

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1491

By: Johns

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5
6 AS INTRODUCED

7 An Act relating to education; amending 70 O.S. 2021,
8 Section 3-104, as last amended by Section 2, Chapter
9 445, O.S.L. 2024 (70 O.S. Supp. 2024, Section 3-104),
10 which relates to the powers and duties of the State
11 Board of Education; limiting the State Board of
12 Education's authority to revoke or suspend licenses
13 or certificates; requiring emergency to summarily
14 revoke or suspend a license or certificate; requiring
15 certain notice; providing an effective date; and
16 declaring an emergency.

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

18 SECTION 1. AMENDATORY 70 O.S. 2021, Section 3-104, as
19 last amended by Section 2, Chapter 445, O.S.L. 2024 (70 O.S. Supp.
20 2024, Section 3-104), is amended to read as follows:

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

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

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

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

20 Annually, the Board shall make preparations to
21 consolidate all of the functions of the Department in
22 such a way that the budget can be based on two items,
23 administration and aid to schools. A maximum amount
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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 to the Governor and the
5 Legislature a report for the year ending June 30 immediately
6 preceding the regular session of the Legislature. The report shall
7 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
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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 rules governing the issuance and revocation of
11 certificates for superintendents of schools, principals,
12 supervisors, librarians, clerical employees, school nurses, school
13 bus drivers, visiting teachers, classroom teachers, and for other
14 personnel performing instructional, administrative, and supervisory
15 services, but not including members of boards of education and other
16 employees who do not work directly with pupils, and may charge and
17 collect reasonable fees for the issuance of such certificates:

18 a. the State Department of Education shall not issue a
19 certificate to and shall revoke the certificate of any
20 person who has been convicted, whether upon a verdict
21 or plea of guilty or upon a plea of nolo contendere,
22 or received a suspended sentence or any probationary
23 term for a crime or an attempt to commit a crime
24 provided for in Section 843.5 of Title 21 of the

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

14 b. except as provided in subparagraph a of this
15 paragraph, the State Board of Education shall have the
16 authority to revoke or suspend a license or
17 certificate for only the following reasons:

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

23 The State Board of Education shall not have the
24 authority to summarily revoke or suspend a license or

1 certificate pending an individual proceeding for
2 revocation or other action unless for a valid
3 emergency as defined in the Oklahoma Administrative
4 Procedures Act. In no event shall the State
5 Department of Education move to revoke or suspend a
6 license or certificate, emergency or otherwise, unless
7 the license or certificate holders and any employing
8 school district has received notice at least ten (10)
9 days prior to filing of the complaint, and

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

1 balance in the Teachers' Certification Fund in excess
2 of Ten Thousand Dollars (\$10,000.00) on June 30 of any
3 fiscal year shall be transferred to the General
4 Revenue Fund of this state. Until July 1, 1997, the
5 State Board of Education shall have authority for
6 approval of teacher education programs. The State
7 Board of Education shall also have authority for the
8 administration of teacher residency and professional
9 development, subject to the provisions of the Oklahoma
10 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 section, Section 3-
17 104.7 of this title, and Section 603.4 of Title 10 of the Oklahoma
18 Statutes for persons between the ages of three (3) and twenty-one
19 (21) years of age in the state. However, no school shall be denied
20 accreditation solely on the basis of average daily attendance.

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

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

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

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

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

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

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

1 state the benefits of the school lunch program established and
2 referred to in 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 this state and is hereby authorized to employ
6 or appoint and fix the compensation of such additional officers or
7 employees and to incur such expenses as may be necessary for the
8 accomplishment of the above purpose, administer the distribution of
9 any state funds appropriated by the Legislature required as federal
10 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 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 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 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 the school lunch programs. There is hereby
6 created in the State Treasury a revolving fund for the Board, to be
7 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 funds shall be disbursed for expenses of such workshops and for
12 developing, printing, and distributing of the materials, books, and
13 bulletins relating to the school lunch program. The fund shall be
14 administered in accordance with Section 155 of Title 62 of the
15 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 redbud school
4 grants disbursed from the State Public Common School Building
5 Equalization Fund shall be used for the same purposes as a building
6 fund, as provided for in Section 1-118 of this title. It is hereby
7 declared that the term "school districts" as used in Section 32 of
8 Article X of the Oklahoma Constitution shall mean school districts
9 and eligible charter schools as defined in subsection B of this
10 section. The State Board of Education shall disburse redbud school
11 grants annually from the State Public Common School Building
12 Equalization Fund to public schools and eligible charter schools
13 pursuant to subsection B of this section. The Board shall
14 promulgate rules for the implementation of disbursing redbud school
15 grants pursuant to this section. The State Board of Education shall
16 prescribe rules for making grants of aid from, and for otherwise
17 administering, the fund pursuant to the provisions of this
18 paragraph, and may employ and fix the duties and compensation of
19 technicians, aides, clerks, stenographers, attorneys, and other
20 personnel deemed necessary to carry out the provisions of this
21 paragraph. The cost of administering the fund shall be paid from
22 monies appropriated to the State Board of Education for the
23 operation of the State Department of Education. From monies
24 apportioned to the fund, the State Department of Education may

1 reserve not more than one-half of one percent (1/2 of 1%) for
2 purposes of administering the fund;

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

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

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

3 a. divide the county four-mill levy revenue by four to
4 determine the nonchargeable county four-mill revenue
5 for each school district,

6 b. determine the amount of new revenue generated by the
7 five-mill building fund levy as authorized by Section
8 10 of Article X of the Oklahoma Constitution for each
9 school district as reported in the Oklahoma Cost
10 Accounting System for the preceding fiscal year,

11 c. add the amounts calculated in subparagraphs a and b of
12 this paragraph to determine the nonchargeable millage
13 for each school district,

14 d. add the nonchargeable millage in each district
15 statewide as calculated in subparagraph c of this
16 paragraph and divide the total by the average daily
17 membership in public schools statewide based on the
18 preceding school year's average daily membership,
19 according to the provisions of Section 18-107 of this
20 title. This amount is the statewide nonchargeable
21 millage per student, known as the baseline local
22 funding per student,

23 e. all eligible charter schools shall be included in
24 these calculations as unique school districts,

1 separate from the school district that may sponsor the
2 eligible charter school, and the total number of
3 districts shall be used to determine the statewide
4 average baseline local funding per student,

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

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

19 2. For fiscal year 2022, monies for the redbud school grants
20 shall be expended from the funds apportioned pursuant to Section 426
21 of Title 63 of the Oklahoma Statutes. For fiscal year 2023 and each
22 subsequent fiscal year, monies for the redbud school grants shall be
23 appropriated pursuant to Section 426 of Title 63 of the Oklahoma
24 Statutes, not to exceed three-fourths (3/4) of the tax collected in

1 the preceding fiscal year pursuant to Section 426 of Title 63 of the
2 Oklahoma Statutes as determined by the Oklahoma Tax Commission. For
3 fiscal year 2023 and each subsequent fiscal year, if such
4 appropriated funds are insufficient to fund the redbud school
5 grants, then an additional apportionment of funds shall be made from
6 sales tax collections as provided by subsection D of Section 1353 of
7 Title 68 of the Oklahoma Statutes. If both funds are insufficient,
8 the Department shall promulgate rules to permit a decrease to the
9 baseline local funding per student to the highest amount allowed
10 with the funding available.

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

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

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

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

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

11 SECTION 3. 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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