

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 1169

By: Anderson of the Senate  
and  
Denney of the House

( schools - School Consolidation Assistance Fund -  
effective date -

emergency )

13 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert

15 "An Act relating to schools; amending 70 O.S. 2001,  
16 Sections 7-201, as amended by Section 1, Chapter  
296, O.S.L. 2003, 7-202, as amended by Section 2,  
17 Chapter 296, O.S.L. 2003, 7-203, as last amended by  
Section 4, Chapter 278, O.S.L. 2006 and 7-204, as  
18 amended by Section 4, Chapter 296, O.S.L. 2003 (70  
O.S. Supp. 2008, Sections 7-201, 7-202, 7-203 and 7-  
19 204), which relate to the Oklahoma School Voluntary  
Consolidation and Annexation Act; updating statutory  
20 citations; modifying name of the act; modifying  
purposes of School Consolidation Assistance Fund;  
21 modifying method of allocating funds; deleting  
obsolete language; and providing an effective date.

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

1 SECTION 1. AMENDATORY 70 O.S. 2001, Section 7-201, as  
2 amended by Section 1, Chapter 296, O.S.L. 2003 (70 O.S. Supp. 2008,  
3 Section 7-201), is amended to read as follows:

4 Section 7-201. Sections 7-201 through ~~7-205~~ 7-206 of this title  
5 shall be known and may be cited as the "Oklahoma School ~~Voluntary~~  
6 Consolidation and Annexation Act".

7 SECTION 2. AMENDATORY 70 O.S. 2001, Section 7-202, as  
8 amended by Section 2, Chapter 296, O.S.L. 2003 (70 O.S. Supp. 2008,  
9 Section 7-202), is amended to read as follows:

10 Section 7-202. The provisions of the Oklahoma School ~~Voluntary~~  
11 Consolidation and Annexation Act shall apply only to school  
12 districts whose entire territory has been annexed to one or more  
13 existing school districts or which have been created by the  
14 consolidation of two or more existing school districts in accordance  
15 with the provisions of Section 7-101 et seq. of ~~Title 70 of the~~  
16 ~~Oklahoma Statutes~~ this title.

17 SECTION 3. AMENDATORY 70 O.S. 2001, Section 7-203, as  
18 last amended by Section 4, Chapter 278, O.S.L. 2006 (70 O.S. Supp.  
19 2008, Section 7-203), is amended to read as follows:

20 Section 7-203. A. There is hereby created in the State  
21 Treasury a fund to be designated the "School Consolidation  
22 Assistance Fund". The fund shall be a continuing fund, not subject  
23 to fiscal year limitations, and shall consist of any monies the  
24

1 Legislature may appropriate or transfer to the fund and any monies  
2 contributed for the fund from any other source, public or private.

3 B. All monies accruing to the credit of said fund are hereby  
4 appropriated and may be budgeted and expended by the State Board of  
5 Education for the purposes established by this section, the  
6 Legislature and in accordance with rules promulgated by the State  
7 Board of Education. The purposes shall be to provide voluntarily or  
8 mandatorily consolidated school districts or districts who have  
9 received part or all of the territory and part or all of the  
10 students of a school district dissolved by voluntary or mandatory  
11 annexation, during the first year of consolidation or annexation,  
12 ~~except as provided for in subsection G of this section,~~ with a  
13 single one-year allocation of funds needed for:

14 1. Purchase of uniform textbooks in cases where the several  
15 districts were not using the same textbooks prior to consolidation  
16 or annexation;

17 2. Employment of certified personnel required to teach courses  
18 of the district for which personnel from the districts consolidated  
19 or annexed are not certified and available;

20 3. Employment assistance for personnel of the several districts  
21 who are not employed by the consolidated or annexing district.  
22 Employment assistance may include provision of a severance allowance  
23 for administrators, teachers and support personnel not to exceed  
24 eighty percent (80%) of the individual's salary or wages, exclusive

1 of fringe benefits, for the school year preceding the consolidation  
2 or annexation. Personnel receiving such severance pay may  
3 accumulate one (1) year of creditable service for retirement  
4 purposes. Employment assistance may also include the payment of  
5 unemployment compensation benefits. The State Board of Education  
6 shall provide a severance allowance to employees dismissed from  
7 employment due to annexation or consolidation of a school district  
8 in the year of the annexation or consolidation and who were denied a  
9 severance allowance or unemployment compensation benefits and the  
10 voluntary consolidation funding of the annexing or consolidating  
11 district or districts has been paid on or after July 1, 2003, at the  
12 maximum allowable amount. Application for a severance allowance  
13 shall be made to the Finance Division of the State Department of  
14 Education by the dismissed employee no later than September 1 of the  
15 fiscal year immediately following the fiscal year in which the  
16 annexation or consolidation occurred;

17 4. Furnishing and equipping classrooms and laboratories;

18 5. Purchase of additional transportation equipment; and

19 6. When deemed essential by the school district board of

20 education to achieve consolidation or combination by annexation,

21 renovation of existing school buildings and construction or other

22 acquisition of school buildings.

23 C. The State Board of Education shall only make allocations

24 from the fund to school districts formed from the combination of two

1 or more of the districts whose boards of education notify the State  
2 Board of Education on or before June 30 of their intent to annex or  
3 consolidate and are subsequently combined by such means by January 1  
4 of the second year following the notification of intent.

5 D. Allocations will be made to school districts formed by  
6 voluntary or mandatory consolidation ~~or which have received part or~~  
7 ~~all of the territory and students of a school district by annexation~~  
8 on the basis of combined average daily membership (ADM) of the  
9 ~~second~~ school year preceding the first year of operation of the  
10 school district resulting from the consolidation ~~or annexation~~;  
11 provided, not more than ~~one thousand (1,000)~~ two hundred (200) ADM  
12 of any one school district shall be counted in determining the  
13 combined ADM of any district formed by consolidation ~~or which has~~  
14 ~~received part or all of the territory and students of a school~~  
15 ~~district by annexation~~. The ADM of any one school district shall  
16 not be considered more than once for allocations from the fund when  
17 the school district ~~annexes to or~~ consolidates with two or more  
18 school districts. Allocations from the fund pursuant to this  
19 subsection shall be calculated by multiplying the combined ADM by  
20 Two Thousand Five Hundred Dollars (\$2,500.00).

21 E. ~~To calculate combined ADM in cases where a school district~~  
22 ~~annexes to two or more school districts, allocations from the fund~~  
23 ~~shall be based on the lesser of:~~

24

1       ~~1. The annexing school district's ADM as limited by this~~  
2 ~~section plus the number of students from the annexed school district~~  
3 ~~that the annexing school district will gain; or~~

4       ~~2. The ADM as limited by this section that the annexing school~~  
5 ~~district is gaining from the annexed school district plus the~~  
6 ~~annexing school district's ADM as multiplied by the percentage of~~  
7 ~~students the annexing school district is receiving from the annexed~~  
8 ~~school district of all annexing school districts; provided the~~  
9 ~~annexing school district's ADM thus calculated shall not exceed one~~  
10 ~~thousand (1,000) Allocations will be made to school districts which~~  
11 ~~have received part or all of the territory and students of a school~~  
12 ~~district by voluntary or mandatory annexation on the basis of ADM of~~  
13 ~~the annexed school district for the school year preceding the first~~  
14 ~~year of operation of the school district resulting from the~~  
15 ~~annexation; provided, not more than two hundred (200) ADM of the~~  
16 ~~annexed district shall be counted. Allocations from the fund~~  
17 ~~pursuant to this subsection shall be calculated by multiplying the~~  
18 ~~allowable ADM by Five Thousand Dollars (\$5,000.00). In no case~~  
19 ~~shall allocations payable pursuant to this subsection be less than~~  
20 ~~Four Hundred Thousand Dollars (\$400,000.00) or greater than One~~  
21 ~~Million Dollars (\$1,000,000.00).~~

22       ~~F. Allocations from the fund shall be calculated by multiplying~~  
23 ~~the combined ADM by:~~

24

1       ~~1. One Thousand Dollars (\$1,000.00) when two districts are~~  
2 ~~combined;~~

3       ~~2. One Thousand Two Hundred Dollars (\$1,200.00) when three~~  
4 ~~districts are combined;~~

5       ~~3. One Thousand Four Hundred Dollars (\$1,400.00) when four~~  
6 ~~districts are combined; and~~

7       ~~4. One Thousand Six Hundred Dollars (\$1,600.00) when five or~~  
8 ~~more districts are combined.~~

9 If monies in the School Consolidation Assistance Fund are  
10 insufficient to make allocations to all qualified combined  
11 districts, allocations shall be made based upon earliest date of  
12 application.

13       ~~G. Any school district which was consolidated or which~~  
14 ~~participated in an annexation in 2004 shall be eligible to receive~~  
15 ~~funds from the School Consolidation Assistance Fund as provided in~~  
16 ~~subsection F of this section.~~

17       SECTION 4.       AMENDATORY       70 O.S. 2001, Section 7-204, as  
18 amended by Section 4, Chapter 296, O.S.L. 2003 (70 O.S. Supp. 2008,  
19 Section 7-204), is amended to read as follows:

20       Section 7-204. Consolidated districts and districts combined by  
21 annexation which are created pursuant to the Oklahoma School  
22 ~~Voluntary~~ Consolidation and Annexation Act shall have for three (3)  
23 subsequent consecutive years after consolidation or annexation  
24 preference for allocations from funds appropriated to the State

1 Board of Education for Community Education, Alternative and High  
2 Challenge Schools, School/Community Network for Arts-in-Education,  
3 Instructional Cooperative and Technical Education, Advanced  
4 Placement Incentives, and for all other allocations made by the  
5 Board on a competitive basis.

6 SECTION 5. This act shall become effective November 1, 2009."  
7 Passed the House of Representatives the 16th day of April, 2009.

8  
9  
10 Presiding Officer of the House of  
11 Representatives

12 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2009.

13  
14  
15 Presiding Officer of the Senate

16  
17  
18  
19  
20  
21  
22  
23  
24