

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 SENATE BILL 29

By: Jolley

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,
8 Section 5-117, as last amended by Section 6, Chapter
9 472, O.S.L. 2005 (70 O.S. Supp. 2006, Section 5-117),
10 which relates to powers and duties of school district
11 boards of education; requiring certain information be
12 included in material distributed at expense of a
13 district or school; specifying information to be
14 reported and format to be followed; and providing an
15 effective date.

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

17 SECTION 1. AMENDATORY 70 O.S. 2001, Section 5-117, as
18 last amended by Section 6, Chapter 472, O.S.L. 2005 (70 O.S. Supp.
19 2006, Section 5-117), is amended to read as follows:

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

22 1. Elect its own officers; provided that the chair of the board
23 authorized in Section 5-107B of this title shall be elected by the
24 electors of the school district;

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

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

7 4. Designate the schools to be attended by the children of the
8 district;

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

13 6. Provide informational material concerning school bond
14 elections and millage elections, including but not limited to all
15 pertinent financial information relative to the bond issue, a
16 statement of revenue sources necessary to retire proposed bonds, a
17 statement of current bonded indebtedness of the school district, and
18 a statement of proposed use of funds to be generated by the proposed
19 bond issue. The informational material shall not contain the words
20 "vote yes" or "vote no" or any similar words or statement any place
21 on such informational material;

22 7. Purchase, construct or rent, and operate and maintain,
23 classrooms, libraries, auditoriums, gymnasiums, stadiums, recreation
24 places and playgrounds, teacherages, school bus garages,

1 laboratories, administration buildings, and other schoolhouses and
2 school buildings, and acquire sites and equipment therefor;

3 8. a. Insure the school district or its employees against
4 any loss, damage or liability as defined by Sections
5 702 through 708 of Title 36 of the Oklahoma Statutes,
6 or other forms of insurance provided for in Title 36
7 of the Oklahoma Statutes.

8 b. Subject to the restrictions of liability in the
9 Governmental Tort Claims Act:

10 (1) insure the school district against all or any
11 part of any liability it may incur for death,
12 injury or disability of any person, or for damage
13 to property, either real or personal,

14 (2) insure any employee of the school district
15 against all or any part of the employee's
16 liability for injury or damage resulting from an
17 act or omission in the scope of employment, or

18 (3) insure against the expense of defending a claim
19 against the school district or its employee,
20 whether or not liability exists on such claim.

21 c. As used in this subsection, "employee" means any
22 person who has acted in behalf of a school district,
23 whether that person is acting on a permanent or
24 temporary basis with or without being compensated or

1 on a full-time or part-time basis. Employee also
2 includes all elected or appointed officers, members of
3 governing bodies of a school district, and persons
4 appointed, and other persons designated by a school
5 district to act in its behalf.

6 d. The cost or premium of any such insurance is a proper
7 expenditure of the school district.

8 e. Any insurance authorized by law to be purchased,
9 obtained or provided by a school district may be
10 provided by:

11 (1) self-insurance, which may be, but is not required
12 to be, funded by appropriations to establish or
13 maintain reserves for self-insurance purposes.

14 Any self-insurance reserve fund shall be
15 nonfiscal and shall not be considered in
16 computing any levy when the school district makes
17 its annual estimate for needed appropriations,

18 (2) insurance in any insurer authorized to transact
19 insurance in this state,

20 (3) insurance secured in accordance with any other
21 method provided by law, or

22 (4) any combination of insurance authorized by this
23 section.

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1 f. Two or more school districts or public agencies, by
2 interlocal agreement made pursuant to the Interlocal
3 Cooperation Act, may provide insurance for any purpose
4 by any one or more of the methods specified in this
5 section. The pooling of self-insured reserves, claims
6 or losses among governments as authorized in this
7 section shall not be construed to be transacting
8 insurance nor otherwise subject to the provisions of
9 the laws of this state regulating insurance or
10 insurance companies. Two or more school districts may
11 also be insured under a master policy or contract of
12 insurance. Premium costs may be set individually for
13 each school district or apportioned among
14 participating school districts as provided by the
15 master policy or contract;

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

21 10. Lease real or personal property to the state or any
22 political subdivision thereof or a not-for-profit entity operating
23 pursuant to Section 868 of Title 18 of the Oklahoma Statutes for
24 nominal cash consideration for so long as the use of the property by

1 the lessee substantially benefits, in whole or in part, the same
2 public served by the school district;

3 11. Dispose of personal or real property no longer needed by
4 the district by sale, exchange, lease, lease-purchase, sale and
5 partial lease back, or otherwise. Real property shall be conveyed
6 pursuant to a public sale, public bid, or private sale; provided
7 however, unless otherwise prohibited by law, the board of education
8 of a consolidated or annexed school district may convey real
9 property to a local political subdivision without consideration.
10 Prior to the sale of any real property, the board of education shall
11 have the real property appraised. The appraisal shall be
12 confidential until the real property is sold. When the real
13 property is sold, the board of education shall make the appraisal
14 available for public inspection. Prior to the conveyance of any
15 real property by private sale, the board of education shall have
16 offered the real property for sale by public sale or public bid.
17 Any conveyance of real property by private sale to a nonprofit
18 organization, association, or corporation to be used for public
19 purposes, unless for exchange, shall contain a reversionary clause
20 which returns the real property to the board of education upon the
21 cessation of the use without profit or for public purposes by the
22 purchaser or the assigns of the purchaser;

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1 12. Purchase necessary property, equipment, furniture, and
2 supplies necessary to maintain and operate an adequate school
3 system;

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

7 14. Contract with and fix the duties and compensation of
8 physicians, dentists, optometrists, nurses, attorneys,
9 superintendents, principals, teachers, bus drivers, janitors, and
10 other necessary employees of the district;

11 15. Establish a written policy for reimbursement of necessary
12 travel expenses of employees and members of the board. The policy
13 may include in-district travel from the site of employment
14 assignment which is necessary in the performance of employment
15 duties. The written policy shall specify procedures, contain
16 documentation requirements, and may include payment of meal expenses
17 during authorized travel on a per diem allowance basis rather than
18 itemized documentation;

19 16. Pay necessary travel expenses and other related expenses of
20 prospective employees for sponsored visits to the school district
21 pursuant to a written policy specifying procedures containing
22 documentation requirements equal to or greater than the requirements
23 specified by law for state employees in the State Travel
24 Reimbursement Act;

1 17. Provide for employees' leaves of absence without pay;

2 18. Exercise sole control over all the schools and property of
3 the district, subject to other provisions of the Oklahoma School
4 Code;

5 19. Allow district-owned school buses to be used for
6 transportation of students from other districts or educational
7 institutions while within the district on educational tours. This
8 shall not restrict the authority of the board to authorize any other
9 use of such buses which may now be permitted by law or rule of the
10 State Board of Education;

11 20. Enter into contractual agreements with the board of
12 trustees of a multicounty library system, as defined in Section 4-
13 103 of Title 65 of the Oklahoma Statutes, a city-county library
14 commission, as defined in Section 152 of Title 65 of the Oklahoma
15 Statutes, or a rural single county library system, as defined in
16 Section 1-104 of Title 65 of the Oklahoma Statutes, on such terms as
17 may be mutually agreed, except no district board of education may
18 enter into any agreement under which the library services for the
19 school would be provided at any site other than the school site or
20 which would result in library services that do not meet
21 accreditation standards as required by law or rule;

22 21. Perform all functions necessary to the administration of a
23 school district in Oklahoma as specified in the Oklahoma School
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1 Code, and in addition thereto, those powers necessarily implied but
2 not delegated by law to any other agency or official;

3 22. Prepare and distribute at the expense of the school
4 district any and all material which has the purpose of informing the
5 public about district activities;

6 a. The board of education shall ensure that the following
7 information shall be included at a prominent place
8 near the beginning of each publication issued or any
9 piece of informational material distributed at the
10 expense of the district or a school:

- 11 (1) name of the issuing district or school,
12 (2) authorization for publication. If such
13 publication is not specifically authorized by
14 statute the name of the person or persons so
15 authorizing shall be stated,
16 (3) number of copies printed, and
17 (4) cost to taxpayers for distribution.

18 b. The information shall be set forth in a separate
19 paragraph and shall conform as nearly as practical to
20 the following format:

21 "This publication is issued by (insert name of the district or
22 school) as authorized by (insert statutory citation or name of
23 person authorizing). _____ copies have been prepared and
24 distributed at a cost of \$ _____ to taxpayers;

1 23. Solicit and accept any gift, grant, or donation of money or
2 property for the use of the school district. Any gift, grant, or
3 donation of money may be deposited in the general fund or building
4 fund of the school district; and

5 24. Pay necessary meal and lodging expenses of school district
6 students and sponsors involved in authorized school-sponsored
7 cocurricular activities. The board of education shall establish a
8 written policy for reimbursement of necessary meal and lodging
9 expenses of school district students and sponsors. The written
10 policy shall specify procedures, contain documentation requirements,
11 and designate the funds from which reimbursement may be made.
12 Reimbursement may be made from the General Fund.

13 B. The board of education of any school district may rent, on a
14 monthly basis, real and personal property, if such items are
15 necessary for the operation of the school, and pay the rental
16 charges for the usage during any fiscal year, or portion thereof,
17 out of appropriations made and approved for current expense purposes
18 during the fiscal year. Any such rental contract extending beyond
19 June 30 of such fiscal year shall be void unless it contains
20 provisions for mutual ratification of renewal pursuant to the
21 conditions provided for in this subsection. It is the intent of
22 this subsection to authorize boards of education to enter into lease
23 contracts but not to incur any obligation against the school
24 district in excess of the income and revenue provided for such

1 purposes for the fiscal year in which such lease contract is
2 operative. Any lease or lease-purchase agreement entered into by
3 any board of education shall state the purchase price of real or
4 personal property so leased. The lease or lease-purchase shall not
5 be extended so as to cause payment of more than the original
6 purchase price of the real or personal property, plus interest not
7 to exceed the legal rate. When the purchase price plus interest has
8 been paid, the property shall belong to the lessee and the lessor
9 shall deliver a deed or bill of sale to the property to the lessee.
10 When any real or personal property has been leased or rented during
11 any fiscal year pursuant to the provisions of any contract which
12 permits continuance of such rental for the remainder of such fiscal
13 year, the renting or leasing thereof must be continued for the
14 remainder of the fiscal year unless the board of education renting
15 or leasing the same certifies by proper resolution entered in the
16 minutes of the board of education that the continuance of such
17 rental is unnecessary and contrary to the public interest.

18 C. The boards of education of two or more school districts may
19 enter into cooperative agreements and maintain joint programs
20 including, but not limited to, courses of instruction for
21 handicapped children, courses of instruction in music and other
22 subjects, practical instruction for trades and vocations, practical
23 instruction in driver training courses, and health programs
24 including visual care by persons legally licensed for such purpose,

1 without favoritism as to either profession. The revenues necessary
2 to operate a joint program approved in cooperative agreements,
3 whether from federal, state or local sources, including the
4 individual contributions of participating school districts, shall be
5 deposited into a fund separate from all other appropriated funds.
6 The beginning fund balance each year, combined with all actual
7 revenues, including collected and estimated revenues, must be
8 appropriated before being expended. Purchase orders shall be issued
9 against available appropriations and, once goods or services have
10 been received, either payable or nonpayable warrants shall be issued
11 in payment of all purchase orders. The fund shall be reported as a
12 separate appropriated fund in all the financial reports of the
13 school district which is chosen by the other school districts to
14 keep the accounting records of the joint program.

15 D. The boards of education of two or more school districts may
16 enter into a mutual contract or separate contracts with a
17 superintendent, administrator, or teacher or with a person to
18 provide support services, to serve as superintendent, administrator,
19 or teacher, as appropriately qualified, or to provide support
20 services, for each contracting district upon such terms and
21 conditions as the parties may agree. Nothing in this act shall be
22 construed to authorize or require annexation or consolidation of any
23 school districts or the closing of any school site except pursuant
24 to law as set forth in Section 7-101 et seq. of this title.

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

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

11 SECTION 2. This act shall become effective November 1, 2007.

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