

SHORT TITLE: Schools; requiring annexation of certain elementary districts to certain independent districts; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 751

By: Gustafson

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 1991, Section 7-101.1, which relates to mandatory annexation; requiring annexation of certain elementary districts to certain independent districts; stating conditions; providing procedure; clarifying statutory reference; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 7-101.1, is amended to read as follows:

Section 7-101.1 A. The State Board of Education shall be authorized to promulgate rules and regulations regarding the procedures necessary to accomplish mandatory annexation or consolidation, as provided by and within the requirements of the provisions of this section and Sections 2, 8, 9, 10, 11, 12 and 13 of this act 3-104.4, 3-104.5, 7-201, 7-202, 7-203, and 7-206 of this title, and as otherwise provided by law.

B. In any case where mandatory annexation of a school or school district is recommended by the State Department of Education, the Department shall notify, in writing, the board of education of the school district involved. Upon receipt of the notification, the school district board shall have fifteen (15) days to request an opportunity to appear before the State Board of Education. If the

school district board fails to request an opportunity to appear, the State Board shall proceed without further notice or delay, to conclude the matter. If an opportunity to appear is requested by the school district board, the State Board shall decide the issues after hearing from representatives of the school or school district and the State Department and shall make a final determination on the recommendation of the Department.

C. 1. No later than July 1 of each year, the State Board of Education shall review the accreditation and State Aid records of every elementary district within the state and shall annex to one or more independent districts any elementary district for which the following conditions exist:

- a. a school site within the elementary district is within ten (10) miles of the site of a high school located within an independent district, and
- b. at any time during the three (3) years prior to the date of the review, the average daily membership of the elementary district as calculated pursuant to Section 18-200 of Title 70 of the Oklahoma Statutes was below one hundred twenty (120) students, excluding students who transferred into the elementary district, or enrollment was below twelve (12) students in any grade, excluding students who transferred into the elementary district.

2. An elementary district subject to mandatory annexation pursuant to this subsection shall be apportioned and annexed to the independent district or districts that have transportation areas covering any portion of the elementary district. The elementary district shall be divided according to the lines of the transportation areas of the independent districts as the lines exist on the effective date of this act.

SECTION 2. 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.

46-1-0057

PHB