

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 797

By: Pugh

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 prior to certain proceeding or other action; requiring notification prior to certain action; requiring the Board to take certain action within certain time period; 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.
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1 The State Board of Education shall not have the
2 authority to summarily revoke or suspend a certificate
3 prior to an individual proceeding for revocation or
4 other action. The State Board of Education shall
5 notify a teacher and his or her employing school
6 district at least five (5) days prior to taking action
7 to suspend or revoke a certificate. The Board shall
8 take action to suspend or revoke the certificate
9 within sixty (60) days after notification has been
10 provided, 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.
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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
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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.
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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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