

1 **SENATE FLOOR VERSION**

2 March 4, 2025

3 **AS AMENDED**

4 SENATE BILL NO. 365

5 By: Burns

6 **[schools - positions in a school system - State**
7 **Board of Education - report - rules - effective**
8 **date -**

9 **emergency]**

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

11 SECTION 1. AMENDATORY 70 O.S. 2021, Section 1-116, as
12 amended by Section 1, Chapter 281, O.S.L. 2024 (70 O.S. Supp. 2024,
13 Section 1-116), is amended to read as follows:

14 Section 1-116. As used in this title:

15 1. "Teacher" means any person who is employed to serve as
16 district superintendent, principal, supervisor, counselor,
17 librarian, school nurse, athletic trainer, head coach, or classroom
18 teacher or in any other instructional, supervisory, or
19 administrative capacity. The person shall not be deemed qualified
20 unless the person holds a valid certificate issued by and in
21 accordance with the rules of the State Board of Education or the
22 rules of the State Board of Career and Technology Education, to
23 perform the particular services for which the person is employed;

1 2. "Superintendent" or "superintendent of schools" means the
2 executive officer of the board of education and the administrative
3 head of the school system of a district maintaining an accredited
4 school, provided the person holds an administrator's certificate
5 recognized by the State Board of Education;

6 3. "Principal" means any person other than a district
7 superintendent of schools having supervisory or administrative
8 authority over any school or school building having two or more
9 teachers. A teaching principal shall be a principal who devotes at
10 least one-half (1/2) the time school is in session to classroom
11 teaching. Teaching principals shall be required to hold
12 administrative certificates;

13 4. "Teachers" means, for purposes of complying with the State
14 Aid Law and other statutes, but not any other provision of law,
15 which apportion money on the basis of teaching units or the number
16 of teachers employed or qualified, all persons holding proper
17 certificates and connected in any capacity with the instruction of
18 pupils;

19 5. "Inductee" means any certified teacher who is employed in a
20 local school to serve as a classroom teacher under the guidance and
21 assistance of a mentor teacher or teachers;

22 6. "Student teacher" means any student who is enrolled in an
23 institution of higher learning approved by the State Board of
24 Education for teacher training and who is jointly assigned by the

1 institution of higher learning and a board of education of a school
2 district to perform practice teaching under the direction of a
3 regularly employed and certified teacher. A student teacher, while
4 serving an internship under the supervision of a certified teacher,
5 shall be accorded the same protection of the laws as that accorded
6 the certified teacher and shall be eligible to receive compensation
7 beginning on the first day of the internship for up to one full
8 school year; provided, however, that such compensation shall not be
9 considered compensation for purposes of teacher retirement or the
10 minimum salary schedule;

11 7. "School nurse" means a person employed full time by a board
12 of education who is a registered nurse licensed by the Oklahoma
13 ~~State Board of Nurse Registration and Nursing Education~~ and is
14 certified the same as a teacher by the State Board of Education.
15 Provided, that any person who is employed as a full-time school
16 nurse in any school district in Oklahoma who is not registered on
17 July 2, 1971, may continue to serve in the same capacity; however,
18 such person shall, under rules adopted by the State Board of
19 Education, attend classes in nursing and prepare to become
20 registered. A school nurse employed by a board of education shall
21 be accorded the same protection of laws and all other benefits as a
22 certified teacher;

23 8. "Athletic trainer" means a person employed full time by a
24 board of education who is a ~~Certified Athletic Trainer~~ certified

1 athletic trainer with current certification from the Board of
2 Certification of the National Athletic Trainers' Association and is
3 also currently licensed to practice in the state in accordance with
4 the State Board of Medical Licensure and Supervision. An athletic
5 trainer employed by a board of education shall be accorded the same
6 protection of laws and all other benefits as a certified teacher;
7 ~~and~~

8 9. "Support employee" means an employee who provides those
9 services which are not performed by certified teachers, principals,
10 superintendents, or administrators and which are necessary for the
11 efficient and satisfactory functioning of a school district; and

12 10. "Head coach" means the lead person employed by a school
13 district who is assigned to supervise and instruct students
14 participating in a specific school-sponsored athletic activity.

15 SECTION 2. AMENDATORY 70 O.S. 2021, Section 3-104, as
16 last amended by Section 2, Chapter 445, O.S.L. 2024 (70 O.S. Supp.
17 2024, Section 3-104), is amended to read as follows:

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

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

24

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

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

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

1 for administration shall be designated as a part of
2 the total appropriation;

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

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

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

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

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

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

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

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

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

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

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

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

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

16 7. Promulgate rules governing the classification, inspection,
17 supervision, and accrediting of all public nursery, kindergarten,
18 elementary and secondary schools, and on-site educational services
19 provided by public school districts or state-accredited private
20 schools in partial hospitalization programs, day treatment programs,
21 and day hospital programs as defined in ~~this section~~, Section 3-
22 104.7 of this title, and Section ~~603.4~~ 175.20 of Title 10 of the
23 Oklahoma Statutes for persons between the ages of three (3) and
24 twenty-one (21) years of age in the state. However, no school shall

1 be denied accreditation solely on the basis of average daily
2 attendance.

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

1 | been given to the proper authorities thereof and an opportunity
2 | given to correct the conditions which otherwise would be the cause
3 | of such reduction.

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

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

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

23 | 10. Be and is hereby designated as the "~~State Educational~~
24 | ~~Agency~~" state educational agency referred to in Public Law 396 of

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

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

19 12. Accept and provide for the administration of any land,
20 money, buildings, gifts, ~~donation~~ donations, or other things of
21 value which may be offered or bequeathed to the schools under the
22 supervision or 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". The fund
16 shall consist of all fees derived from or on behalf of any
17 participant in any such workshop sponsored by the State Board of
18 Education, or from the sale of any materials, books, and bulletins,
19 and funds shall be disbursed for expenses of such workshops and for
20 developing, printing, and distributing of the materials, books, and
21 bulletins relating to the school lunch program. The fund shall be
22 administered in accordance with Section 155 of Title 62 of the
23 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 redbud school
13 grants disbursed from the State Public Common School Building
14 Equalization Fund shall be used for the same purposes as a building
15 fund, as provided for in Section 1-118 of this title. It is hereby
16 declared that the term "school districts" as used in Section 32 of
17 Article X of the Oklahoma Constitution shall mean school districts
18 and eligible charter schools as defined in subsection B of this
19 section. The State Board of Education shall disburse redbud school
20 grants annually from the State Public Common School Building
21 Equalization Fund to public schools and eligible charter schools
22 pursuant to subsection B of this section. The Board shall
23 promulgate rules for the implementation of disbursing redbud school
24 grants pursuant to this section. The State Board of Education shall

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 6. The Department shall provide the ~~chair~~ 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 3. This act shall become effective July 1, 2025.

18 SECTION 4. 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 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
23 March 4, 2025 - DO PASS AS AMENDED
24