# An Act

ENROLLED HOUSE
BILL NO. 4153

By: Wallace, Hilbert and McBride of the House

and

Thompson and Rader of the Senate

An Act relating to education; specifying apportionment of certain appropriated funds; providing for the budgeting of funds in certain categories and amounts; requiring development of certain performance measures; requiring transfer of funds to the School Consolidation Assistance Fund; requiring transfer of funds to the Teachers' Retirement System Dedicated Revenue Revolving Fund; requiring the transfer of funds to the Teachers' Retirement System of Oklahoma for the Teachers' Retirement Credit; authorizing the reduction of certain apportionment under certain condition; limiting authority to reduce certain apportionments; requiring funds allocated for Education Leadership Oklahoma be expended for certain purposes; stating purpose for funds allocated for certain programs; stating purpose for funds allocated for Alternative and High Challenge Education; requiring transfer of Early Intervention funds; stating intent regarding expenditures for direct costs; prohibiting the State Department of Education from contracting for certain administrative costs in the Oklahoma Early Intervention Act; stating purpose for funds allocated for the Secure Schools Program; stating purpose for funds allocated for the Early Childhood Initiative; providing for duties and compensation of employees of the State Department of Education; requiring the reduction or withholding of State Aid funds for certain purposes; authorizing the State Board of Education to request transfer of certain funds; authorizing the request of early allocations for certain funds; requiring proportional reductions of allocations under certain conditions; authorizing

exemption from budgetary limits for unanticipated federal funds; providing procedures; requiring approval of exemption request under certain conditions; requiring budgeting of certain funds in certain years; providing lapse dates; requiring certain budgeting procedures; and prohibiting certain budgeting procedures.

SUBJECT: Education

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

SECTION 1. For the fiscal year ending June 30, 2021, the support of public school activities by the State Board of Education payable from monies appropriated and authorized by Sections 1 through 12 of Enrolled Senate Bill No. 1922 of the 2nd Session of the 57th Oklahoma Legislature and by Section 1 of Enrolled Senate Bill No. 1921 of the 2nd Session of the 57th Oklahoma Legislature shall be apportioned as follows:

1. Funds appropriated and authorized by Sections 1 through 7 of Enrolled Senate Bill No. 1922 of the 2nd Session of the 57th Oklahoma Legislature and by Section 1 of Enrolled Senate Bill No. 1921 of the 2nd Session of the 57th Oklahoma Legislature:

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| Local and State-supported Financial Support of Public Schools | $2,300,970,699.00 |
| SUBTOTAL, PARAGRAPH 1 | $2,300,970,699.00 |

2. Funds appropriated by Sections 8 through 11 of Enrolled Senate Bill No. 1922 of the 2nd Session of the 57th Oklahoma Legislature:

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| Certified Employee Health Benefit Allowance | $347,081,644.00 |
| Support Personnel Health Benefit Allowance | $188,455,377.00 |
| Teachers' Retirement Credit | $34,000,000.00 |

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|---|---|
| Purchase of Textbooks and Instructional Materials | $33,000,000.00 |
| Alternative and High Challenge Education | $10,000,000.00 |
| Education Leadership Oklahoma | $4,900,000.00 |
| Advanced Placement Incentives | $1,000,000.00 |
| Reading Sufficiency Act | $11,000,000.00 |
| Teacher and Leader Effectiveness | $125,000.00 |
| Required Assessments | $4,205,685.00 |
| Teach for America | $2,000,000.00 |
| Great Expectations | $300,000.00 |
| Street School | $100,000.00 |
| Ag in the Classroom | $38,000.00 |
| Imagine Math | $1,000,000.00 |
| Early Intervention | $14,400,341.00 |
| School Lunch Matching | $3,500,000.00 |
| Secure Schools Program | $2,350,000.00 |
| Early Childhood Initiative | $12,000,000.00 |
| SUBTOTAL, PARAGRAPH 2 | $669,456,047.00 |

3. Funds appropriated by Section 12 of Enrolled Senate Bill No. 1922 of the 2nd Session of the 57th Oklahoma Legislature:

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|---|---|
| Administrative and Support Functions of the State Department of Education | $15,027,640.00 |
| SUBTOTAL, PARAGRAPH 3 | $15,027,640.00 |
| TOTAL State School Aid and Programs | $2,985,454,386.00 |

SECTION 2. For the fiscal year ending June 30, 2021, the State Board of Education shall budget all funds in the following categories and amounts:

| Category | Total |
|---|---|
| Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes | $18,246,524.00 |
| Professional and Personal Services | $16,250,280.00 |
| Contracts Other Operating Funds | $2,966,490,508.00 |
| Expenditure of Federal Funds | $1,043,058,509.00 |
| TOTAL | $4,044,045,822.00 |

The agency shall develop outcome-based performance measures for each budget category.

SECTION 3. The funds appropriated in Sections 13 and 14 of Enrolled Senate Bill No. 1922 of the 2nd Session of the 57th Oklahoma Legislature in the amount of Three Million Six Hundred Thirty-seven Thousand Seven Hundred Fourteen Dollars ($3,637,714.00) shall be transferred to the School Consolidation Assistance Fund.

SECTION 4. The funds appropriated in Sections 15 and 16 of Enrolled Senate Bill No. 1922 of the 2nd Session of the 57th Oklahoma Legislature in the amount of Three Million Six Hundred Thirty-seven Thousand Seven Hundred Fourteen Dollars ($3,637,714.00) shall be transferred to the Teachers' Retirement System Dedicated Revenue Revolving Fund.

SECTION 5. The funds allocated in Section 1 of this act specifically for the purpose of funding the Teachers' Retirement Credit shall be transferred to the Teachers' Retirement System of Oklahoma.

SECTION 6. If the funds allocated in Section 1 of this act specifically for the purpose of funding the Teachers' Retirement Credit are insufficient to fully fund the employee contribution credits provided for in Section 17-108.2 of Title 70 of the Oklahoma Statutes as invoiced by the Teachers' Retirement System of Oklahoma,

the Department may reduce in equal proportions funds allocated in Section 1 of this act to Education Leadership Oklahoma, Advanced Placement Incentives, Reading Sufficiency, Teacher and Leader Effectiveness Programs, Alternative and High Challenge Education, Required Assessments, Street School, Ag in the Classroom, Imagine Math, and Great Expectations. Total amount of funds reduced shall not exceed the additional amount required to fully fund the employee contribution credits.

SECTION 7. The funds allocated in Section 1 of this act for the purpose of funding Education Leadership Oklahoma shall be expended as follows:

1. Two Million Dollars ($2,000,000.00) shall be transferred to the Oklahoma National Board Certification Revolving Fund created in Section 6-204.4 of Title 70 of the Oklahoma Statutes for the purpose of awarding annual bonuses as directed; and

2. Two Million Nine Hundred Thousand Dollars ($2,900,000.00) shall be transferred to the Oklahoma School Psychologist, Speech-language Pathologist, and Audiologist National Certification Revolving Fund created in Section 6-206.1 of Title 70 of the Oklahoma Statutes for the purpose of awarding annual bonuses as directed.

SECTION 8. The funds allocated in Section 1 of this act for Advanced Placement Incentives shall be expended for the purpose of providing assistance for students in financial need, grants to districts wanting to start new AP programs and expand professional development, pursuant to the provisions of Section 1210.703 of Title 70 of the Oklahoma Statutes.

SECTION 9. The funds allocated in Section 1 of this act for Reading Sufficiency shall be expended pursuant to the provisions of Section 1210.508 of Title 70 of the Oklahoma Statutes.

SECTION 10. The funds allocated in Section 1 of this act for Teacher and Leader Effectiveness shall be expended for the purpose of improving the effectiveness of teachers and leaders in the public school system through continued development, pursuant to Section 6-101.16 of Title 70 of the Oklahoma Statutes.

SECTION 11. The funds allocated in Section 1 of this act for Required Assessments shall be expended for the purpose of administering a statewide student assessment system for grades three

through eight and in high school, pursuant to Section 1210.508 of Title 70 of the Oklahoma Statutes.

SECTION 12. The funds allocated in Section 1 of this act for Great Expectations shall be expended for scholarships to the Great Expectations Summer Institutes for Teachers offered by an institution within The Oklahoma State System of Higher Education pursuant to Section 6-194.2 of Title 70 of the Oklahoma Statutes.

SECTION 13. The funds allocated in Section 1 of this act for Alternative and High Challenge Education shall be expended for the purpose of operating the statewide system of alternative education programs as provided in Section 1210.568 of Title 70 of the Oklahoma Statutes, and for encouraging school districts to participate in innovative alternative education programs.

SECTION 14. The funds allocated in Section 1 of this act for Early Intervention shall be transferred to the Early Intervention Fund 250. It is the intent of the Legislature that funding available for SoonerStart Early Intervention Services be expended for direct services to eligible infants, toddlers and their families. The State Department of Education shall not contract, pay or reimburse for administrative cost recovery personnel, accounting, and management information system costs, maintenance and operations at the state or local level or indirect costs which do not comply with the requirements of Section 13-125 of Title 70 of the Oklahoma Statutes.

SECTION 15. The funds allocated in Section 1 of this act for the Secure Schools Program is for the purpose of implementing a statewide K-12 public school mobile panic button system.

SECTION 16. The funds allocated in Section 1 of this act for the Early Childhood Initiative shall be expended for the purpose of funding the early childhood program pursuant to the provisions of Section 10-105.4 of Title 70 of the Oklahoma Statutes.

SECTION 17. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the State Department of Education by law shall be set by the State Board of Education.

SECTION 18. State Aid funds shall be reduced or withheld by the State Board of Education in an amount necessary to ensure compliance with the provisions of this act.

SECTION 19. The State Board of Education is authorized to request the Office of Management and Enterprise Services to transfer appropriated funds to the appropriate dispensing fund.

SECTION 20. The Superintendent of the State Board of Education may request through the Director of the Office of Management and Enterprise Services the early transfer by the Oklahoma Tax Commission of tax collections to the Education Reform Revolving Fund for the purpose of early allocation to the Board's disbursing funds to alleviate cash-flow problems.

SECTION 21. If funds appropriated in Sections 1 through 16 of Enrolled Senate Bill No. 1922 and Section 1 of Enrolled Senate Bill No. 1921 of the 2nd Session of the 57th Oklahoma Legislature are not sufficient to fully fund the provisions of this act, each school district which qualifies for funds, excluding Financial Support of Public Schools, pursuant to the provisions of this act shall take a proportionate reduction.

SECTION 22. A. The Superintendent of the State Board of Education may request, in the manner provided in this section, that receipt and expenditure of unanticipated federal funds awarded after July 1, 2020, be exempt from expenditure limitations and from budgetary limitations.

1. The Superintendent shall make a request for exemption to the Office of Management and Enterprise Services in writing and file a revised budget program.

2. The Superintendent shall also file copies of the request for exemption and budget work program revisions with the Oklahoma House of Representatives Appropriations and Budget Committee Chair and the Oklahoma State Senate Appropriations Committee Chair. The House Appropriations and Budget Committee Chair and/or the Senate Appropriations Committee Chair shall notify the Office of Management and Enterprise Services of any noncompliance of the request with legislative intent within twelve (12) calendar days of their receipt of the exemption request.

B. The Office of Management and Enterprise Services shall approve the request for exemption unless both the Chair and Vice Chair of the Joint Legislative Committee on Budget and Program Oversight provide written notification to the Office of Management and Enterprise Services within twelve (12) calendar days of the

Committee's receipt of the exemption request that the exemption subverts the intention and objectives of the Legislature in establishing the original limit. The Office of Management and Enterprise Services shall give written notice of approval or disapproval of each exemption to the agency, the Governor, the Chair of the House Appropriations and Budget Committee and the Chair of the Senate Appropriations Committee within eighteen (18) calendar days of receiving the request.

SECTION 23. Appropriations made by Sections 1 through 16 of Enrolled Senate Bill No. 1922 of the 2nd Session of the 57th Oklahoma Legislature and Section 1 of Enrolled Senate Bill No. 1921 of the 2nd Session of the 57th Oklahoma Legislature, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2021 (hereafter FY-21) or may be budgeted for the fiscal year ending June 30, 2022 (hereafter FY-22). Funds budgeted for FY-21 may be encumbered only through June 30, 2021, and must be expended by November 15, 2021. Any funds remaining after November 15, 2021, and not budgeted for FY-22, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-22 may be encumbered only through June 30, 2022. Any funds remaining after November 15, 2022, shall lapse to the credit of the proper fund for the then current fiscal year. These appropriations may not be budgeted in both fiscal years simultaneously. Funds budgeted in FY-21, and not required to pay obligations for that fiscal year, may be budgeted for FY-22, after the agency to which the funds have been appropriated has prepared and submitted a budget work program revision removing these funds from the FY-21 budget work program and after such revision has been approved by the Office of Management and Enterprise Services.

Passed the House of Representatives the 12th day of May, 2020.

Presiding Officer of the House
of Representatives

Passed the Senate the 14th day of May, 2020.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 14th

day of May, 20 20, at 10:57 o'clock p. M.

By: Sumer Curry

Approved by the Governor of the State of Oklahoma this 20th

day of May, 20 20, at 9:58 o'clock a. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 20

day of May, 20 20, at 10:53 o'clock p M.

By: Nicole Rogers