

1 STATE OF OKLAHOMA

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

3 SENATE BILL 365

By: Burns

6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2021,
8 Section 1-116, as amended by Section 1, Chapter 281,
O.S.L. 2024 (70 O.S. Supp. 2024, Section 1-116),
9 which relates to positions in a school system;
modifying certain definition; updating statutory
language; defining term; amending 70 O.S. 2021,
10 Section 3-104, as last amended by Section 2, Chapter
445, O.S.L. 2024 (70 O.S. Supp. 2024, Section 3-104),
11 which relates to powers and duties of the State Board
12 of Education; requiring electronic submission of
certain report; authorizing the Board to promulgate
rules regarding the issuance and revocation of
certificates for head coaches; updating statutory
13 references and language; providing an effective date;
14 and declaring an emergency.

15

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

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

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

21 1. "Teacher" means any person who is employed to serve as
22 district superintendent, principal, supervisor, counselor,
23 librarian, school nurse, athletic trainer, head coach, or classroom
24 teacher or in any other instructional, supervisory, or

1 administrative capacity. The person shall not be deemed qualified
2 unless the person holds a valid certificate issued by and in
3 accordance with the rules of the State Board of Education or the
4 rules of the State Board of Career and Technology Education, to
5 perform the particular services for which the person is employed;

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

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

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

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

4 6. "Student teacher" means any student who is enrolled in an
5 institution of higher learning approved by the State Board of
6 Education for teacher training and who is jointly assigned by the
7 institution of higher learning and a board of education of a school
8 district to perform practice teaching under the direction of a
9 regularly employed and certified teacher. A student teacher, while
10 serving an internship under the supervision of a certified teacher,
11 shall be accorded the same protection of the laws as that accorded
12 the certified teacher and shall be eligible to receive compensation
13 beginning on the first day of the internship for up to one full
14 school year; provided, however, that such compensation shall not be
15 considered compensation for purposes of teacher retirement or the
16 minimum salary schedule;

17 7. "School nurse" means a person employed full time by a board
18 of education who is a registered nurse licensed by the Oklahoma
19 ~~State Board of Nurse Registration and Nursing Education~~ and is
20 certified the same as a teacher by the State Board of Education.
21 Provided, that any person who is employed as a full-time school
22 nurse in any school district in Oklahoma who is not registered on
23 July 2, 1971, may continue to serve in the same capacity; however,
24 such person shall, under rules adopted by the State Board of

1 Education, attend classes in nursing and prepare to become
2 registered. A school nurse employed by a board of education shall
3 be accorded the same protection of laws and all other benefits as a
4 certified teacher;

5 8. "Athletic trainer" means a person employed full time by a
6 board of education who is a ~~Certified Athletic Trainer~~ certified
7 athletic trainer with current certification from the Board of
8 Certification of the National Athletic Trainers' Association and is
9 also currently licensed to practice in the state in accordance with
10 the State Board of Medical Licensure and Supervision. An athletic
11 trainer employed by a board of education shall be accorded the same
12 protection of laws and all other benefits as a certified teacher;

13 and

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

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

21 SECTION 2. AMENDATORY 70 O.S. 2021, Section 3-104, as
22 last amended by Section 2, Chapter 445, O.S.L. 2024 (70 O.S. Supp.
23 2024, Section 3-104), is amended to read as follows:

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

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

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

10 The secretary shall not be a member of the Board;

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

19 a. State Aid to schools,

20 b. the supervision of all other functions of general and
21 special education including general control, free
22 textbooks, school lunch, Indian education, and all
23 other functions of the Board and an amount sufficient
24 to adequately staff and administer these services, and

1 c. the Board shall determine the details by which the
2 budget and the appropriations are administered.

3 Annually, the Board shall make preparations to
4 consolidate all of the functions of the Department in
5 such a way that the budget can be based on two items,
6 administration and aid to schools. A maximum amount
7 for administration shall be designated as a part of
8 the total appropriation;

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

14 a. detailed statistics and other information concerning
15 enrollment, attendance, expenditures including State
16 Aid, and other pertinent data for all public schools
17 in this state,

18 b. reports from each and every division within the State
19 Department of Education as submitted by the
20 Superintendent of Public Instruction and any other
21 division, department, institution, or other agency
22 under the supervision of the Board,

23 c. recommendations for the improvement of the public
24 school system of the state,

- d. a statement of the receipts and expenditures of the State Board of Education for the past year, and
- e. a statement of plans and recommendations for the management and improvement of public schools and such other information relating to the educational interests of the state as may be deemed necessary and desirable;

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

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

- 1 a. the State Department of Education shall not issue a
2 certificate to and shall revoke the certificate of any
3 person who has been convicted, whether upon a verdict
4 or plea of guilty or upon a plea of nolo contendere,
5 or received a suspended sentence or any probationary
6 term for a crime or an attempt to commit a crime
7 provided for in Section 843.5 of Title 21 of the
8 Oklahoma Statutes if the offense involved sexual abuse
9 or sexual exploitation as those terms are defined in
10 Section 1-1-105 of Title 10A of the Oklahoma Statutes,
11 Section 741, 843.1, if the offense included sexual
12 abuse or sexual exploitation, 865 et seq., 885, 888,
13 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,
14 1111.1, 1114, or 1123 of Title 21 of the Oklahoma
15 Statutes or who enters this state and who has been
16 convicted, received a suspended sentence, or received
17 a deferred judgment for a crime or attempted crime
18 which, if committed or attempted in this state, would
19 be a crime or an attempt to commit a crime provided
20 for in any of the laws, and
- 21 b. all funds collected by the State Department of
22 Education for the issuance of certificates to
23 instructional, supervisory, and administrative
24 personnel in the public schools of the state shall be

1 deposited in the "Teachers' Certification Fund" in the
2 State Treasury and may be expended by the State Board
3 of Education to finance the activities of the State
4 Department of Education necessary to administer the
5 program, for consultative services, publication costs,
6 actual and necessary travel expenses as provided in
7 the State Travel Reimbursement Act incurred by persons
8 performing research work, and other expenses found
9 necessary by the State Board of Education for the
10 improvement of the preparation and certification of
11 teachers in this state. Provided, any unobligated
12 balance in the Teachers' Certification Fund in excess
13 of Ten Thousand Dollars (\$10,000.00) on June 30 of any
14 fiscal year shall be transferred to the General
15 Revenue Fund of this state. Until July 1, 1997, the
16 State Board of Education shall have authority for
17 approval of teacher education programs. The State
18 Board of Education shall also have authority for the
19 administration of teacher residency and professional
20 development, subject to the provisions of the Oklahoma
21 Teacher Preparation Act;

22 7. Promulgate rules governing the classification, inspection,
23 supervision, and accrediting of all public nursery, kindergarten,
24 elementary and secondary schools, and on-site educational services

1 provided by public school districts or state-accredited private
2 schools in partial hospitalization programs, day treatment programs,
3 and day hospital programs as defined in ~~this section~~, Section 3-
4 104.7 of this title, and Section ~~603.4~~ 175.20 of Title 10 of the
5 Oklahoma Statutes for persons between the ages of three (3) and
6 twenty-one (21) years of age in the state. However, no school shall
7 be denied accreditation solely on the basis of average daily
8 attendance.

9 Any school district which maintains an elementary school and
10 faces the necessity of relocating its school facilities because of
11 construction of a lake, either by state or federal authority, which
12 will inundate the school facilities, shall be entitled to receive
13 probationary accreditation from the State Board of Education for a
14 period of five (5) years after June 12, 1975, and any school
15 district, otherwise qualified, shall be entitled to receive
16 probationary accreditation from the State Board of Education for a
17 period of two (2) consecutive years to attain the minimum average
18 daily attendance. The Head Start and public nurseries or
19 kindergartens operated from community action agency funds shall not
20 be subjected to the accrediting rules of the State Board of
21 Education. Neither will the State Board of Education make rules
22 affecting the operation of the public nurseries and kindergartens
23 operated from federal funds secured through community action
24 agencies even though they may be operating in the public schools of

1 the state. However, any of the Head Start or public nurseries or
2 kindergartens operated under federal regulations may make
3 application for accrediting from the State Board of Education but
4 will be accredited only if application for the approval of the
5 programs is made. The status of no school district shall be changed
6 which will reduce it to a lower classification until due notice has
7 been given to the proper authorities thereof and an opportunity
8 given to correct the conditions which otherwise would be the cause
9 of such reduction.

10 Private and parochial schools may be accredited and classified
11 in like manner as public schools or, if an accrediting association
12 is approved by the State Board of Education, by procedures
13 established by the State Board of Education to accept accreditation
14 by such accrediting association, if application is made to the State
15 Board of Education for such accrediting;

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

23 9. Be and is specifically hereby designated as the agency of
24 this state to cooperate and deal with any officer, board, or

1 authority of the United States Government under any law of the
2 United States which may require or recommend cooperation with any
3 state board having charge of the administration of public schools
4 unless otherwise provided by law;

5 10. Be and is hereby designated as the "~~State Educational~~
6 ~~Agency~~" state educational agency referred to in Public Law 396 of
7 the 79th Congress of the United States, as amended, which ~~law states~~
8 ~~that the act may be cited known~~ as the "National Richard B. Russell
9 National School Lunch Act" Act, and the State Board of Education is
10 hereby authorized and directed to accept the terms and provisions of
11 the act and to enter into such agreements, not in conflict with the
12 Oklahoma Constitution of Oklahoma or the United States Constitution
13 and Statutes ~~of the United States~~, as may be necessary or
14 appropriate to secure for this state the benefits of the school
15 lunch program established and referred to in the act;

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

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

5 13. Have authority to require persons having administrative
6 control of all school districts in Oklahoma to make such regular and
7 special reports regarding the activities of the schools in the
8 districts as the Board may deem needful for the proper exercise of
9 its duties and functions. Such authority shall include the right of
10 the State Board of Education to withhold all state funds under its
11 control, to withhold official recognition including accrediting,
12 until such required reports have been filed and accepted in the
13 office of the Board and to revoke the certificates of persons
14 failing or refusing to make such reports;

15 14. Have general supervision of the school lunch program. The
16 State Board of Education may sponsor workshops for personnel and
17 participants in the school lunch program and may develop, print, and
18 distribute free of charge or sell any materials, books, and
19 bulletins to be used in the school lunch programs. There is hereby
20 created in the State Treasury a revolving fund for the Board, to be
21 designated the "School Lunch Workshop Revolving Fund". The fund
22 shall consist of all fees derived from or on behalf of any
23 participant in any such workshop sponsored by the State Board of
24 Education, or from the sale of any materials, books, and bulletins,

1 and funds shall be disbursed for expenses of such workshops and for
2 developing, printing, and distributing of the materials, books, and
3 bulletins relating to the school lunch program. The fund shall be
4 administered in accordance with Section 155 of Title 62 of the
5 Oklahoma Statutes;

6 15. Prescribe all forms for school district and county officers
7 to report to the State Board of Education where required. The State
8 Board of Education shall also prescribe a list of appropriation
9 accounts by which the funds of school districts shall be budgeted,
10 accounted for, and expended; and it shall be the duty of the State
11 Auditor and Inspector in prescribing all budgeting, accounting, and
12 reporting forms for school funds to conform to such lists;

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

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

18 18. Provide for the supervision of the transportation of
19 pupils;

20 19. Have authority, upon request of the local school board, to
21 act in behalf of the public schools of the state in the purchase of
22 transportation equipment;

23 20. Have authority and is hereby required to perform all duties
24 necessary to the administration of the public school system in

1 Oklahoma as specified in the Oklahoma School Code; and, in addition
2 thereto, those duties not specifically mentioned herein if not
3 delegated by law to any other agency or official;

4 21. Administer the State Public Common School Building
5 Equalization Fund established by Section 32 of Article X of the
6 Oklahoma Constitution. Any monies as may be appropriated or
7 designated by the Legislature, other than ad valorem taxes, any
8 other funds identified by the State Department of Education, which
9 may include, but not be limited to, grants-in-aid from the federal
10 government for building purposes, the proceeds of all property that
11 shall fall to the state by escheat, penalties for unlawful holding
12 of real estate by corporations, and capital gains on assets of the
13 permanent school funds, shall be deposited in the State Public
14 Common School Building Equalization Fund. The fund shall be used to
15 aid school districts and charter schools in acquiring buildings,
16 subject to the limitations fixed by Section 32 of Article X of the
17 Oklahoma Constitution. It is hereby declared that redbud school
18 grants disbursed from the State Public Common School Building
19 Equalization Fund shall be used for the same purposes as a building
20 fund, as provided for in Section 1-118 of this title. It is hereby
21 declared that the term "school districts" as used in Section 32 of
22 Article X of the Oklahoma Constitution shall mean school districts
23 and eligible charter schools as defined in subsection B of this
24 section. The State Board of Education shall disburse redbud school

1 grants annually from the State Public Common School Building
2 Equalization Fund to public schools and eligible charter schools
3 pursuant to subsection B of this section. The Board shall
4 promulgate rules for the implementation of disbursing redbud school
5 grants pursuant to this section. The State Board of Education shall
6 prescribe rules for making grants of aid from, and for otherwise
7 administering, the fund pursuant to the provisions of this
8 paragraph, and may employ and fix the duties and compensation of
9 technicians, aides, clerks, stenographers, attorneys, and other
10 personnel deemed necessary to carry out the provisions of this
11 paragraph. The cost of administering the fund shall be paid from
12 monies appropriated to the State Board of Education for the
13 operation of the State Department of Education. From monies
14 apportioned to the fund, the State Department of Education may
15 reserve not more than one-half of one percent (1/2 of 1%) for
16 purposes of administering the fund;

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

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

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

- 16 a. divide the county four-mill levy revenue by four to
17 determine the nonchargeable county four-mill revenue
18 for each school district,
- 19 b. determine the amount of new revenue generated by the
20 five-mill building fund levy as authorized by Section
21 10 of Article X of the Oklahoma Constitution for each
22 school district as reported in the Oklahoma Cost
23 Accounting System for the preceding fiscal year,

- 1 c. add the amounts calculated in subparagraphs a and b of
2 this paragraph to determine the nonchargeable millage
3 for each school district,
- 4 d. add the nonchargeable millage in each district
5 statewide as calculated in subparagraph c of this
6 paragraph and divide the total by the average daily
7 membership in public schools statewide based on the
8 preceding school year's average daily membership,
9 according to the provisions of Section 18-107 of this
10 title. This amount is the statewide nonchargeable
11 millage per student, known as the baseline local
12 funding per student,
- 13 e. all eligible charter schools shall be included in
14 these calculations as unique school districts,
15 separate from the school district that may sponsor the
16 eligible charter school, and the total number of
17 districts shall be used to determine the statewide
18 average baseline local funding per student,
- 19 f. for each school district or eligible charter school
20 which is below the baseline local funding per student,
21 the Department shall subtract the baseline local
22 funding per student from the average nonchargeable
23 millage per student of the school district or eligible

1 charter school to determine the nonchargeable millage
2 per student shortfall for each district, and

3 g. the nonchargeable millage per student shortfall for a
4 school district or eligible charter school shall be
5 multiplied by the average daily membership of the
6 preceding school year of the eligible school district
7 or eligible charter school. This amount shall be the
8 redbud school grant amount for the school district or
9 eligible charter school.

10 2. For fiscal year 2022, monies for the redbud school grants
11 shall be expended from the funds apportioned pursuant to Section 426
12 of Title 63 of the Oklahoma Statutes. For fiscal year 2023 and each
13 subsequent fiscal year, monies for the redbud school grants shall be
14 appropriated pursuant to Section 426 of Title 63 of the Oklahoma
15 Statutes, not to exceed three-fourths (3/4) of the tax collected in
16 the preceding fiscal year pursuant to Section 426 of Title 63 of the
17 Oklahoma Statutes as determined by the Oklahoma Tax Commission. For
18 fiscal year 2023 and each subsequent fiscal year, if such
19 appropriated funds are insufficient to fund the redbud school
20 grants, then an additional apportionment of funds shall be made from
21 sales tax collections as provided by subsection D of Section 1353 of
22 Title 68 of the Oklahoma Statutes. If both funds are insufficient,
23 the Department shall promulgate rules to permit a decrease to the
24

1 baseline local funding per student to the highest amount allowed
2 with the funding available.

3 3. As used in this section, "eligible charter school" shall
4 mean a charter school which is sponsored pursuant to the provisions
5 of the Oklahoma Charter Schools Act. Provided, however, eligible
6 charter school shall not include a statewide virtual charter school
7 sponsored by the Statewide Charter School Board but shall only
8 include those which provide in-person or blended instruction, as
9 provided by Section 1-111 of this title, to not less than two-thirds
10 (2/3) of students as the primary means of instructional service
11 delivery.

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

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

20 6. The Department shall provide the ~~Chair~~ Chair of the House
21 Appropriations and Budget Committee and the ~~Chair~~ Chair of the
22 Senate Appropriations Committee no later than February 1 of each
23 year with an estimate of the upcoming year's redbud school grant
24 allocation as prescribed by this section.
25

1 SECTION 3. This act shall become effective July 1, 2025.

2 SECTION 4. It being immediately necessary for the preservation
3 of the public peace, health, or safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval.

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