An Act

ENROLLED SENATE
BILL NO. 36x

By: Thompson (Roger) and Hall of the Senate

and

Wallace and Martinez of the House

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 transfers of certain funds; limiting authority to reduce certain apportionments; requiring certain funds to be expended for certain purposes; stating purposes for allocated funds; requiring certain transfer of funds; stating legislative intent regarding expenditures for direct costs; prohibiting the State Department of Education from contracting for certain administrative costs in certain program; 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; requiring participation in federal grant funding; 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; prohibiting certain budgeting procedures; providing an effective date; and declaring an emergency.

SUBJECT: Education

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

SECTION 1. For the fiscal year ending June 30, 2024, the support of public school activities by the State Board of Education payable from monies appropriated and authorized by Enrolled House Bill No. 1004 of the 1st Extraordinary Session of the 59th Oklahoma Legislature shall be apportioned as follows:

1. Funds appropriated and authorized by Sections 1 through 7 of Enrolled House Bill 1004 of the 1st Extraordinary Session of the 59th Oklahoma Legislature:

Local and State-supported Financial Support of Public Schools	$2,437,991,559.00
SUBTOTAL, PARAGRAPH 1	$2,437,991,559.00

2. Funds appropriated by Sections 8 through 15 of Enrolled House Bill No. 1004 of the 1st Extraordinary Session of the 59th Oklahoma Legislature:

Certified Employee Health Benefit Allowance	$359,193,470.00
Support Employee Health Benefit Allowance	$194,211,359.00
Teachers' Retirement Credit	$35,000,000.00
Purchase of Textbooks and Instructional Materials	$45,190,000.00
Alternative and High Challenge Education	$14,000,000.00
Education Leadership Oklahoma	$3,770,000.00
Advanced Placement Incentives	$1,500,000.00

Reading Sufficiency Act	$13,000,000.00
Required Assessments	$9,205,685.00
Teach for America	$2,000,000.00
Street School	$180,000.00
Ag in the Classroom	$38,000.00
Imagine Math	$1,000,000.00
Imagine Reading	$1,000,000.00
Oklahoma Arts Institute	$320,000.00
Early Intervention	$16,225,341.00
Secure Schools Program	$2,350,000.00
Great Expectations	$500,000.00
Child ID	$500,000.00
Academic Standards Implementation	$300,000.00
Teacher and Leader Effectiveness	$250,000.00
Student Information Security	$500,000.00
ACT Work Keys	$250,000.00
Early Childhood Initiative	$12,000,000.00
School Lunch Matching	$3,500,000.00
Oklahoma School Security Initiative	$1,400,000.00
Metrics Software	$2,000,000.00
Inhalers for all schools	$250,000.00

SUBTOTAL, PARAGRAPH 2	$719,633,855.00

3. Funds appropriated by Section 10 of Enrolled House Bill No. 1004 of the 1st Extraordinary Session of the 59th Oklahoma Legislature:

Administrative and Support Functions of the State Department of Education	$19,145,366.00
SUBTOTAL, PARAGRAPH 3	$19,145,366.00
TOTAL State School Aid and Programs	$3,176,770,780.00

SECTION 2. For the fiscal year ending June 30, 2024, the State Board of Education shall budget all funds in the following categories and amounts:

Category	Total
Payroll, Salaries or Wages,	$25,775,827.00
Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	
Professional and Personal Services Contracts	$31,840,048.00
Other Operating Funds	$3,908,491,664.00
Expenditure of Federal Funds	$1,825,621,183.00
TOTAL	$5,791,728,722.00

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

SECTION 3. The funds appropriated in Sections 12 and 13 of Enrolled House Bill No. 1004 of the 1st Extraordinary Session of the 59th Oklahoma Legislature in the amount of Four Million One Hundred

Nineteen Thousand Three Hundred Sixty-nine Dollars ($4,119,369.00) shall be transferred to the School Consolidation Assistance Fund.

SECTION 4. The funds appropriated in Sections 14 and 15 of Enrolled House Bill No. 1004 of the 1st Extraordinary Session of the 59th Oklahoma Legislature in the amount of Four Million One Hundred Nineteen Thousand Three Hundred Sixty-nine Dollars ($4,119,369.00) 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, Secure Schools Program, Teach for America, TLE Retention, Child ID, Advanced Teacher Training, Reading Sufficiency Act, Alternative and High Challenge Education, Required Assessments, Ag in the Classroom, Imagine Math, Imagine Reading, ACT WorkKeys, and Oklahoma Arts Institute. The 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. Four Hundred Seventy Thousand Dollars ($470,000.00) 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. Three Million Three Hundred Thousand Dollars ($3,300,000.00) 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 expanding 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 the Reading Sufficiency Act shall be expended pursuant to the provisions of Section 1210.508A et seq. 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 twelve, pursuant to Section 1210.508 of Title 70 of the Oklahoma Statutes.

SECTION 12. 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 13. 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, management information system costs, and 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 14. 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 15. The funds allocated in Section 1 of this act for the Oklahoma Academic Standards Implementation shall be expended for the purpose of funding standards implementation pursuant to the provisions of Section 11-103.6 of Title 70 of the Oklahoma Statutes.

SECTION 16. The funds allocated in Section 1 of this act for Metrics Software shall be expended for the purpose of funding a statistical software suite for data management, advanced analytics, multivariate analysis and predictive analytics.

SECTION 17. The funds allocated in Section 1 of this act for the Oklahoma School Security Initiative shall be expended for the purpose of funding grants pursuant to Section 51.2b of Title 74 of the Oklahoma Statutes.

SECTION 18. The funds allocated in Section 1 of this act for inhalers shall be expended pursuant to the provisions of Section 1-116.3 of Title 70 of the Oklahoma Statutes.

SECTION 19. 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 20. The State Department of Education shall not decline, refuse participation in, or choose not to apply for any federal grant funding that had been received by the Department prior to FY 2023 without joint approval from the President Pro Tempore of the Oklahoma State Senate and the Speaker of the Oklahoma House of Representatives.

SECTION 21. 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 22. The State Superintendent of Public Instruction 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 23. If funds appropriated in Sections 1 through 15 of Enrolled Senate Bill No. 1004 of the 1st Extraordinary Session of the 59th 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 24. A. The State Superintendent of Public Instruction may request, in the manner provided in this section, that receipt and expenditure of unanticipated federal funds awarded after July 1, 2023, 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 work program.

2. The Superintendent shall also file copies of the request for exemption and budget work program revisions with the Oklahoma State Senate Appropriations Committee Chair and the Oklahoma House of Representatives Appropriations and Budget Committee Chair. The Senate Appropriations Committee Chair and/or the House Appropriations and Budget 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 Senate Appropriations Committee and the Chair of the House Appropriations and Budget Committee within eighteen (18) calendar days of receiving the request.

SECTION 25. Appropriations made by this act, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2024 (hereafter FY-24) or may be budgeted for the fiscal year ending June 30, 2025 (hereafter FY-25). Funds budgeted for FY-24 may be encumbered only through June 30, 2024, and must be expended by November 15, 2024. Any funds remaining after November 15, 2024, and not budgeted for FY-25, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-25 may be encumbered only through June 30, 2025. Any funds remaining after November 15, 2025, 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-24, and not required to pay obligations for that fiscal year, may be budgeted for FY-25, 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-24 budget work program and after such revision has been approved by the Office of Management and Enterprise Services.

SECTION 26. This act shall become effective July 1, 2023.

SECTION 27. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 24th day of May, 2023.

Brent Howard
Presiding Officer of the Senate

Passed the House of Representatives the 26th day of May, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 26th

day of May, 2023, at 6:43 o'clock p. M.

By: Summer Curry

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 2nd

day of June, 20 23, at 10:18 o'clock A M.

By: Brian Bingman

OFFICE OF

THE GOVERNOR
STATE OF OKLAHOMA

No. SB 36x

OKLAHOMA CITY, OKLA., June 2, 2023

TIME SIGNED: _____

TO THE HONORABLE PRESIDENT PRO TEMPORE
AND MEMBERS OF THE OKLAHOMA SENATE
FIRST ***EXTRAORDINARY*** SESSION OF THE
FIFTY-NINTH OKLAHOMA LEGISLATURE

ENROLLED SENATE BILL NO. 36x:

Both because I support fiscal discipline and strongly oppose an increase in recurring expenditures, and because I am disheartened by other aspects of the budget package, I have not signed Senate Bill 36x.

Subject to objections to the unique process by which the Bill made its way to my desk, the Bill will become law without signature.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

_____

Delivered to SENATE: Summer Curry
Date/Time: 6/2/23; 12:50pm

SENATE:
By Bo Bu
Date/Time 6/2/23 12:55pm

RECEIVED
JUN 02 2023
OKLAHOMA SECRETARY
OF STATE