

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2053

BY: HAGER, BOYD and SMITH
(Dale)

AS INTRODUCED

AN ACT RELATING TO SCHOOLS; AMENDING 70 O.S. 1991,
SECTION 5-117.1, WHICH RELATES TO SCHOOL DISTRICT
COOPERATIVE CONTRACTS; AUTHORIZING SCHOOL DISTRICTS
TO ENTER INTO SCHOOL DISTRICT INTERLOCAL
COOPERATION AGREEMENTS; SPECIFYING CONDITIONS THAT
APPLY TO SUCH INTERLOCAL COOPERATION AGREEMENTS;
DEFINING TERM; PROVIDING AN EFFECTIVE DATE; AND
DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 5-117.1, is
amended to read as follows:

Section 5-117.1 A. If the boards of education of any two or
more school districts enter into a school district interlocal
cooperation agreement for the purpose of jointly and cooperatively
performing any of the services, duties, functions, activities,
obligations or responsibilities which are authorized or required by
law to be performed by school districts of this state, the following
conditions shall apply:

1. A school district interlocal cooperation agreement shall
establish a board of directors which shall be responsible for
administering the joint or cooperative undertaking. The agreement

shall specify the organization and composition of, and manner of appointment to, the board of directors. The board of directors shall be composed of the chief executive officer or a designee of each contracting school district. The terms of office of members of the board of directors shall expire concurrently with their terms as board of education members or term as chief executive officer. Vacancies in the membership of the board of directors shall be filled within thirty (30) days from the date of the vacancy in the manner specified in the agreement.

2. A school district interlocal cooperation agreement shall be effective only after it is approved by the State Department of Education and is designated as a local education agency for state and federal application, reporting and auditing procedures.

3. A school district interlocal cooperation agreement shall be subject to change or termination by a recommendation of the State Department of Education to the Legislature.

4. The duration of a school district interlocal cooperation agreement for joint or cooperative action in performing any of the services, duties, functions, activities, obligations or responsibilities, other than the provision of special education services, which are authorized or required by law of school districts in this state, shall be for a term of at least one (1) year. The agreement shall automatically renew from year to year unless action is taken by majority consent of the contracting school districts. Notice of intent of a school district to withdraw from the cooperative agreement must be given no later than March 15 for the ensuing school year. A school district which has entered into an agreement that provides programs which are funded for a period longer than one (1) year may not withdraw from the agreement until the program funding ceases.

5. a. The duration of a school district interlocal cooperation agreement for joint or cooperative action

in providing special education services shall be perpetual unless the agreement is partially or completely terminated in accordance with this paragraph. This paragraph applies to every school district interlocal cooperation agreement for the provision of special education services entered into under authority of this section after the effective date of this act and to every such agreement entered into under this section prior to the effective date of this act, and extant on the effective date of this act regardless of any provisions in such agreement to the contrary.

- b. Partial termination of a school district interlocal cooperation agreement for the provision of special education services may be accomplished only upon petition for withdrawal from the agreement by a contracting school district to the other contracting school district or school districts and approval by the State Department of Education of written consent to the petition by such other school district or school districts or upon order of the State Department of Education after appeal to it by a school district from denial of consent to a petition for withdrawal and hearing thereon conducted by the State Department of Education. The State Department of Education shall consider all the testimony and evidence brought forth at the hearing and issue its order approving or disapproving withdrawal by the school district from the agreement.
- c. Complete termination of a school district interlocal cooperation agreement for the provision of special education services may be accomplished only upon

approval by the State Department of Education of a joint petition filed with the Department for termination of the agreement by all of the contracting school districts after adoption of a resolution to that effect by each of the contracting boards of education of the school districts. The State Department of Education shall consider the petition and approve or disapprove termination of the agreement.

d. The State Department of Education shall take such action in approving or disapproving a complete or partial termination of a school district interlocal cooperation agreement for the provision of special education services as it deems to be in the best interests of the involved school districts and of the state as a whole in the provision of special education services for exceptional children. Whenever the State Department of Education has disapproved a complete or partial termination of such an agreement, no further action with respect to the agreement shall be considered or taken by the State Department of Education for a period of at least one (1) year.

6. A school district interlocal cooperation agreement shall specify the method or methods to be employed for disposing of property upon partial or complete termination of the agreement.

7. a. Within the limitations provided by law, a school district interlocal cooperation agreement may be changed or modified by majority consent of the contracting school districts.

b. Except as otherwise specifically provided in this section, any powers, privileges or authority exercised or capable of being exercised by any school district

of this state, or by any board of education thereof, may be jointly exercised pursuant to the provisions of a school district interlocal cooperation agreement.

No powers, privileges or authority with respect to the levy and collection of taxes or the issuance of bonds shall be created or effectuated for joint exercise pursuant to the provisions of a school district interlocal cooperation agreement.

c. Payments from the general fund of each school district which enters into any school district interlocal cooperation agreement for the purpose of financing the joint or cooperative undertaking provided for by the agreement shall be operating expenses.

d. Upon partial termination of a school district interlocal cooperation agreement, the board of directors established under a renegotiated agreement shall be the successor in every respect to the board of directors established under the former agreement.

e. Nothing contained in this section shall be construed to abrogate, interfere with, impair, qualify or affect in any manner the exercise and enjoyment of all the powers, privileges and authority conferred upon school districts and boards of education thereof by the provisions of this act, except that boards of education and school districts are required to comply with the provisions of this section when entering into an interlocal cooperation agreement that meets the definition of school district interlocal cooperation agreement.

f. As used in this section, "school district interlocal cooperation agreement" means an agreement which is entered into by the boards of education of two or more

school districts pursuant to the provisions of this section.

B. The board of education of any school district in this state which is contiguous to any other school district located in an adjacent state is hereby authorized to enter into contracts with the board of education of the school district located in the adjacent state for the purpose of providing better educational opportunities for students residing in both school districts. Such contracts may provide for:

1. The transfer of students between the two school districts;
2. The payment and acceptance of transfer fees for students transferred between the two school districts, the amount of which will be agreed upon by the boards of education thereof;
3. The use of district-owned school buses to transport students to and from the schools operated in the school districts; and
4. Such other cooperative agreements as will be necessary to provide quality education for all students residing or attending schools in the school districts.

SECTION 2. This act shall become effective July 1, 1992.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and 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.

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