

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 798

By: Reinhardt

AS INTRODUCED

An Act relating to the State Board of Education; amending 70 O.S. 2021, Section 3-104, as last amended by Section 2, Chapter 445, O.S.L. 2024 (70 O.S. Supp. 2024, Section 3-104), which relates to the powers and duties of the State Board of Education; requiring electronic submission of certain report; authorizing the Board to revoke or suspend a certificate only for certain reasons; prohibiting the Board from summarily revoking or suspending a certificate pending certain proceeding or other action unless for certain emergency; prohibiting the Board from moving to revoke or suspend a certificate unless certain certificate holder and district are provided certain notice; 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, as last amended by Section 2, Chapter 445, O.S.L. 2024 (70 O.S. Supp. 2024, Section 3-104), is amended to read as follows:

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

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

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

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

- 15           a. State Aid to schools,
- 16           b. the supervision of all other functions of general and  
17           special education including general control, free  
18           textbooks, school lunch, Indian education, and all  
19           other functions of the Board and an amount sufficient  
20           to adequately staff and administer these services, and
- 21           c. the Board shall determine the details by which the  
22           budget and the appropriations are administered.

23           Annually, the Board shall make preparations to  
24           consolidate all of the functions of the Department in

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

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

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

1 other information relating to the educational  
2 interests of the state as may be deemed necessary and  
3 desirable;

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

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

- 19 (1) a willful violation of any federal or state law,  
20 (2) the abuse or neglect of a child,  
21 (3) moral turpitude,  
22 (4) incompetency in the performance of duty, or  
23 (5) neglect of any professional duty.

1           The State Board of Education shall not have the  
2           authority to summarily revoke or suspend a certificate  
3           pending an individual proceeding for revocation or  
4           other action unless for a valid emergency as defined  
5           in the Administrative Procedures Act. In no event  
6           shall the State Board of Education move to revoke or  
7           suspend a certificate, emergency or otherwise, unless  
8           the certificate holder and any employing school  
9           district has received notice at least ten (10) days  
10          prior to filing of the complaint, and

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

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

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

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



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

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

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

20 10. Be and is hereby designated as the ~~"State Educational~~  
21 ~~Agency"~~ state educational agency referred to in Public Law 396 of  
22 the 79th Congress of the United States, as amended, which ~~law states~~  
23 ~~that the act may be cited known~~ as the ~~"National Richard B. Russell~~  
24 National School Lunch Act ~~Act~~, and the State Board of Education is

1 hereby authorized and directed to accept the terms and provisions of  
2 the act and to enter into such agreements, not in conflict with the  
3 Constitution of Oklahoma or the Constitution and Statutes of the  
4 United States, as may be necessary or appropriate to secure for this  
5 state the benefits of the school lunch program established and  
6 referred to in the act;

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

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

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

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

21 15. Prescribe all forms for school district and county officers  
22 to report to the State Board of Education where required. The State  
23 Board of Education shall also prescribe a list of appropriation  
24 accounts by which the funds of school districts shall be budgeted,

1 accounted for, and expended; and it shall be the duty of the State  
2 Auditor and Inspector in prescribing all budgeting, accounting, and  
3 reporting forms for school funds to conform to such lists;

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

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

9 18. Provide for the supervision of the transportation of  
10 pupils;

11 19. Have authority, upon request of the local school board, to  
12 act in behalf of the public schools of the state in the purchase of  
13 transportation equipment;

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

19 21. Administer the State Public Common School Building  
20 Equalization Fund established by Section 32 of Article X of the  
21 Oklahoma Constitution. Any monies as may be appropriated or  
22 designated by the Legislature, other than ad valorem taxes, any  
23 other funds identified by the State Department of Education, which  
24 may include, but not be limited to, grants-in-aid from the federal

1 government for building purposes, the proceeds of all property that  
2 shall fall to the state by escheat, penalties for unlawful holding  
3 of real estate by corporations, and capital gains on assets of the  
4 permanent school funds, shall be deposited in the State Public  
5 Common School Building Equalization Fund. The fund shall be used to  
6 aid school districts and charter schools in acquiring buildings,  
7 subject to the limitations fixed by Section 32 of Article X of the  
8 Oklahoma Constitution. It is hereby declared that redbud school  
9 grants disbursed from the State Public Common School Building  
10 Equalization Fund shall be used for the same purposes as a building  
11 fund, as provided for in Section 1-118 of this title. It is hereby  
12 declared that the term "school districts" as used in Section 32 of  
13 Article X of the Oklahoma Constitution shall mean school districts  
14 and eligible charter schools as defined in subsection B of this  
15 section. The State Board of Education shall disburse redbud school  
16 grants annually from the State Public Common School Building  
17 Equalization Fund to public schools and eligible charter schools  
18 pursuant to subsection B of this section. The Board shall  
19 promulgate rules for the implementation of disbursing redbud school  
20 grants pursuant to this section. The State Board of Education shall  
21 prescribe rules for making grants of aid from, and for otherwise  
22 administering, the fund pursuant to the provisions of this  
23 paragraph, and may employ and fix the duties and compensation of  
24 technicians, aides, clerks, stenographers, attorneys, and other

1 personnel deemed necessary to carry out the provisions of this  
2 paragraph. The cost of administering the fund shall be paid from  
3 monies appropriated to the State Board of Education for the  
4 operation of the State Department of Education. From monies  
5 apportioned to the fund, the State Department of Education may  
6 reserve not more than one-half of one percent (1/2 of 1%) for  
7 purposes of administering the fund;

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

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

1 foundations, and other agencies or individuals for services,  
2 programs, or research projects. The Statistical Services Revolving  
3 Fund shall be administered in accordance with Section 155 of Title  
4 62 of the Oklahoma Statutes.

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

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

1 millage per student, known as the baseline local  
2 funding per student,

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

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

16 g. the nonchargeable millage per student shortfall for a  
17 school district or eligible charter school shall be  
18 multiplied by the average daily membership of the  
19 preceding school year of the eligible school district  
20 or eligible charter school. This amount shall be the  
21 redbud school grant amount for the school district or  
22 eligible charter school.

23 2. For fiscal year 2022, monies for the redbud school grants  
24 shall be expended from the funds apportioned pursuant to Section 426



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

15 3. As used in this section, "eligible charter school" shall  
16 mean a charter school which is sponsored pursuant to the provisions  
17 of the Oklahoma Charter Schools Act. Provided, however, eligible  
18 charter school shall not include a statewide virtual charter school  
19 sponsored by the Statewide Charter School Board but shall only  
20 include those which provide in-person or blended instruction, as  
21 provided by Section 1-111 of this title, to not less than two-thirds  
22 (2/3) of students as the primary means of instructional service  
23 delivery.

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

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

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

14 SECTION 2. This act shall become effective July 1, 2025.

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

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