

1 **SENATE FLOOR VERSION**
2 April 22, 2025

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1277

By: Caldwell (Chad) of the
House

6 and
7 Seifried of the Senate
8

9 [State Board of Education - report - license or
10 certificate - notification - effective date -
11 emergency]
12

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

14 SECTION 1. AMENDATORY 70 O.S. 2021, Section 3-104, as
15 last amended by Section 2, Chapter 445, O.S.L. 2024 (70 O.S. Supp.
16 2024, Section 3-104), is amended to read as follows:

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

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

23 2. Appoint, prescribe the duties, and fix the compensation of a
24 secretary, an attorney, and all other personnel necessary for the

1 proper performance of the functions of the State Board of Education.

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

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

11 a. State Aid to schools,

12 b. the supervision of all other functions of general and
13 special education including general control, free
14 textbooks, school lunch, Indian education, and all
15 other functions of the Board and an amount sufficient
16 to adequately staff and administer these services, and

17 c. the Board shall determine the details by which the
18 budget and the appropriations are administered.

19 Annually, the Board shall make preparations to
20 consolidate all of the functions of the Department in
21 such a way that the budget can be based on two items,
22 administration and aid to schools. A maximum amount
23 for administration shall be designated as a part of
24 the total appropriation;

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

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

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

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

16 a. the State Department of Education shall not issue a
17 certificate to and shall revoke the certificate of any
18 person who has been convicted, whether upon a verdict
19 or plea of guilty or upon a plea of nolo contendere,
20 or received a suspended sentence or any probationary
21 term for a crime or an attempt to commit a crime
22 provided for in Section 843.5 of Title 21 of the
23 Oklahoma Statutes if the offense involved sexual abuse
24 or sexual exploitation as those terms are defined in

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

- 12 b. except as provided for in subparagraph a of this
13 paragraph, the State Board of Education shall have the
14 authority to revoke or suspend a license or
15 certificate only for the following reasons:
16 (1) a willful violation of any federal or state law,
17 (2) the abuse or neglect of a child,
18 (3) moral turpitude,
19 (4) incompetency in the performance of duty, or
20 (5) neglect of any professional duty.

21 The State Board of Education shall not have the
22 authority to summarily revoke or suspend a certificate
23 pending an individual proceeding for revocation or
24 other action unless for a valid emergency as defined

1 in the Administrative Procedures Act. In no event
2 shall the State Board of Education move to revoke or
3 suspend a license or certificate unless the license or
4 certificate holder has received notice at least ten
5 (10) days prior to filing of the complaint, and

6 c. all funds collected by the State Department of
7 Education for the issuance of certificates to
8 instructional, supervisory, and administrative
9 personnel in the public schools of the state shall be
10 deposited in the "Teachers' Certification Fund" in the
11 State Treasury and may be expended by the State Board
12 of Education to finance the activities of the State
13 Department of Education necessary to administer the
14 program, for consultative services, publication costs,
15 actual and necessary travel expenses as provided in
16 the State Travel Reimbursement Act incurred by persons
17 performing research work, and other expenses found
18 necessary by the State Board of Education for the
19 improvement of the preparation and certification of
20 teachers in this state. Provided, any unobligated
21 balance in the Teachers' Certification Fund in excess
22 of Ten Thousand Dollars (\$10,000.00) on June 30 of any
23 fiscal year shall be transferred to the General
24 Revenue Fund of this state. Until July 1, 1997, the

1 State Board of Education shall have authority for
2 approval of teacher education programs. The State
3 Board of Education shall also have authority for the
4 administration of teacher residency and professional
5 development, subject to the provisions of the Oklahoma
6 Teacher Preparation Act;

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

18 Any school district which maintains an elementary school and
19 faces the necessity of relocating its school facilities because of
20 construction of a lake, either by state or federal authority, which
21 will inundate the school facilities, shall be entitled to receive
22 probationary accreditation from the State Board of Education for a
23 period of five (5) years after June 12, 1975, and any school
24 district, otherwise qualified, shall be entitled to receive

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

19 Private and parochial schools may be accredited and classified
20 in like manner as public schools or, if an accrediting association
21 is approved by the State Board of Education, by procedures
22 established by the State Board of Education to accept accreditation
23 by such accrediting association, if application is made to the State
24 Board of Education for such accrediting;

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

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

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

1 11. Have authority to secure and administer the benefits of the
2 Richard B. Russell National School Lunch Act, Public Law 396 of the
3 79th Congress of the United States, as amended, in this state and is
4 hereby authorized to employ or appoint and fix the compensation of
5 such additional officers or employees and to incur such expenses as
6 may be necessary for the accomplishment of the above purpose, and
7 administer the distribution of any state funds appropriated by the
8 Legislature required as federal matching to reimburse on children's
9 meals;

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

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

24 |

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.

15 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
April 22, 2025 - DO PASS AS AMENDED BY CS