

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 2211 By: Jolley of the Senate
3 and
4 Cox of the House
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8 (schools - forfeiture of State Aid - effective
9 date -
10 emergency)
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13 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
14 entire bill and insert

15 "An Act relating to schools; amending 70 O.S. 2001,
16 Section 18-116, which relates to forfeiture of State
17 Aid; and providing for forfeiture of State Aid by a
school district for noncompliance with certain
requirement.

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

21 SECTION 1. AMENDATORY 70 O.S. 2001, Section 18-116, is
22 amended to read as follows:

23 Section 18-116. A. Any school district which willfully
24 operates school buses contrary to the rules and regulations

1 prescribed by the State Board of Education shall forfeit its State
2 Aid for the time of noncompliance. All State Aid funds shall be
3 withheld from any school district that does not comply with the
4 standards of the State Board of Education for accrediting.

5 B. Any school district that willfully pays a teacher less than
6 the minimum salary required by law including the five percent (5%)
7 increments for special education or alternative education shall
8 forfeit a portion of its State Aid equal to the amount that the
9 teacher was underpaid. The amount to be forfeited shall be deducted
10 from the State Aid payment following confirmation of the
11 underpayment by the State Department of Education.

12 C. 1. No more than fifty percent (50%) of the funds
13 apportioned to school districts under the provisions of this article
14 shall be paid by the state unless and until there has been filed
15 with the State Board of Education on forms prescribed by such Board
16 an itemized sworn account of the expenditures and revenues of the
17 school district during the next preceding fiscal year and a teacher
18 personnel report for the current year.

19 2. All State Aid paid to a district whose district budget, as
20 filed with the State Auditor and Inspector, shows that the
21 appropriations of the district, plus the State Aid and other cash
22 funds for which the district qualifies, will not enable it to
23 maintain a full term of school as defined by this article, shall be
24 credited against the State Aid of the district or districts to which

1 the first district shall be annexed, if annexation is required. It
2 is intended that the balance of any unexpended State Aid or other
3 revenue originally allocated to an annexed district shall be paid to
4 the receiving district.

5 D. School districts receiving State Aid shall not spend any of
6 these funds except by regularly issued warrants. The warrants shall
7 be issued against properly approved encumbrances in the manner
8 provided by law. All encumbrances shall be approved by the board of
9 education of the school district at a regular meeting or a special
10 meeting called for that purpose. All original copies of
11 encumbrances as represented by purchase orders, shall be filed in
12 either numerical or alphabetical order, with the original paid
13 invoice or invoices attached, accompanied by a signed and dated
14 receiving copy verifying receipt of goods or services. It shall be
15 unlawful to register or pay the warrant unless such warrant conforms
16 to the statutes regulating the allowance and issuance thereof. Said
17 treasurer shall purchase, by treasurer's check, all warrants issued.

18 E. All board of education members, employees, or other
19 officials of school districts required to make reports to the State
20 Board of Education or other agencies under the provisions of this
21 article, and all persons lawfully charged with the duty of making
22 records of original entry, such as teachers' registers,
23 transportation records, and financial records, which form the basis,
24 in whole or in part, of said reports, shall exercise the highest

1 degree of diligence, accuracy, and good faith in making said records
2 and reports reflect the truth. Teachers' registers shall be marked
3 daily in ink, by the teacher or principal in charge of rooms or
4 groups of pupils. Provided, the State Board of Education may
5 authorize alternate systems of accounting for pupils' attendance in
6 districts using data processing methods.

7 F. The State Board of Education shall revoke the certificate of
8 any teacher, principal, or superintendent who knowingly or willfully
9 violates any of the provisions of this article.

10 G. Any official involved in the execution of this article who
11 shall fail or refuse to carry out any of the provisions thereof
12 shall be liable on his official bond, if any, for the monetary
13 damages resulting from said failure to act, and in addition thereto
14 shall be subject to removal from office for neglect of duty under
15 the provisions of law relating to the removal of public officials.

16 H. Any person or firm who shall knowingly or willfully violate
17 any of the provisions of this article shall be guilty of a
18 misdemeanor. Any public official or public employee violating any
19 of the provisions of this article shall be subject to the penalties
20 for a misdemeanor and in addition thereto shall forfeit his position
21 or office. Any officer or employee of the State Board of Education
22 who knowingly or willfully apports or disburses any monies
23 appropriated by this article contrary to the provisions of this
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1 article shall be subject to the penalties for a misdemeanor and in
2 addition shall forfeit his office or position.

3 I. The State Board of Education shall prescribe the form of all
4 records, reports and applications for State Aid necessary to the
5 proper administration of this article, and it shall be the duty of
6 all, school district superintendents, and boards of education of
7 school districts to make such reports fully and completely at the
8 time and in the manner prescribed by the State Board of Education.
9 The State Board of Education shall also have authority and it shall
10 be its duty to promulgate rules and regulations, not inconsistent
11 with the provisions hereof, relative to the distribution of funds
12 and for the administration of this article. Such regulations and
13 rules shall apply alike to all school districts.

14 J. Any school district that is not in compliance with the
15 standards and requirements established by the State Board of
16 Education related to the state student record system as provided in
17 Section 3-160 of this title shall forfeit its State Aid for the time
18 of noncompliance."

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1 Passed the House of Representatives the 14th day of April, 2010.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2010.

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9 Presiding Officer of the Senate
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