

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 229 By: Montgomery of the Senate
3 and
4 Hilbert of the House
5

6 [Teacher Due Process Act - teacher certification -
7 effective date -
8 emergency]
9

10
11 AUTHORS: Add the following House Coauthors: Fetgatter, Lawson,
12 Caldwell (Trey), Baker, Lowe (Dick), Davis, Moore,
13 Hasenbeck, Cornwell, Boles, Pae, Provenzano, Rosecrants,
Phillips, Waldron, Johns, Conley, West (Tammy) and Hill

14 AMENDMENT NO. 1. Delete the stricken title, enacting clause and
15 entire bill and replace with:

16 "An Act relating to school funding; creating the
17 Redbud School Funding Act; amending Section 7, State
18 Question No. 788, Initiative Petition No. 412 (63
19 O.S. Supp. 2020, Section 426), which relates to
20 taxes on medical marijuana retail sales; including
21 funding for redbud school grants in common education
22 expenditures; amending 68 O.S. 2011, Section 1353,
23 as last amended by Section 1, Chapter 15, O.S.L.
24 2020 (68 O.S. Supp. 2020, Section 1353), which
relates to sales tax revenue; directing
apportionment to State Public Common School Building
Equalization Fund if certain conditions apply;
setting maximum apportionment amount; amending 70
O.S. 2011, Section 1-111, as last amended by Section
1, Chapter 135, O.S.L. 2016 (70 O.S. Supp. 2020,
Section 1-111), which relates to school day
instruction; providing for blended instruction;

1 defining term; amending 70 O.S. 2011, Section 3-104,
2 as last amended by Section 1, Chapter 271, O.S.L.
3 2013 (70 O.S. Supp. 2020, Section 3-104), which
4 relates to the State Board of Education; deleting
5 limitation on certain use of funds; updating
6 definition; striking outdated grant procedures;
7 directing Board to disburse redbud school grants
8 annually; requiring promulgation of rules;
9 permitting reservation of certain funds for
10 administrative purposes; establishing calculation
11 for redbud school grants; including eligible charter
12 schools as unique school districts; providing for
13 apportionment to fund redbud school grants;
14 specifying procedures for funding shortfalls;
15 defining term; directing State Department of
16 Education to acknowledge grant recipients; directing
17 Department to publish certain information on its
18 website; requiring certain annual notification of
19 grant allocation estimate; amending 70 O.S. 2011,
20 Section 3-104.4, as last amended by Section 64,
21 Chapter 161, O.S.L. 2020 (70 O.S. Supp. 2020,
22 Section 3-104.4), which relates to school
23 accreditation standards; including certain funds in
24 calculation of certain appropriations; amending 70
O.S. 2011, Section 3-142, as last amended by Section
1, Chapter 122, O.S.L. 2020 (70 O.S. Supp. 2020,
Section 3-142), which relates to charter school
funding; modifying calculation of State Aid for a
charter school; directing the student membership and
attendance of a charter school be considered
separate from that of its sponsor; providing for
charter school to receive its State Aid allocation
and federal funds directly; removing distinction
between different types of charter school sponsors
authorized to retain certain fee; providing
exception for charter school aid eligibility;
requiring charter school to be considered a local
education agency for funding purposes; amending 70
O.S. 2011, Section 10-103.1, which relates to legal
average daily attendance calculation; excluding the
average daily attendance of charter school students
in calculating the legal average daily attendance
for certain distributions; providing for
noncodification; and declaring an emergency.

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

2 SECTION 1. NEW LAW A new section of law not to be
3 codified in the Oklahoma Statutes reads as follows:

4 This act shall be known and may be cited as the "Redbud School
5 Funding Act".

6 SECTION 2. AMENDATORY Section 7, State Question No. 788,
7 Initiative Petition No. 412 (63 O.S. Supp. 2020, Section 426), is
8 amended to read as follows:

9 Section 426. A. The tax on retail medical marijuana sales will
10 be established at seven percent (7%) of the gross amount received by
11 the seller.

12 B. This tax will be collected at the point of sale. Tax
13 proceeds will be applied primarily to finance the regulatory office.

14 C. If proceeds from the levy authorized by subsection A of this
15 section exceed the budgeted amount for running the regulatory
16 office, any surplus shall be apportioned with seventy-five percent
17 (75%) going to the General Revenue Fund and may only be expended for
18 common education, including funding redbud school grants pursuant to
19 Section 3-104 of Title 70 of the Oklahoma Statutes. Twenty-five
20 percent (25%) shall be apportioned to the Oklahoma State Department
21 of Health and earmarked for drug and alcohol rehabilitation.

22 SECTION 3. AMENDATORY 68 O.S. 2011, Section 1353, as
23 last amended by Section 1, Chapter 15, O.S.L. 2020 (68 O.S. Supp.
24 2020, Section 1353), is amended to read as follows:

1 Section 1353. A. It is hereby declared to be the purpose of
2 the Oklahoma Sales Tax Code to provide funds for the financing of
3 the program provided for by the Oklahoma Social Security Act and to
4 provide revenues for the support of the functions of the state
5 government of Oklahoma, and for this purpose it is hereby expressly
6 provided that, revenues derived pursuant to the provisions of the
7 Oklahoma Sales Tax Code, subject to the apportionment requirements
8 for the Oklahoma Tax Commission and Office of Management and
9 Enterprise Services Joint Computer Enhancement Fund provided by
10 Section 265 of this title, shall be apportioned as follows:

11 1. Except as provided in ~~subsection~~ subsections C and D of this
12 section, the following amounts shall be paid to the State Treasurer
13 to be placed to the credit of the General Revenue Fund to be paid
14 out pursuant to direct appropriation by the Legislature:

15 Fiscal Year	Amount
16 FY 2003 and FY 2004	86.04%
17 FY 2005	85.83%
18 FY 2006	85.54%
19 FY 2007	85.04%
20 FY 2008 through FY 2022	83.61%
21 FY 2023 through FY 2027	83.11%
22 FY 2028 and each fiscal year thereafter	83.61%;

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1 2. The following amounts shall be paid to the State Treasurer
2 to be placed to the credit of the Education Reform Revolving Fund of
3 the State Department of Education:

4 a. for FY 2003, FY 2004 and FY 2005, ten and forty-two
5 one-hundredths percent (10.42%),

6 b. for FY 2006 through FY 2020, ten and forty-six one-
7 hundredths percent (10.46%),

8 c. for FY 2021:

9 (1) for the month beginning July 1, 2020, through the
10 month ending August 31, 2020, ten and forty-six
11 one-hundredths percent (10.46%), and

12 (2) for the month beginning September 1, 2020,
13 through the month ending June 30, 2021, eleven
14 and ninety-six one-hundredths percent (11.96%),

15 d. for FY 2022, eleven and seventy-one one-hundredths
16 percent (11.71%), and

17 e. for FY 2023 and each fiscal year thereafter, ten and
18 forty-six one-hundredths percent (10.46%);

19 3. The following amounts shall be paid to the State Treasurer
20 to be placed to the credit of the Teachers' Retirement System
21 Dedicated Revenue Revolving Fund:

Fiscal Year	Amount
FY 2003 and FY 2004	3.54%
FY 2005	3.75%

1	FY 2006	4.0%
2	FY 2007	4.5%
3	FY 2008 through FY 2020	5.0%
4	FY 2021:	
5	a. for the month beginning July	
6	1, 2020, through the month	
7	ending August 31, 2020	5.0%
8	b. for the month beginning	
9	September 1, 2020, through	
10	the month ending June 30,	
11	2021	3.5%
12	FY 2022	3.75%
13	FY 2023 through FY 2027	5.5%
14	FY 2028 and each fiscal year thereafter	5.0%
15	4. a. except as otherwise provided in subparagraph b of this	
16	paragraph, for the fiscal year beginning July 1, 2015,	
17	and for each fiscal year thereafter, eighty-seven one-	
18	hundredths percent (0.87%) shall be paid to the State	
19	Treasurer to be further apportioned as follows:	
20	(1) thirty-six percent (36%) shall be placed to the	
21	credit of the Oklahoma Tourism Promotion	
22	Revolving Fund, but in no event shall such	
23	apportionment exceed Five Million Dollars	
24	(\$5,000,000.00) in any fiscal year, and	

1 (2) sixty-four percent (64%) shall be placed to the
2 credit of the Oklahoma Tourism Capital
3 Improvement Revolving Fund, but in no event shall
4 such apportionment exceed Nine Million Dollars
5 (\$9,000,000.00) in any fiscal year, and

6 b. any amounts which exceed the limitations of
7 subparagraph a of this paragraph shall be placed to
8 the credit of the General Revenue Fund; and

9 5. For the fiscal year beginning July 1, 2015, and for each
10 fiscal year thereafter, six one-hundredths percent (0.06%) shall be
11 placed to the credit of the Oklahoma Historical Society Capital
12 Improvement and Operations Revolving Fund, but in no event shall
13 such apportionment exceed the total amount apportioned pursuant to
14 this paragraph for the fiscal year ending on June 30, 2015. Any
15 amounts which exceed the limitations of this paragraph shall be
16 placed to the credit of the General Revenue Fund.

17 B. Provided, for the fiscal year beginning July 1, 2007, and
18 every fiscal year thereafter, an amount of revenue shall be
19 apportioned to each municipality or county which levies a sales tax
20 subject to the provisions of Section 1357.10 of this title and
21 subsection F of Section 2701 of this title equal to the amount of
22 sales tax revenue of such municipality or county exempted by the
23 provisions of Section 1357.10 of this title and subsection F of
24 Section 2701 of this title. The Oklahoma Tax Commission shall

1 promulgate and adopt rules necessary to implement the provisions of
2 this subsection.

3 C. From the monies that would otherwise be apportioned to the
4 General Revenue Fund pursuant to subsection A of this section, there
5 shall be apportioned the following amounts:

6 1. For the month ending August 31, 2019:

7 a. Nine Million Six Hundred Thousand Dollars
8 (\$9,600,000.00) to the credit of the State Highway
9 Construction and Maintenance Fund created in Section
10 1501 of Title 69 of the Oklahoma Statutes, and

11 b. Two Million Dollars (\$2,000,000.00) to the credit of
12 the Oklahoma Railroad Maintenance Revolving Fund
13 created in Section 309 of Title 66 of the Oklahoma
14 Statutes;

15 2. For the month ending September 30, 2019:

16 a. Twenty Million Dollars (\$20,000,000.00) to the credit
17 of the State Highway Construction and Maintenance Fund
18 created in Section 1501 of Title 69 of the Oklahoma
19 Statutes, and

20 b. Two Million Dollars (\$2,000,000.00) to the credit of
21 the Oklahoma Railroad Maintenance Revolving Fund
22 created in Section 309 of Title 66 of the Oklahoma
23 Statutes;

24 3. For the month ending October 31, 2019:

1 a. Twenty Million Dollars (\$20,000,000.00) to the credit
2 of the State Highway Construction and Maintenance Fund
3 created in Section 1501 of Title 69 of the Oklahoma
4 Statutes, and

5 b. Two Million Dollars (\$2,000,000.00) to the credit of
6 the Oklahoma Railroad Maintenance Revolving Fund
7 created in Section 309 of Title 66 of the Oklahoma
8 Statutes;

9 4. For the month ending November 30, 2019:

10 a. Twenty Million Dollars (\$20,000,000.00) to the credit
11 of the State Highway Construction and Maintenance Fund
12 created in Section 1501 of Title 69 of the Oklahoma
13 Statutes, and

14 b. Two Million Dollars (\$2,000,000.00) to the credit of
15 the Oklahoma Railroad Maintenance Revolving Fund
16 created in Section 309 of Title 66 of the Oklahoma
17 Statutes; and

18 5. For the month ending December 31, 2019:

19 a. Twenty Million Dollars (\$20,000,000.00) to the credit
20 of the State Highway Construction and Maintenance Fund
21 created in Section 1501 of Title 69 of the Oklahoma
22 Statutes, and

23 b. Two Million Dollars (\$2,000,000.00) to the credit of
24 the Oklahoma Railroad Maintenance Revolving Fund

1 created in Section 309 of Title 66 of the Oklahoma
2 Statutes.

3 D. For the fiscal year beginning July 1, 2021, and for each
4 fiscal year thereafter, before any other apportionment otherwise
5 required by this section is made to the General Revenue Fund, there
6 shall be apportioned to the State Public Common School Building
7 Equalization Fund an amount, if any, as required pursuant to Section
8 3-104 of Title 70 of the Oklahoma Statutes, not to exceed the state
9 sales tax generated by medical marijuana sales in the preceding
10 fiscal year as reported by the Oklahoma Tax Commission.

11 SECTION 4. AMENDATORY 70 O.S. 2011, Section 1-111, as
12 last amended by Section 1, Chapter 135, O.S.L. 2016 (70 O.S. Supp.
13 2020, Section 1-111), is amended to read as follows:

14 Section 1-111. A. Except as otherwise provided for by law, a
15 school day shall consist of not less than six (6) hours devoted to
16 school activities. A district board of education may elect to
17 extend the length of one (1) or more school days to more than six
18 (6) hours and reduce the number of school days as long as the total
19 amount of classroom instruction time is not less than one thousand
20 eighty (1,080) hours per year as required pursuant to Section 1-109
21 of this title.

22 B. A school day for nursery, early childhood education,
23 kindergarten, and alternative education programs shall be as
24 otherwise defined by law or as defined by the State Board of

1 Education. Except as otherwise provided for in this subsection, not
2 more than one (1) school day shall be counted for attendance
3 purposes in any twenty-four-hour period. Two (2) school days, each
4 consisting of not less than six (6) hours, may be counted for
5 attendance purposes in any twenty-four-hour period only if one of
6 the school days is for the purpose of parent-teacher conferences
7 held as provided for in Section 1-109 of this title.

8 C. Students absent from school in which they are regularly
9 enrolled may be considered as being in attendance if the reason for
10 such absence is to participate in scheduled school activities under
11 the direction and supervision of a regular member of the faculty or
12 to participate in an online course approved by the district board of
13 education. The State Board of Education shall adopt rules to
14 provide for the implementation of supplemental online courses which
15 shall include, but not be limited to, provisions addressing the
16 following:

- 17 1. Criteria for student admissions eligibility;
- 18 2. A student admission process administered through the
19 district of residence, which provides the ability for the student to
20 enroll in individual courses;
- 21 3. A process by which students are not denied the opportunity
22 to enroll in educationally appropriate courses by school districts.
23 For the purposes of this section, "educationally appropriate" means
24 any instruction that is not substantially a repeat of a course or

1 portion of a course that the student has successfully completed,
2 regardless of the grade of the student, and regardless of whether a
3 course is similar to or identical to the instruction that is
4 currently offered in the school district;

5 4. Creation of a system which provides ongoing enrollment
6 access for students throughout the school year;

7 5. A grace period of fifteen (15) calendar days from the first
8 day of an online course for student withdrawal from an online course
9 without academic penalty;

10 6. Mastery of competencies for course completion rather than
11 Carnegie units;

12 7. Student participation in extracurricular activities in
13 accordance with school district eligibility rules and policies and
14 any rules and policies of a private organization or association
15 which provides the coordination, supervision, and regulation of the
16 interscholastic activities and contests of schools;

17 8. Parent authorization for release of state test results to
18 online course providers, on a form developed by the State Department
19 of Education; and

20 9. A review process to identify and certify online course
21 providers and a uniform payment processing system.

22 D. Each district board of education shall adopt policies and
23 procedures that conform to rules for online courses as adopted by
24 the State Board. Such policies shall include criteria for approval

1 of the course, the appropriateness of the course for a particular
2 student, authorization for full-time students to enroll in online
3 courses, and establishing fees or charges. No district shall be
4 liable for payment of any fees or charges for any online course for
5 a student who has not complied with the district's policies and
6 procedures. School districts shall not deny students the
7 opportunity to enroll in educationally appropriate courses and shall
8 provide an admissions process which includes input from the student,
9 the parent or guardian of the student, and school faculty.

10 E. Districts shall require students enrolled in online courses
11 to participate in the Oklahoma School Testing Program Act. Students
12 participating in online courses from a remote site will be
13 responsible for providing their own equipment and Internet access,
14 unless the district chooses to provide the equipment. Credit may
15 not be granted for such courses except upon approval of the State
16 Board of Education and the district board of education.

17 F. Districts may provide students with opportunities for
18 blended instruction. A "blended learning student" shall mean a
19 student who is enrolled in a combination of brick-and-mortar
20 learning and virtual learning environments that include elements of
21 a student's control over place, pace and path of learning. The
22 blended learning student may work on virtual courses at home or at
23 school in a blended flex lab, but shall participate in at least one
24 unit or set of competencies as defined by Section 11-103.6 of this

1 title at a physical school building in a traditional classroom
2 setting which is the academic equivalent of one (1) hour per day for
3 each instructional day in the school year as defined by Section 1-
4 109 of this title.

5 G. The school day for kindergarten may consist of six (6) hours
6 devoted to school activities.

7 SECTION 5. AMENDATORY 70 O.S. 2011, Section 3-104, as
8 last amended by Section 1, Chapter 271, O.S.L. 2013 (70 O.S. Supp.
9 2020, Section 3-104), is amended to read as follows:

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

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

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

20 3. Submit to the Governor a departmental budget based upon
21 major functions of the Department as prepared by the State
22 Superintendent of Public Instruction and supported by detailed data
23 on needs and proposed operations as partially determined by the
24 budgetary needs of local school districts filed with the State Board

1 of Education for the ensuing fiscal year. Appropriations therefor
2 shall be made in lump-sum form for each major item in the budget as
3 follows:

- 4 a. State Aid to schools,
- 5 b. the supervision of all other functions of general and
6 special education including general control, free
7 textbooks, school lunch, Indian education and all
8 other functions of the Board and an amount sufficient
9 to adequately staff and administer these services, and
- 10 c. the Board shall determine the details by which the
11 budget and the appropriations are administered.
12 Annually, the Board shall make preparations to
13 consolidate all of the functions of the Department in
14 such a way that the budget can be based on two items,
15 administration and aid to schools. A maximum amount
16 for administration shall be designated as a part of
17 the total appropriation;

18 4. On the first day of December preceding each regular session
19 of the Legislature, prepare and deliver to the Governor and the
20 Legislature a report for the year ending June 30 immediately
21 preceding the regular session of the Legislature. The report shall
22 contain:

- 23 a. detailed statistics and other information concerning
24 enrollment, attendance, expenditures including State

1 Aid, and other pertinent data for all public schools
2 in this state,

3 b. reports from each and every division within the State
4 Department of Education as submitted by the State
5 Superintendent of Public Instruction and any other
6 division, department, institution or other agency
7 under the supervision of the Board,

8 c. recommendations for the improvement of the public
9 school system of the state,

10 d. a statement of the receipts and expenditures of the
11 State Board of Education for the past year, and

12 e. a statement of plans and recommendations for the
13 management and improvement of public schools and such
14 other information relating to the educational
15 interests of the state as may be deemed necessary and
16 desirable;

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

20 6. Have authority in matters pertaining to the licensure and
21 certification of persons for instructional, supervisory and
22 administrative positions and services in the public schools of the
23 state subject to the provisions of Section 6-184 of this title, and
24 shall formulate rules governing the issuance and revocation of

1 certificates for superintendents of schools, principals,
2 supervisors, librarians, clerical employees, school nurses, school
3 bus drivers, visiting teachers, classroom teachers and for other
4 personnel performing instructional, administrative and supervisory
5 services, but not including members of boards of education and other
6 employees who do not work directly with pupils, and may charge and
7 collect reasonable fees for the issuance of such certificates:

8 a. the State Department of Education shall not issue a
9 certificate to and shall revoke the certificate of any
10 person who has been convicted, whether upon a verdict
11 or plea of guilty or upon a plea of nolo contendere,
12 or received a suspended sentence or any probationary
13 term for a crime or an attempt to commit a crime
14 provided for in Section 843.5 of Title 21 of the
15 Oklahoma Statutes if the offense involved sexual abuse
16 or sexual exploitation as those terms are defined in
17 Section 1-1-105 of Title 10A of the Oklahoma Statutes,
18 ~~Sections~~ Section 741, 843.1, if the offense included
19 sexual abuse or sexual exploitation, 865 et seq., 885,
20 888, 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,
21 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
22 Statutes or who enters this state and who has been
23 convicted, received a suspended sentence or received a
24 deferred judgment for a crime or attempted crime

1 which, if committed or attempted in this state, would
2 be a crime or an attempt to commit a crime provided
3 for in any of said laws,

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

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

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

14 Any school district which maintains an elementary school and
15 faces the necessity of relocating its school facilities because of
16 construction of a lake, either by state or federal authority, which
17 will inundate the school facilities, shall be entitled to receive
18 probationary accreditation from the State Board of Education for a
19 period of five (5) years after the effective date of this act and
20 any school district, otherwise qualified, shall be entitled to
21 receive probationary accreditation from the State Board of Education
22 for a period of two (2) consecutive years to attain the minimum
23 average daily attendance. The Head Start and public nurseries or
24 kindergartens operated from Community Action Program funds shall not

1 be subjected to the accrediting rules of the State Board of
2 Education. Neither will the State Board of Education make rules
3 affecting the operation of the public nurseries and kindergartens
4 operated from federal funds secured through Community Action
5 Programs even though they may be operating in the public schools of
6 the state. However, any of the Head Start or public nurseries or
7 kindergartens operated under federal regulations may make
8 application for accrediting from the State Board of Education but
9 will be accredited only if application for the approval of the
10 programs is made. The status of no school district shall be changed
11 which will reduce it to a lower classification until due notice has
12 been given to the proper authorities thereof and an opportunity
13 given to correct the conditions which otherwise would be the cause
14 of such reduction.

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

21 8. Be the legal agent of the State of Oklahoma to accept, in
22 its discretion, the provisions of any Act of Congress appropriating
23 or apportioning funds which are now, or may hereafter be, provided
24 for use in connection with any phase of the system of public

1 education in Oklahoma. It shall prescribe such rules as it finds
2 necessary to provide for the proper distribution of such funds in
3 accordance with the state and federal laws;

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

10 10. Be and is hereby designated as the "State Educational
11 Agency" referred to in Public Law 396 of the 79th Congress of the
12 United States, which law states that said act may be cited as the
13 "National School Lunch Act", and said State Board of Education is
14 hereby authorized and directed to accept the terms and provisions of
15 said act and to enter into such agreements, not in conflict with the
16 Constitution of Oklahoma or the Constitution and Statutes of the
17 United States, as may be necessary or appropriate to secure for the
18 State of Oklahoma the benefits of the school lunch program
19 established and referred to in said act;

20 11. Have authority to secure and administer the benefits of the
21 National School Lunch Act, Public Law 396 of the 79th Congress of
22 the United States, in the State of Oklahoma and is hereby authorized
23 to employ or appoint and fix the compensation of such additional
24 officers or employees and to incur such expenses as may be necessary

1 for the accomplishment of the above purpose, administer the
2 distribution of any state funds appropriated by the Legislature
3 required as federal matching to reimburse on children's meals;

4 12. Accept and provide for the administration of any land,
5 money, buildings, gifts, donation or other things of value which may
6 be offered or bequeathed to the schools under the supervision or
7 control of said Board;

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

18 14. Have general supervision of the school lunch program. The
19 State Board of Education may sponsor workshops for personnel and
20 participants in the school lunch program and may develop, print and
21 distribute free of charge or sell any materials, books and bulletins
22 to be used in such school lunch programs. There is hereby created
23 in the State Treasury a revolving fund for the Board, to be
24 designated the School Lunch Workshop Revolving Fund. The fund shall

1 consist of all fees derived from or on behalf of any participant in
2 any such workshop sponsored by the State Board of Education, or from
3 the sale of any materials, books and bulletins, and such funds shall
4 be disbursed for expenses of such workshops and for developing,
5 printing and distributing of such materials, books and bulletins
6 relating to the school lunch program. The fund shall be
7 administered in accordance with Section 155 of Title 62 of the
8 Oklahoma Statutes;

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

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

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

21 18. Provide for the supervision of the transportation of
22 pupils;

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1 19. Have authority, upon request of the local school board, to
2 act in behalf of the public schools of the state in the purchase of
3 transportation equipment;

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

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

1 sites, constructing, repairing, remodeling or equipping buildings,
2 or acquiring school furniture, fixtures, or equipment. ~~For charter~~
3 ~~schools, the fund shall only be used to acquire buildings in which~~
4 ~~students enrolled in the charter school will be attending.~~ It is
5 hereby declared that the term "school districts" as used in Section
6 32 of Article X of the Oklahoma Constitution shall mean school
7 districts and ~~charter schools created pursuant to the provisions of~~
8 ~~the Oklahoma Charter Schools Act~~ eligible charter schools as defined
9 in subsection B of this section. ~~If sufficient monies are available~~
10 ~~in the fund, the Board shall solicit proposals for grants from~~
11 ~~school districts and charter schools and shall determine the process~~
12 ~~for consideration of proposals. Grants shall be awarded only to~~
13 ~~school districts which have a total assessed property valuation per~~
14 ~~average daily membership that is less than the state average total~~
15 ~~assessed property valuation per average daily membership and, at the~~
16 ~~time of application, the district has voted the five-mill building~~
17 ~~fund levy authorized in Section 10 of Article X of the Oklahoma~~
18 ~~Constitution, and has voted indebtedness through the issuance of new~~
19 ~~bonds for at least fifty percent (50%) within the last three (3)~~
20 ~~years of the maximum allowable pursuant to the provisions of Section~~
21 ~~26 of Article X of the Oklahoma Constitution as shown on the school~~
22 ~~district budget filed with the State Board of Equalization for the~~
23 ~~current school year and certifications by the Attorney General prior~~
24 ~~to April 1 of the school year. Grants shall be awarded only to~~

1 ~~charter schools which have secured matching funds for the specific~~
2 ~~purpose of acquiring buildings in an amount of not less than ten~~
3 ~~percent (10%) of the total grant amount. The amount of each grant~~
4 ~~awarded by the Board each year shall not exceed Four Million Dollars~~
5 ~~(\$4,000,000.00). From the total amount available to provide grants~~
6 ~~to public schools and charter schools, charter schools shall be~~
7 ~~allocated the greater of ten percent (10%) of the total amount or~~
8 ~~the percent of students enrolled in charter schools that are not~~
9 ~~sponsored by the Statewide Virtual Charter School Board as compared~~
10 ~~to the student enrollment in school districts which have a total~~
11 ~~assessed property valuation per average daily membership that is~~
12 ~~equal to or less than twenty-five percent (25%) of the state total~~
13 ~~assessed property valuation per average daily membership. The Board~~
14 ~~shall give priority consideration to school districts which have a~~
15 ~~total assessed property valuation per average daily membership that~~
16 ~~is equal to or less than twenty-five percent (25%) of the state~~
17 ~~average total assessed property valuation per average daily~~
18 ~~membership. The Board is authorized to prorate grants awarded if~~
19 ~~monies are not sufficient in the fund to award grants to qualified~~
20 ~~districts and charter schools. The State Board of Education shall~~
21 ~~make available to eligible charter schools any unused grant funds~~
22 ~~that remain after the initial allocation to all eligible public~~
23 ~~school districts and charter schools of this state. The State Board~~
24 ~~of Education shall disburse redbud school grants annually from the~~

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

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

24

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 all
4 monies received from the various school districts of the state, the
5 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, foundations
10 and other agencies or individuals for services, programs or research
11 projects. The Statistical Services Revolving Fund shall be
12 administered in accordance with Section 155 of Title 62 of the
13 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,

24

- 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
24

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. Monies for the redbud school grants shall be apportioned
11 annually to the State Public Common School Building Equalization
12 Fund from the funds collected pursuant to Section 426 of Title 63 of
13 the Oklahoma Statutes, not to exceed three-fourths (3/4) of the tax
14 collected in the preceding fiscal year pursuant to Section 426 of
15 Title 63 of the Oklahoma Statutes as determined by the Oklahoma Tax
16 Commission. If such apportioned funds are insufficient to fund the
17 redbud school grants, then an additional apportionment of funds
18 shall be made from sales tax collections as provided by subsection D
19 of Section 1353 of Title 68 of the Oklahoma Statutes. If both funds
20 are insufficient, the Department shall promulgate rules to permit a
21 decrease to the baseline local funding per student to the highest
22 amount allowed with the funding available.

23 3. As used in this section, "eligible charter school" shall
24 mean a charter school which is sponsored pursuant to the provisions

1 of the Oklahoma Charter School Act. Provided, however, eligible
2 charter school shall not include a charter school sponsored by the
3 Statewide Virtual Charter School Board, but shall only include those
4 which provide in-person or blended instruction, as provided by
5 Section 1-111 of this title, to not less than two-thirds (2/3) of
6 students as the primary means of instructional service delivery.

7 4. The Department shall develop a program to acknowledge the
8 redbud school grant recipients and shall include elected members of
9 the Oklahoma House of Representatives and Oklahoma State Senate who
10 represent the school districts and eligible charter schools.

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

15 6. The Department shall provide the Chair of the House
16 Appropriations and Budget Committee and the Chair of the Senate
17 Appropriations Committee no later than March 1 of each year with an
18 estimate of the upcoming year's redbud school grant allocation as
19 prescribed by this section.

20 SECTION 6. AMENDATORY 70 O.S. 2011, Section 3-104.4, as
21 last amended by Section 64, Chapter 161, O.S.L. 2020 (70 O.S. Supp.
22 2020, Section 3-104.4), is amended to read as follows:

23 Section 3-104.4 A. The State Board of Education shall adopt
24 standards for the accreditation of the public schools in this state

1 according to the requirements of Section 3-104.3 et seq. of this
2 title, to be effective as set forth in Section 3-104.3 et seq. of
3 this title. The accreditation standards shall incorporate the
4 curricular standards established pursuant to Section 11-103.6 of
5 this title. The accreditation standards shall equal or exceed
6 nationally recognized accreditation standards to the extent that the
7 standards are consistent with an academic results oriented approach
8 to accreditation. The accreditation adopted by the State Board
9 shall encompass accreditation for elementary schools, middle
10 schools, junior high schools, and high schools. The accreditation
11 standards shall be made available for public inspection at the
12 offices of the State Department of Education.

13 B. Standards for accreditation adopted by the State Board of
14 Education shall include standards relating to the provision of
15 school counselors to the public school children of this state. The
16 State Board of Education shall require each local school district to
17 provide information regarding the number of counselors serving each
18 school site, the duties of all such counselors including all
19 administrative duties, the number of students served by each
20 counselor, and information regarding the number of counselors
21 employed per elementary school, middle school, junior high school
22 and high school.

23 C. Except as otherwise provided, schools shall meet the
24 accreditation standards as a condition of continued accreditation.

1 Nothing herein shall be construed as preventing changes to the
2 adopted standards by the State Board of Education pursuant to the
3 Administrative Procedures Act. The accreditation standards shall
4 provide for warnings, probation or nonaccredited status for schools
5 that fail to meet the standards. The Department shall investigate a
6 complaint of failure to provide educational services or failure to
7 comply with accreditation standards within thirty (30) days of
8 receiving the complaint. If the Department determines that a school
9 has failed to comply with the accreditation standards, the
10 Department shall report the recommended warning, probation or
11 nonaccredited accreditation status to the State Board of Education
12 within ninety (90) days. If a school does not take action to comply
13 with the accreditation standards within ninety (90) days after a
14 report is filed by the Department, the Board shall withdraw
15 accreditation for the school. The State Board accreditation
16 regulations shall provide for warnings and for assistance to schools
17 and school districts whenever there is reason to believe a school is
18 in danger of losing its state accreditation.

19 D. If one or more school sites fail to receive accreditation as
20 required pursuant to this section or subsequently lose
21 accreditation, the State Board of Education shall close the school
22 and reassign the students to accredited schools within the district
23 or shall annex the district to one or more other districts in which
24 the students can be educated in accredited schools.

1 E. Standards for accreditation adopted by the State Board of
2 Education shall include standards relating to the provision of
3 educational services provided in partial hospitalization programs,
4 day treatment programs, day hospital programs, residential treatment
5 programs and emergency shelter programs for persons between the ages
6 of three (3) and twenty-one (21) years of age. The accreditation
7 standards shall apply to on-site and off-site educational services
8 provided by public school districts or state-accredited private
9 schools. Each school which is providing or is required to provide
10 educational services for students placed in a program as described
11 in this subsection shall be actively monitored by the State
12 Department of Education. The Department shall determine on an
13 ongoing basis if the educational program and services are in
14 compliance with the accreditation standards.

15 F. The State Board shall provide assistance to districts in
16 considering the possibility of meeting accreditation requirements
17 through the use of nontraditional means of instruction. The State
18 Board shall also assist districts in forming cooperatives and making
19 arrangements for the use of satellite instruction or other
20 instructional technologies to the extent that use of such
21 instructional means meets accreditation standards.

22 G. 1. Accreditation shall not be withdrawn from or denied nor
23 shall a penalty be assessed against a school or school district for
24 failing to meet the media materials and equipment standards, media

1 program expenditure standards and media personnel standards as set
2 forth in the accreditation standards adopted by the Board.

3 2. The provisions of paragraph 1 of this subsection shall cease
4 to be effective during the fiscal year which begins on the July 1
5 immediately succeeding the legislative session during which the
6 measure appropriating monies to the State Board of Education for the
7 financial support of public schools is enacted as law and such
8 appropriation amount is at least Fifty Million Dollars
9 (\$50,000,000.00) greater than the amount of money appropriated to
10 the State Board of Education for the financial support of public
11 schools for the fiscal year ending June 30, 2019, pursuant to
12 Chapter 146, O.S.L. 2018. Provided, the Fifty Million Dollars
13 (\$50,000,000.00) shall not include any amount of appropriations
14 dedicated for support or certified employee salary increases.
15 Accreditation shall not be withdrawn from or denied nor shall a
16 penalty be assessed against a school or school district for failing
17 to meet the media personnel standards as set forth in accreditation
18 standards adopted by the Board.

19 H. 1. The State Board shall not assess a financial penalty
20 against any school district which is given a deficiency in
21 accreditation status during any fiscal year as provided for in this
22 subsection.

23 2. Beginning with the fiscal year which begins July 1, 2021, if
24 the amount of money appropriated to the State Board of Education for

1 the financial support of public schools, including funds apportioned
2 pursuant to subsection B of Section 3-104 of this title, is at least
3 One Hundred Million Dollars (\$100,000,000.00) greater than the
4 amount of money appropriated to the State Board of Education for the
5 financial support of public schools for the fiscal year ending June
6 30, 2019, pursuant to Chapter 146, O.S.L. 2018, a financial penalty
7 shall be assessed against any school districts that do not comply
8 with the class size limitations for kindergarten as provided for in
9 Section 18-113.2 of this title and class size limitations for grade
10 one as provided for in subsection A of Section 18-113.1 of this
11 title. Provided, the One Hundred Million Dollars (\$100,000,000.00)
12 shall not include any amount of appropriations dedicated for support
13 or certified employee salary increases.

14 3. The State Department of Education shall submit a report on
15 statewide classroom sizes to the President Pro Tempore of the
16 Oklahoma State Senate and the Speaker of the Oklahoma House of
17 Representatives no later than January 1, 2022.

18 I. Except as provided for in subsection J of this section,
19 beginning with the 2019-2020 school year, evaluations of schools to
20 determine whether they meet the accreditation standards set forth in
21 accordance with this section shall occur once every four (4) years
22 on a schedule adopted by the State Board of Education. The Board
23 may interrupt the evaluation schedule provided in this subsection
24 for reasons including a change in the superintendent of the school

1 district; determination that one or more school district board
2 members have not met the continuing education requirements as
3 defined by this title; determination that the school district
4 falsified information submitted to any public city, county, state or
5 federal official or agency; initiation of an investigation by the
6 Board or a law enforcement agency; or other determination by the
7 Board that standards for accreditation are not being met by the
8 school district. The schedule adopted by the Board shall allow for
9 school districts receiving no deficiencies for two (2) consecutive
10 years to be reviewed for accreditation less than annually.

11 Provided, however, that schools shall be evaluated annually for the
12 purposes of:

- 13 1. Local, state and federal funding;
- 14 2. Health and safety;
- 15 3. Certification requirements for teachers, principals and
16 superintendents;
- 17 4. School board governance, including instructional and
18 continuing education requirements for school board members; and
- 19 5. Any other requirements under state or federal law.

20 J. Beginning with the 2019-2020 school year, if a public school
21 receives a deficiency on its accreditation report, the public school
22 shall be evaluated annually to determine if it meets the
23 accreditation standards set forth in accordance with this section.
24 If the public school receives no deficiencies for two (2)

1 consecutive years, the public school shall be subject to the
2 evaluation timeline established in subsection I of this section.

3 SECTION 7. AMENDATORY 70 O.S. 2011, Section 3-142, as
4 last amended by Section 1, Chapter 122, O.S.L. 2020 (70 O.S. Supp.
5 2020, Section 3-142), is amended to read as follows:

6 Section 3-142. A. ~~For purposes of funding, a charter school~~
7 ~~sponsored by a board of education of a school district shall be~~
8 ~~considered a site within the school district in which the charter~~
9 ~~school is located.~~ The student membership and attendance of the
10 charter school shall be considered separate from the student
11 membership and attendance of the ~~district in which the charter~~
12 ~~school is located~~ sponsor for the purpose of calculating enrollment
13 and funding, including weighted average daily membership pursuant to
14 Section 18-201.1 of this title and State Aid pursuant to Section 18-
15 200.1 of this title. ~~For charter schools sponsored by a board of~~
16 ~~education of a school district, the sum of the separate calculations~~
17 ~~for the charter school and the school district shall be used to~~
18 ~~determine the total State Aid allocation for the district in which~~
19 ~~the charter school is located.~~ A charter school shall receive from
20 ~~the sponsoring school district,~~ the State Aid allocation, federal
21 funds to which it is eligible and qualifies for and any other state-
22 appropriated revenue generated by its students for the applicable
23 year, ~~less up to~~. Not more than three percent (3%) of the State Aid
24 allocation, ~~which~~ may be ~~retained~~ charged by the ~~school district~~

1 sponsor as a fee for administrative services rendered. ~~For charter~~
2 ~~schools sponsored by the board of education of a technology center~~
3 ~~school district, a higher education institution, the State Board of~~
4 ~~Education, or a federally recognized Indian tribe and for statewide~~
5 ~~virtual charter schools sponsored by the Statewide Virtual Charter~~
6 ~~School Board, the State Aid allocation for the charter school shall~~
7 ~~be distributed by the State Board of Education and not more than~~
8 ~~three percent (3%) of the State Aid allocation may be charged by the~~
9 ~~sponsor as a fee for administrative services rendered.~~ The State
10 Board of Education shall determine the policy and procedure for
11 making payments to a charter school. The fee for administrative
12 services as authorized in this subsection shall only be assessed on
13 the State Aid allocation amount and shall not be assessed on any
14 other appropriated amounts. A sponsor of a charter school shall not
15 ~~retain~~ charge any additional State Aid allocation or charge the
16 charter school any additional fee above the amounts allowed by this
17 subsection unless the additional fees are for additional services
18 rendered. The charter school sponsor shall provide to the State
19 Department of Education financial records documenting any state
20 funds ~~retained~~ charged by the sponsor for administrative services
21 rendered for the previous year.

22 B. 1. The weighted average daily membership for the first year
23 of operation of a charter school shall be determined initially by
24 multiplying the actual enrollment of students as of August 1 by

1 1.333. The charter school shall receive revenue equal to that which
2 would be generated by the estimated weighted average daily
3 membership calculated pursuant to this paragraph. At midyear, the
4 allocation for the charter school shall be adjusted using the first
5 quarter weighted average daily membership for the charter school
6 calculated pursuant to subsection A of this section.

7 2. For the purpose of calculating weighted average daily
8 membership pursuant to Section 18-201.1 of this title and State Aid
9 pursuant to Section 18-200.1 of this title, the weighted average
10 daily membership for the first year of operation and each year
11 thereafter of a full-time virtual charter school shall be determined
12 by multiplying the actual enrollment of students as of August 1 by

13 1.333. The full-time virtual charter school shall receive revenue
14 equal to that which would be generated by the estimated weighted
15 average daily membership calculated pursuant to this paragraph. At
16 midyear, the allocation for the full-time virtual charter school
17 shall be adjusted using the first quarter weighted average daily
18 membership for the virtual charter school calculated pursuant to
19 subsection A of this section.

20 C. ~~A charter school shall~~ Except as explicitly authorized by
21 state law, a charter school shall not be eligible to receive state-
22 dedicated, local or county revenue; provided, a charter school may
23 be eligible to receive any other aid, grants or revenues allowed to
24 other schools. A charter school ~~sponsored by the board of education~~

1 ~~of a technology center school district, a higher education~~
2 ~~institution, the State Board of Education, or a federally recognized~~
3 ~~Indian tribe~~ shall be considered a local education agency for
4 purposes of funding. ~~A charter school sponsored by a board of~~
5 ~~education of a school district shall be considered a local education~~
6 ~~agency for purposes of federal funding.~~

7 D. ~~A charter school, in addition to the money received from the~~
8 ~~state, may receive money from any other source.~~ Any unexpended
9 funds received by a charter school may be reserved and used for
10 future purposes. The governing body of a charter school shall not
11 levy taxes or issue bonds. If otherwise allowed by law, the
12 governing body of a charter school may enter into private contracts
13 for the purposes of borrowing money from lenders. If the governing
14 body of the charter school borrows money, the charter school shall
15 be solely responsible for repaying the debt, and the state or the
16 sponsor shall not in any way be responsible or obligated to repay
17 the debt.

18 E. Any charter school which chooses to lease property shall be
19 eligible to receive current government lease rates.

20 F. Except as otherwise provided in this subsection, each
21 charter school shall pay to the Charter School Closure Reimbursement
22 Revolving Fund created in subsection G of this section an amount
23 equal to Five Dollars (\$5.00) per student based on average daily
24 membership, as defined by paragraph 2 of Section 18-107 of this

1 title, during the first nine (9) weeks of the school year. Each
2 charter school shall complete the payment every school year within
3 thirty (30) days after the first nine (9) weeks of the school year.
4 If the Charter School Closure Reimbursement Revolving Fund has a
5 balance of One Million Dollars (\$1,000,000.00) or more on July 1, no
6 payment shall be required the following school year.

7 G. There is hereby created in the State Treasury a revolving
8 fund for the State Department of Education to be designated the
9 "Charter School Closure Reimbursement Revolving Fund". The fund
10 shall be a continuing fund, not subject to fiscal year limitations,
11 and shall consist of all monies received by the State Department of
12 Education from charter schools as provided in subsection F of this
13 section. All monies accruing to the credit of said fund are hereby
14 appropriated and may be budgeted and expended by the State
15 Department of Education for the purpose of reimbursing charter
16 school sponsors for costs incurred due to the closure of a charter
17 school. Expenditures from said fund shall be made upon warrants
18 issued by the State Treasurer against claims filed as prescribed by
19 law with the Director of the Office of Management and Enterprise
20 Services for approval and payment. The State Department of
21 Education may promulgate rules regarding sponsor eligibility for
22 reimbursement.

23 SECTION 8. AMENDATORY 70 O.S. 2011, Section 10-103.1, is
24 amended to read as follows:

1 Section 10-103.1 A. The school population, scholastic
2 population, scholastic enumeration, and enumeration of a district
3 shall be the legal average daily attendance. The legal average
4 daily attendance shall be the average number of pupils present in a
5 school district during a year or other specified period of time.
6 The State Board of Education shall determine the legal average daily
7 attendance for each school district by dividing the aggregate days
8 of pupils present in each school district by the number of days
9 taught in each school district.

10 B. The legal average daily attendance for purposes of the
11 distributions contained in subsection (b) of Section 9 of Article X
12 of the Oklahoma Constitution, Section 1004 of Title 68 of the
13 Oklahoma Statutes, Section 1104 of Title 47 of the Oklahoma Statutes
14 and Sections 10-104 and 615 of this title shall not include the
15 average daily attendance for students enrolled in a charter school.

16 SECTION 9. It being immediately necessary for the preservation
17 of the public peace, health or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval."
20
21
22
23
24

1 ENGROSSED SENATE
2 BILL NO. 229

By: Montgomery of the Senate

3 and

4 Hilbert of the House

5
6 [Teacher Due Process Act - teacher certification -
7 effective date - emergency]

8
9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 10. AMENDATORY 70 O.S. 2011, Section 6-101.23,
12 as amended by Section 1, Chapter 92, O.S.L. 2013 (70 O.S. Supp.
13 2020, Section 6-101.23), is amended to read as follows:

14 Section 6-101.23. A. The dismissal, suspension and
15 ~~nonreemployment~~ non-reemployment provisions of the Teacher Due
16 Process Act of 1990 shall not apply to:

- 17 1. Substitute teachers;
18 2. Adult education teachers; and
19 3. Teachers who are employed on temporary contracts.

20 B. The dismissal and suspension provisions of the Teacher Due
21 Process Act of 1990 shall apply to teachers who are employed on
22 temporary contracts for a complete school year and to teachers who
23 are employed in positions fully funded by federal or private

24

1 categorical grants, except that such teachers shall be employed only
2 for the duration of the temporary contract or the grant.

3 C. The evaluation provisions in Sections 6-101.10 and 6-101.11
4 of this title and in the Teacher Due Process Act of 1990 shall apply
5 to teachers who are employed on temporary contracts for a complete
6 school year and to teachers who are employed in positions fully
7 funded by federal or private categorical grants, except that such
8 teachers shall be employed only for the duration of the temporary
9 contract or the grant.

10 D. Teachers other than those specifically excepted in
11 subsection A of this section who are employed on contracts shall be
12 afforded all substantive and procedural rights set forth in the
13 Teacher Due Process Act of 1990 including the dismissal, suspension,
14 and ~~non-reemployment~~ non-reemployment provisions applicable to
15 probationary or career teachers as defined in Section 6-101.3 of
16 this title.

17 E. On and after ~~the effective date of this act~~ July 1, 2013,
18 any teacher who has worked a complete school year under a temporary
19 contract in a school district shall be granted a year of service
20 credit toward career status in that district.

21 F. No teacher shall be hired on a temporary contract by a
22 school district for more than four semesters or on multiple
23 temporary contracts by a school district that together are for more
24 than four semesters, except for a:

1 1. Teacher hired to replace a teacher who is on an approved
2 leave of absence and who is expected to return to employment with
3 the school district; ~~or~~

4 2. Teacher who is a retired member of the Teachers' Retirement
5 System of Oklahoma; or

6 3. Teacher with an emergency or provisional certificate as
7 provided for in subsection F of Section 6-187 of this title.

8 G. No teacher shall be offered a temporary contract with a
9 school district without a full written disclosure at the time a
10 position is offered by the administration of the school district
11 which sets forth the terms and conditions of the temporary contract.
12 In the event the school district fails to provide such written
13 disclosure, the teacher shall be considered as employed on a
14 continuing contract basis.

15 H. On and after ~~the effective date of this act~~ July 1, 2013, no
16 teacher who is employed on a continuing contract basis by a school
17 district shall be reemployed on a temporary contract in that school
18 district.

19 SECTION 11. AMENDATORY 70 O.S. 2011, Section 6-187, as
20 last amended by Section 1, Chapter 139, O.S.L. 2020 (70 O.S. Supp.
21 2020, Section 6-187), is amended to read as follows:

22 Section 6-187. A. Prior to July 1, 2014, a competency
23 examination shall be adopted by the Oklahoma Commission for Teacher
24 Preparation and beginning July 1, 2014, a competency examination

1 shall be adopted by the Commission for Educational Quality and
2 Accountability for the general education, professional education and
3 various subject areas and grade levels for purposes of ensuring
4 academic achievement and competency of each teacher candidate or
5 teacher in the subject area the person is seeking certification to
6 teach which shall also include certification as an administrator, as
7 prescribed by the State Board of Education.

8 The Commission, consistent with the purposes of this section,
9 shall promulgate rules and procedures to guarantee the
10 confidentiality of examinations.

11 B. No teacher candidate shall be eligible for certification
12 until successfully completing the competency examination except
13 those candidates who make application to the State Board and meet
14 the criteria for the alternative placement program pursuant to
15 Section 6-122.3 of this title. Certification shall be limited to
16 areas of approval in which the certified teacher has successfully
17 completed the examination. Subject to the provisions of subsection
18 C of this section, testing for certification for subjects in which a
19 teacher candidate or teacher is seeking a minor teaching assignment
20 or an endorsement to teach shall be limited to the specific subject
21 area test.

22 A teacher candidate or teacher may take the general education,
23 professional education or subject area portions of the examination
24 subject to any limit imposed by the Commission.

1 C. 1. Except as otherwise provided for in this subsection, a
2 teacher may be certified in as many areas as the teacher meets the
3 necessary requirements provided by law and has successfully
4 completed the subject area portion of the examination.

5 2. Except as otherwise provided for in this paragraph,
6 certification in early childhood, elementary, or special education
7 shall require completion of an appropriate teacher education program
8 approved by the Commission.

9 Any teacher who is certified to teach elementary education may
10 be certified in early childhood education upon meeting the
11 requirements provided in law and successful completion of the
12 appropriate subject area portion of the examination. Any teacher
13 who is certified to teach early childhood education may be certified
14 in elementary education upon meeting the requirements provided in
15 law and successful completion of the appropriate subject area
16 portion of the examination. Any special education teacher who
17 becomes certified to teach through completion of an accredited
18 teacher preparation program may be certified in early childhood or
19 elementary education upon meeting the requirements provided in law
20 and successful completion of the appropriate subject portion of the
21 examination. Any teacher who becomes certified to teach through
22 completion of an accredited teacher preparation program or becomes
23 alternatively certified to teach through the Troops to Teachers
24 program may be certified in special education upon meeting the

1 requirements provided in law and successful completion of the
2 appropriate subject area portion of the examination. Any special
3 education teacher who has not completed a Commission-approved
4 teacher education program in elementary education or early childhood
5 education but who has successfully completed the subject area
6 portion of the examination may be certified in elementary education
7 or early childhood education for the purpose of providing direct
8 instruction and serving as the teacher of record for grading
9 purposes in special education settings only.

10 D. The Commission shall offer the competency examination at
11 least four times per calendar year on dates to be established by the
12 Commission.

13 E. If a teacher candidate or teacher is a non-native-English
14 speaker, the Commission shall offer the subject area competency
15 examination in the native language of the teacher candidate or
16 teacher only if the teacher candidate or teacher is employed or has
17 been offered employment by a school district as a teacher in a
18 foreign language immersion program offered by the school district.
19 If a non-native-English speaker who has received certification in a
20 subject area after taking the subject area competency examination in
21 the native language of the speaker seeks to add a certification area
22 in the future and that person is no longer employed as a teacher in
23 a foreign language immersion program, the examination for the
24 additional certification area shall be taken in English. The State

1 Board of Education shall issue a restricted license or certificate
2 to any teacher who has completed a subject area competency
3 examination in the native language of the teacher as provided for in
4 this subsection restricting the teacher to teaching only in a
5 foreign language immersion program.

6 F. 1. Nothing in the Oklahoma Teacher Preparation Act shall
7 restrict the right of the State Board of Education to issue an
8 emergency or provisional certificate, as needed. Provided, however,
9 prior to the issuance of an emergency certificate, the district
10 shall document substantial efforts to employ a teacher who holds a
11 provisional or standard certificate. In the event a district is
12 unable to hire an individual meeting this criteria, the district
13 shall document efforts to employ an individual with a provisional or
14 standard certificate in another curricular area with academic
15 preparation in the field of need. Only after these alternatives
16 have been exhausted shall the district be allowed to employ an
17 individual meeting minimum standards as established by the State
18 Board of Education for the issuance of emergency certificates.

19 2. The State Board of Education may renew the emergency or
20 provisional certificate of an individual who has been employed by a
21 school district board of education for at least two (2) years if the
22 following criteria are met:
23
24

- a. the individual has been granted an emergency or provisional certificate pursuant to paragraph 1 of this subsection for two (2) years,
- b. the individual has not successfully completed the competency examinations required by this section,
- c. the individual submits a portfolio of his or her work to the State Board of Education, which shall include evidence of progress toward standard certification,
- d. the employing school district board of education agrees to renew the individual's contract to teach for the ensuing fiscal year, and
- e. the superintendent of the employing school district submits to the State Board of Education the reason the emergency or provisional certificate should be renewed and provides evidence of the district's inability to hire a teacher who holds a standard certificate.

3. The State Board of Education may renew for up to five (5) years the emergency or provisional certificate of an individual who meets the criteria of paragraph 2 of this subsection and who maintains a district evaluation rating of "effective" or higher pursuant to the provisions of Section 6-101.16 of this title.

4. Individuals employed by a school district under an emergency or provisional certificate may be placed on a temporary contract beyond the four (4) semester limit imposed by subsection F of

1 Section 6-101.23 of this title and shall not be considered career
2 teachers and therefore not entitled to the protections of the
3 Teacher Due Process Act of 1990.

4 SECTION 12. This act shall become effective July 1, 2021.

5 SECTION 13. It being immediately necessary for the preservation
6 of the public peace, health or safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

9 Passed the Senate the 11th day of March, 2021.

10
11 _____
12 Presiding Officer of the Senate

13 Passed the House of Representatives the ____ day of _____,
14 2021.

15
16 _____
17 Presiding Officer of the House
18 of Representatives