



OKLAHOMA STATE
DEPARTMENT *of* EDUCATION

October 23rd, 2024

Holly Hankins
Records Management Clerk
Legislative Service Bureau/Legislative Office of Fiscal Transparency
2300 N. Lincoln Blvd, Room 107
Oklahoma City, OK 73105
holly.hankins@oklegislature.gov

Dear Ms. Hankins,

On behalf of the State Board of Education (“SBE”), I write to inform you that the School Capital Improvements Budget for 2025 is \$0.

The Board is mandated to file the budget with your office under Title 70 O.S. § 18-162. The budget is based on a statewide master four (4) year capital improvement plan, which is in turn based on local districts’ four (4) year capital improvement plan. See Title 70 O.S. § 18-153. The budget does not exist because all school districts have been exempt from filing the underlying reports since 2015.

Under Title 70 O.S. Sec. 3-153(A) “[s]chool districts with one or more school sites that have been identified as in need of improvement by the State Board of Education pursuant to the requirements of the No Child Left Behind Act” were required to electronically submit budgets/plans and under 70 O.S. Sec. 3-153(B). School districts without any such sites were exempt.

The No Child Left Behind Act (“NCLB”) is no longer law (as of 2015) and was replaced by Every Student Succeeds Act (“ESSA”) in 2015. See Pub. L. No. 114-95, 129 Stat. 1802 (2015). As a result, the designation that requires school districts to file the underlying reports no longer exists.

The question might then become, whether corresponding provision(s) exist between NCLB and ESSA. However, Title 70 O.S. § 3-153 does not specifically reference ESSA, nor does the statute provide language such as “any successor statute.” Additionally, § 3-153 has not been amended since 2013, either to remedy the problem or otherwise. It is currently impossible to comply with Title 70 O.S. § 3-153, because there no longer exist school sites that have been, or could be, identified as in need of improvement under the NCLB Act.

Until the existing and relevant statute is amended the statutory exemption for underlying reports compels the SBE to adopt a budget of \$0.



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Thank you for your interest in the ongoing work of the SBE and the Oklahoma State Department of Education (“OSDE”). We look forward to the opportunity to continue working with you, and with LOFT to improve legislative reports.

Sincerely,

Ryan Walters
Chair, State Board of Education
Superintendent of Public Instruction

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