that the term  
4 "acquiring buildings" as used in Section 32 of Article X of the  
5 Oklahoma Constitution shall mean acquiring or improving school  
6 sites, constructing, repairing, remodeling, or equipping buildings,  
7 or acquiring school furniture, fixtures, or equipment. It is hereby  
8 declared that the term "school districts" as used in Section 32 of  
9 Article X of the Oklahoma Constitution shall mean school districts  
10 and eligible charter schools as defined in subsection B of this  
11 section. The State Board of Education shall disburse redbud school  
12 grants annually from the State Public Common School Building  
13 Equalization Fund to the Oklahoma School for the Deaf, the Oklahoma  
14 School for the Blind, public schools, and eligible charter schools  
15 pursuant to subsection B of this section. The Board shall  
16 promulgate rules for the implementation of disbursing redbud school  
17 grants pursuant to this section. The State Board of Education shall  
18 prescribe rules for making grants of aid from, and for otherwise  
19 administering, the fund pursuant to the provisions of this  
20 paragraph, and may employ and fix the duties and compensation of  
21 technicians, aides, clerks, stenographers, attorneys, and other  
22 personnel deemed necessary to carry out the provisions of this  
23 paragraph. The cost of administering the fund shall be paid from  
24 monies appropriated to the State Board of Education for the

1 operation of the State Department of Education. From monies  
2 apportioned to the fund, the State Department of Education may  
3 reserve not more than one-half of one percent (1/2 of 1%) for  
4 purposes of administering the fund;

5 22. Recognize that the Director of the ~~Oklahoma~~ Department of  
6 Corrections shall be the administrative authority for the schools  
7 which are maintained in the state reformatories and shall appoint  
8 the principals and teachers in such schools. Provided, that rules  
9 of the State Board of Education for the classification, inspection,  
10 and accreditation of public schools shall be applicable to such  
11 schools; and such schools shall comply with standards set by the  
12 State Board of Education; and

13 23. Have authority to administer a revolving fund which is  
14 hereby created in the State Treasury, to be designated the  
15 Statistical Services Revolving Fund. The fund shall consist of all  
16 monies received from the various school districts of the state, the  
17 United States Government, and other sources for the purpose of  
18 furnishing or financing statistical services and for any other  
19 purpose as designated by the Legislature. The State Board of  
20 Education is hereby authorized to enter into agreements with school  
21 districts, municipalities, the United States Government,  
22 foundations, and other agencies or individuals for services,  
23 programs, or research projects. The Statistical Services Revolving  
24

1 Fund shall be administered in accordance with Section 155 of Title  
2 62 of the Oklahoma Statutes.

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

- 5 a. divide the county four-mill levy revenue by four to  
6 determine the nonchargeable county four-mill revenue  
7 for each school district,
- 8 b. determine the amount of new revenue generated by the  
9 five-mill building fund levy as authorized by Section  
10 of Article X of the Oklahoma Constitution for each  
11 school district as reported in the Oklahoma Cost  
12 Accounting System for the preceding fiscal year,
- 13 c. add the amounts calculated in subparagraphs a and b of  
14 this paragraph to determine the nonchargeable millage  
15 for each school district,
- 16 d. add the nonchargeable millage in each district  
17 statewide as calculated in subparagraph c of this  
18 paragraph and divide the total by the average daily  
19 membership in public schools statewide based on the  
20 preceding school year's average daily membership,  
21 according to the provisions of Section 18-107 of this  
22 title. This amount is the statewide nonchargeable  
23 millage per student, known as the baseline local  
24 funding per student,

- 1 e. all eligible charter schools shall be included in  
2 these calculations as unique school districts,  
3 separate from the school district that may sponsor the  
4 eligible charter school, and the total number of  
5 districts shall be used to determine the statewide  
6 average baseline local funding per student,
- 7 f. for each school district or eligible charter school  
8 which is below the baseline local funding per student,  
9 the Department shall subtract the baseline local  
10 funding per student from the average nonchargeable  
11 millage per student of the school district or eligible  
12 charter school to determine the nonchargeable millage  
13 per student shortfall for each district, and
- 14 g. the nonchargeable millage per student shortfall for a  
15 school district or eligible charter school shall be  
16 multiplied by the average daily membership of the  
17 preceding school year of the eligible school district  
18 or eligible charter school. This amount shall be the  
19 redbud school grant amount for the school district or  
20 eligible charter school. The Oklahoma School for the  
21 Blind and the Oklahoma School for the Deaf shall be  
22 eligible to receive redbud school grants calculated  
23 pursuant to this paragraph.
- 24

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

18           3. As used in this section, "eligible charter school" shall  
19 mean a charter school which is sponsored pursuant to the provisions  
20 of the Oklahoma Charter ~~School~~ Schools Act. Provided, however,  
21 "eligible charter school" shall not include a charter school  
22 sponsored by the Statewide Virtual Charter School Board but shall  
23 only include those which provide in-person or blended instruction,  
24 as provided by Section 1-111 of this title, to not less than two-



1 thirds (2/3) of students as the primary means of instructional  
2 service delivery.

3 4. The Department shall develop a program to acknowledge the  
4 redbud school grant recipients and shall include elected members of  
5 the ~~Oklahoma~~ House of Representatives and ~~Oklahoma State~~ Senate who  
6 represent the Oklahoma School for the Blind, the Oklahoma School for  
7 the Deaf, school 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~~ chair of the House  
13 Appropriations and Budget Committee and the ~~Chair~~ chair of the  
14 Senate Appropriations Committee no later than February 1 of each  
15 year with an estimate of the upcoming year's redbud school grant  
16 allocation as prescribed by this section.

17 SECTION 2. This act shall become effective July 1, 2023.

18 SECTION 3. It being immediately necessary for the preservation  
19 of the public peace, health, or safety, an emergency is hereby  
20 declared to exist, by reason whereof this act shall take effect and  
21 be in full force from and after its passage and approval.

22  
23 59-1-645 EB 1/15/2023 12:22:38 PM  
24  
25