

SHORT TITLE: Schools; authorizing certain districts to expand boundaries. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1294

By: Gustafson

AS INTRODUCED

An Act relating to schools and school districts;
authorizing certain districts to expand boundaries;
authorizing certain districts to offer high school
grades in certain areas; providing definitions;
authorizing certain districts to impose ad valorem
tax levies in certain areas; limiting authority of
certain districts to impose ad valorem levies;
requiring certain division of certain tax revenues;
modifying composition of certain district boards of
education; stating selection criteria for certain
board positions; prescribing formula for
calculating valuation of taxable property in
certain districts; limiting ad valorem levies on
certain areas of certain districts; prohibiting
levies on certain areas for certain indebtedness;
requiring annexation or consolidation of certain
area to certain districts in certain situations;
prohibiting application of annexation and
consolidation laws in certain circumstances;
amending 70 O.S. 1991, Section 5-107A, as last
amended by Section 5, Chapter 360, O.S.L. 1994 (70
O.S. Supp. 1997, Section 5-107A), which relates to
district boards of education; stating exclusion of
certain board positions for certain purposes;
providing for codification; and declaring an
emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-102.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. As used in this act:

1. "Transportation district" means the area for which a district provides transportation pursuant to Section 9-105 of Title 70 of the Oklahoma Statutes; and

2. "Overlap area" means the area of an elementary school district that is within the transportation district of an independent district.

B. Upon passage of a resolution by the board of education of the independent district, the boundaries of an independent district may be expanded for purposes of offering high school grades to include the overlap area in any elementary district for which the independent district provides transportation. On July 1 following passage of the resolution:

1. The boundaries of the independent district shall be expanded to include the overlap area;

2. The independent district shall become responsible for providing high school grades for students whose residence as defined in Section 1-113 of Title 70 of the Oklahoma Statutes is within the independent district in the overlap area; and

3. The elementary district shall remain responsible for providing elementary grades for students whose residence as defined in Section 1-113 of Title 70 of the Oklahoma Statutes is within the elementary district, including the overlap area.

C. Upon addition of any overlap area, the independent district board shall be expanded to include one member to represent each overlap area that has been added. The member representing each overlap area shall be a member of the elementary district board with which the overlap area is shared and shall be selected by the elementary district board members. If one or more members of the elementary district board reside in the overlap area, one of those members shall be selected to serve on the independent district board. The members representing shared overlap areas shall have power to participate and vote as board members who have been elected to the independent district board; provided that the board members representing the overlap areas shall be limited to voting only on matters that:

1. Affect the high school grades offered by the independent district board;
2. Relate to proposed or incurred bonded indebtedness of the independent district; or
3. Relate to ad valorem taxation levies on the overlap area the member represents.

D. Upon addition of an overlap area, the independent district shall continue to have all the authority and duties of a district board of education, limited only as provided in this section. Specifically, the board shall have authority to:

1. Certify a need for additional tax pursuant to paragraph (c) of Section 9 of Article X of the Oklahoma Constitution in the amount of:
 - a. the full Constitutional limit on that part of the independent district area lying outside the overlap area, plus
 - b. one-third (1/3) of the Constitutional limit on the overlap area;

2. Propose and, upon approval of the voters of the entire district including the overlap area, make emergency, local support, and building fund levies pursuant to paragraphs (d) and (d-1) of Section 9 and Section 10 of Article X of the Oklahoma Constitution in:

- a. the full amount of the Constitutional limit on that part of the independent district area lying outside the overlap area, plus
- b. one-third (1/3) of the Constitutional limit on the overlap area;

3. Propose and, upon approval as required in Section 26 of Article X of the Oklahoma Constitution, incur indebtedness. The amount of the valuation of taxable property for purposes of calculating debt limits for the independent district shall be the sum of:

- a. the full valuation of taxable property in that part of the district lying outside the overlap area, plus
- b. one-third (1/3) of the valuation of taxable property in the overlap area.

E. Upon addition of the overlap area to an independent district, the elementary district board shall continue to have all the authority and duties of a district board of education, limited only as provided in this section. Specifically, the board shall have authority to:

1. Certify a need for additional tax pursuant to paragraph (c) of Section 9 of Article X of the Oklahoma Constitution in the amount of:

- a. the full Constitutional limit on that part of the elementary district area lying outside the overlap area, plus
- b. two-thirds (2/3) of the Constitutional limit on the overlap area;

2. Propose and, upon approval of the voters of the entire district, make emergency, local support, and building fund levies pursuant to paragraphs (d) and (d-1) of Section 9 and Section 10 of Article X of the Oklahoma Constitution in:

- a. the full amount of the Constitutional limit on that part of the elementary district area lying outside the overlap area, plus
- b. two-thirds (2/3) of the Constitutional limit on the overlap area;

3. Propose and, upon approval as required in Section 26 of Article X of the Oklahoma Constitution, incur indebtedness. The amount of the valuation of taxable property for purposes of calculating debt limits for the elementary district shall be the sum of:

- a. the full valuation of taxable property in that part of the district lying outside the overlap area, plus
- b. two-thirds (2/3) of the valuation of taxable property in the overlap area.

F. If the elementary district has outstanding bonded indebtedness when the elementary district and the independent district begin sharing overlap area, the maximum allowable indebtedness for the expanded independent district shall be reduced by the amount obtained by multiplying the outstanding bonded indebtedness of the elementary district at the time the independent district's allowable indebtedness is being calculated by the ratio of the assessed valuation of the overlap area to the assessed valuation of the total area of the elementary district including the overlap area.

G. If the elementary district has outstanding bonded indebtedness when the overlap area is acquired by an independent district, the property lying inside the overlap area shall continue to be levied at the same rate as other property in the elementary

district for the sinking fund of the elementary district until the outstanding indebtedness is satisfied. Subject to the limits stated in this section, the property lying in the overlap area shall be subject to levies for bonded indebtedness incurred by both the elementary district and the independent district after the districts begin sharing the overlap area. Property in the overlap area shall not be subject to levies to satisfy indebtedness the independent district incurred prior to the time the districts began sharing the overlap area.

H. The provisions of Section 7-101 et seq. of Title 70 of the Oklahoma Statutes shall not be construed to apply to the procedures by which a high school district may extend its boundaries through sharing overlap area with an elementary district pursuant to this section; provided, after the districts begin sharing overlap area, if the elementary district is annexed to or consolidated with the independent district, Section 7-101 et seq. of Title 70 of the Oklahoma Statutes shall govern the annexation or consolidation.

I. After an independent district passes a resolution to provide high school grades and share overlap area with an elementary district as provided in this section, if an elementary district is annexed to or consolidated with a district other than the independent district, the overlap area shall be annexed to the independent district.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 5-107A, as last amended by Section 5, Chapter 360, O.S.L. 1994 (70 O.S. Supp. 1997, Section 5-107A), is amended to read as follows:

Section 5-107A. The following provisions and the provisions of Sections 13A-101 et seq. of Title 26 of the Oklahoma Statutes shall govern the election of members of the board of education for a school district:

A. For purposes of this section, board positions added to independent district boards pursuant to Section 1 of this act and

temporary positions added to a board of education pursuant to Section 7-101 or 7-105 of this title shall not be considered in determining the size of the board. The number and term of each board of education shall be as follows:

District	Members	Term (Years)
Elementary	3	3
Independent		
1. districts having a five-member board	5	5
2. districts having a seven-member board	7	4
3. districts having a nine-member board unless an election is conducted pursuant to subsection C of this section	9	3

B. In all school districts, the members of the board of education shall be elected as follows:

1. a. Between August 1 and December 31 of the year following the submission by the United States Department of Commerce to the President of the United States of the official Federal Decennial Census, the board of education shall reapportion the territory of the school district into board districts. Beginning with the reapportionment following the 1990 Federal Decennial Census, all boundaries of board districts shall follow clearly visible, definable and observable physical boundaries which are based upon criteria established and recognized by the Bureau of the Census of the United States Department of Commerce for purposes of defining census blocks for its decennial

census and shall follow, as much as is possible, precinct boundaries. Board districts shall be compact, contiguous and shall be as equal in population as practical with not more than a ten percent (10%) variance between the most populous and least populous board districts.

- b. School districts having fewer than one thousand (1,000) students in average daily membership during the preceding school year may choose not to establish board districts and may nominate and elect all board members at large.
- c. Elementary school districts shall have board members elected at large.
- d. A city located in an independent school district having four or more wards and an outlying area with such outlying area comprising no more than twenty percent (20%) of the population of such independent school district, then such independent school district may adopt such wards and outlying area in lieu of the board districts provided for in subparagraph a of this paragraph, and at least one member of the board of education of such independent school district shall be a member of each ward; and

2. One member of the board of education shall be elected by the electors of the school district to represent each such board district. Provided, however, that in any school district where the electors of each board district, rather than the electors of the entire school district, elect board members to represent that board district, that district shall elect board members in that manner.

If during the term of office to which a person was elected, that member ceases to be a resident of the board district for which the person was elected, the office shall become vacant and such vacancy

shall be filled as provided in Section 13A-110 of Title 26 of the Oklahoma Statutes; and

3. In a school district having more than ten thousand (10,000) children in average daily membership, the following provision and the provisions of Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes shall control as to election of the members of the school district's board of education:

- a. there shall be held an election in which the electors of each board district in which a term is expiring or in which a vacancy exists shall select two candidates from among the candidates for board member to represent the board district,
- b. if, in the election, one candidate has a majority of all votes cast, then a run-off election is not required. If no candidate receives a majority of all votes cast, then the two candidates receiving the greatest number of votes shall become the candidates for the board district in the general election, and
- c. at the run-off election, all of the electors of the board district shall select one of the two candidates as the member of the board of education representing the board district.

C. Any nine-member board shall have the option of reducing its board to a seven- or five-member board either after approval of a board resolution or a vote of the electors of the school district to take such action pursuant to Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes. The election pursuant to a vote of the electors of the school district shall be called upon the submission of a petition requesting the election signed by ten percent (10%) of the school district electors in the school district, the percentage being applied to the highest number of voters voting in a regular school district election in the district in the preceding five (5)

years as determined by the secretary of the county election board, who shall certify the adequacy of the number of signatures on the petition. If the question is put before the voters of the district, such election shall be held along with and at the same time and place as the next school election if all requirements of Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes for such election are met.

After such resolution or election, the board shall reapportion the district, determining by resolution or by lot which board member offices shall be abolished at the end of the current board member's term and which shall become one of the offices of the new board.

Election of the resulting board members shall be carried out according to procedures stated in this section and Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes.

School board members currently serving in offices abolished pursuant to this subsection shall continue serving until the end of their current terms as at-large members.

D. The offices of members of the board of education shall be designated by consecutive numbers and shall correspond with board districts when applicable.

E. Except for those members elected prior to July 1, 1992, the terms of office of the members of a five-member board of education shall commence on the first regular, special or emergency school board meeting after the date of the annual school election and after the member has been certified as elected:

Office No. 1	1991
Office No. 2	1992
Office No. 3	1993
Office No. 4	1994
Office No. 5	1995

The terms of office of the members of a seven-member board of education shall be staggered, with one member being elected in 1991,

two members being elected in 1992, two members being elected in 1993 and two members being elected in 1994 and shall commence on the first regular, special or emergency school board meeting after the date of the annual school election and after the member has been certified as elected; provided, in districts needing to elect two members in 1991 to maintain a full complement of board members, two members shall be elected in 1991, one for a full term and one for a one-year term, as determined by the local board. If a seven-member board is formed upon consolidation pursuant to Section 7-105 of this title, or upon annexation pursuant to Section 7-101 of this title, the formation agreement shall specify initial short terms as necessary to extend until the beginning of the regular terms for seven-member boards established herein.

The terms of office of the members of a nine-member board of education shall be staggered, with three members being elected in 1991, three members being elected in 1992, three members being elected in 1993, and three in each year thereafter, and shall commence on the first regular, special or emergency school board meeting after the date of the annual school election and after the member has been certified as elected. Upon reduction of a nine-member board pursuant to subsection C of this section, the terms of the five-member or seven-member board shall be staggered pursuant to this subsection.

One member of a three-member board of education shall be elected each year, and the terms of office shall commence on the first regular, special or emergency school board meeting after the member has been certified as elected.

F. The term of office of each board member elected after July 1, 1992, shall commence on the first regular, special or emergency school board meeting after the date of the annual school election and after the member has been certified as elected. Board members elected prior to July 1, 1992, may remain in office until their

successor is elected and seated pursuant to Sections 13A-101 through 13A-111 of Title 26 of the Oklahoma Statutes. The remaining term of any member who completes the term for which the member was elected but not wishing to serve until the successor of the member takes office on the first regular, special or emergency school board meeting after the successor has been certified as elected, shall be filled by appointment by the remaining members of the board of education.

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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