

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 402

BY: MILES-LaGRANGE

AS INTRODUCED

AN ACT RELATING TO SCHOOLS; AMENDING 70 O.S. 1981, SECTIONS 5-117, AS LAST AMENDED BY SECTION 6, CHAPTER 221, O.S.L. 1990, AND 5-134, AS AMENDED BY SECTION 6, CHAPTER 132, O.S.L. 1989 (70 O.S. SUPP. 1990, SECTIONS 5-117 AND 5-134), WHICH RELATE TO POWERS AND DUTIES OF SCHOOL BOARDS AND SCHOOL DISTRICT ESTIMATES OF NEED; CHANGING CERTAIN DEPOSIT REQUIREMENTS; REQUIRING CERTAIN ACCOUNTING PROCEDURES AND REPORTS; CHANGING CERTAIN DEADLINE; CLARIFYING STATUTORY REFERENCE TO CERTAIN SECTIONS OF THE OKLAHOMA CONSTITUTION; DELETING OBSOLETE REFERENCE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 70 O.S. 1981, Section 5-117, as last amended by Section 6, Chapter 221, O.S.L. 1990 (70 O.S. Supp. 1990, Section 5-117), is amended to read as follows:

Section 5-117. A. The board of education of each school district shall have power to:

1. elect its own officers;

2. make rules and regulations, not inconsistent with the law or rules and regulations of the State Board of Education, governing the board and the school system of the district;

3. maintain and operate a complete public school system of such character as the board of education shall deem best suited to the needs of the school district;

4. designate the schools to be attended by the children of the district;

5. provide and operate, when deemed advisable, cafeterias or other eating accommodations, thrift banks or other facilities for the teaching and practice of thrift and economy, bookstores, print shops, and vocational and other shops;

6. provide informational material concerning school bond elections and millage elections, including but not limited to all pertinent financial information relative to the bond issue, a statement of revenue sources necessary to retire proposed bonds, a statement of current bonded indebtedness of the school district, and a statement of proposed use of funds to be generated by the proposed bond issue;

7. purchase, construct or rent, and operate and maintain, classrooms, libraries, auditoriums, gymnasiums, stadiums, recreation places and playgrounds, teacherages, school bus garages, laboratories, administration buildings, and other schoolhouses and school buildings, and acquire sites and equipment therefor;

8. have school district property insured;

9. acquire property by condemnation proceedings in the same manner as land is condemned for railroad purposes. School district funds may be used to erect buildings on leased land on which other buildings have been erected prior to April 3, 1969, or on land which is leased from a governmental entity;

10. lease real or personal property to the state or any political subdivision thereof for nominal cash consideration for so

long as the use of the property by the lessee substantially benefits, in whole or in part, the same public served by the school district;

11. dispose of personal or real property no longer needed by the district by sale, exchange, lease, lease-purchase, sale and partial lease back, or otherwise. Real property shall be conveyed pursuant to a public sale, public bid, or private sale. Prior to the sale of any real property, the board of education shall have the real property appraised. The appraisal shall be confidential until the real property is sold. When the real property is sold the board of education shall make the appraisal available for public inspection. Prior to the conveyance of any real property by private sale, the board of education shall have offered the real property for sale by public sale or public bid. Any conveyance of real property by private sale to a nonprofit organization, association, or corporation to be used for public purposes, unless for exchange, shall contain a reversionary clause which returns the real property to the board of education upon the cessation of the use without profit or for public purposes by the purchaser or the assigns of the purchaser;

12. purchase necessary property, equipment, furniture, and supplies necessary to maintain and operate an adequate school system;

13. incur all expenses, within the limitations provided for by law, necessary to perform all powers granted by the provisions of this section;

14. contract with and fix the duties and compensation of physicians, dentists, optometrists, nurses, attorneys, superintendents, principals, teachers, bus drivers, janitors, and other necessary employees of the district and pay their necessary itemized and documented travel expenses, and pay necessary itemized and documented travel expenses of members of the board of education;

15. pay necessary itemized and documented travel expenses and other related expenses of prospective employees for sponsored visits to the school district;

16. provide for employees' leaves of absence without pay;

17. exercise sole control over all the schools and property of the district, subject to ~~either~~ the provisions of ~~the Oklahoma School Code~~ Section 101 et seq. of this title; and

18. allow district-owned school buses to be used for transportation of students from other districts or educational institutions while within the district on educational tours. This shall not restrict the authority of the board to authorize any other use of such buses which may now be permitted by law or regulation of the State Board of Education.

B. The board of education of any school district may rent, on a monthly basis, equipment and furniture, if such items are necessary for the operation of the school, and pay the rental charges for said usage during any fiscal year, or portion thereof, out of appropriations made and approved for current expense purposes during said fiscal year. Any such rental contract extending beyond June 30 of such fiscal year shall be void unless it contains provisions for mutual ratification of renewal pursuant to the conditions provided for in this subsection. It is the intent of this subsection to authorize boards of education to enter into lease contracts but not to incur any obligation against the school district in excess of the income and revenue provided for such purposes for the fiscal year in which such lease contract is operative. Any lease agreement entered into by any board of education shall state the purchase price of equipment or furniture so leased. The lease shall not be extended so as to cause payment of more than the original purchase price of said equipment or furniture, plus interest not to exceed the legal rate. When said purchase price plus interest has been paid, the property shall belong to the lessee and the lessor shall deliver a

deed or bill of sale to said property to the lessee. When any equipment or furniture has been leased or rented during any fiscal year pursuant to the provisions of any contract which permits continuance of such rental for the remainder of such fiscal year, the renting or leasing thereof must be continued for the remainder of said fiscal year unless the board of education renting or leasing the same certifies by proper resolution entered in the minutes of said board of education that the continuance of such rental is unnecessary and contrary to the public interest.

C. The boards of education of two or more school districts may enter into cooperative agreements and maintain joint programs including but not limited to, courses of instruction for handicapped children, courses of instruction in music and other subjects, practical instruction for trades and vocations, practical instruction in driver training courses, and health programs including visual care by persons legally licensed for such purpose, without favoritism as to either profession. The revenues necessary to operate a joint program approved in cooperative agreements, whether from federal, state or local sources, including the individual contributions of participating school districts, shall be ~~deposited into a fund separate from all other appropriated funds.~~ ~~The beginning fund balance each year, combined with all actual revenues, including collected and estimated revenues, must be appropriated before being expended. Purchase orders shall be issued against available appropriations and, once goods or services have been received, either payable or nonpayable warrants shall be issued in payment of all purchase orders. The fund shall be reported as a separate appropriated fund in all the financial reports of the school district which is chosen by the other school districts to keep the accounting records of the joint program~~ deposited to the general fund of the school district designated in the cooperative agreement to keep the accounting records of the joint program or

shall be deposited to a separate fund of such district created for the sole purpose of managing joint program funds. If the revenues are deposited to the general fund, distinctive accounting codes shall be used in accounting for both revenues and expenditures. If the revenues are deposited to a separate fund, financial reports of the separate fund shall accompany all financial reports of the designated district.

D. Any school district may operate or maintain a school or schools on any military reservation which is within the boundaries of the school district or which is adjacent to the school district, and provide the instruction in the school or schools to children of personnel on the military reservation and, in doing so, shall conform to all federal laws and requirements.

E. The board of education of each school district shall adopt and maintain on file in the office of the superintendent of schools an appropriate personnel policy and sick leave guide. The guide shall be made available to the public.

SECTION 2. AMENDATORY 70 O.S. 1981, Section 5-134, as amended by Section 6, Chapter 132, O.S.L. 1989 (70 O.S. Supp. 1990, Section 5-134), is amended to read as follows:

Section 5-134. No later than ~~December 31~~ March 31 of each year the board of education of each school district of the state shall prepare, on a form prescribed by the State Board of Education, a preliminary estimate of the amount or amounts of money and tax rate or rates which it then believes will be required for the district for the ensuing fiscal year; and if such preliminary estimate shows an estimated need for a levy requiring the approval of the school district electors of the district under Section 9, Section 9B or Section 10, Article X, of the Oklahoma Constitution, ~~as amended on April 5, 1955,~~ such preliminary estimate shall contain a call for an election to be held on the first Tuesday in May, or on such other date as may be provided for the election of the members of the board

of education to vote on the question of making such levy or levies. In determining the eligibility of the school district to make an emergency levy under the provisions of Section 9 (d) of Article X, Oklahoma Constitution, as amended, the legal current expenses of the district shall be all the expenditures from the general fund of the district during the preceding year, except (1) expenditures for transportation of pupils; (2) capital outlay; (3) debt service; and (4) the amount appropriated from any previous emergency levy; and the Two Hundred Fifty Dollars (\$250.00) per capita cost fixed by said Section 9 (d) of Article X, Oklahoma Constitution, for the fiscal year ending June 30, 1956, is hereby increased to One Thousand Dollars (\$1,000.00) for the fiscal year ending June 30, 1963, and said sum of One Thousand Dollars (\$1,000.00) shall thereafter be increased or decreased by the State Board of Education in proportion to the increase or decrease in the per capita income of Oklahoma citizens. Such preliminary estimate shall be published in one issue of a newspaper having general circulation in the district at least ten (10) days before such election. Provided, that the county excise board or the board of education of any school district may call a special election for any date for the purpose of voting upon a levy authorized by Section 9, Section 9B or Section 10, Article X of the Oklahoma Constitution, as amended. Notice of any election called under the provisions of this section shall be given by publication in one issue of a newspaper having general circulation in the school district at least ten (10) days before such election.

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.

