

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SUBCOMMITTEE RECOMMENDATION
4 FOR ENGROSSED

5 SENATE BILL NO. 1169

6 By: Anderson of the Senate

7 and

8 Denney of the House

9 SUBCOMMITTEE RECOMMENDATION

10 An Act relating to schools; amending 70 O.S. 2001,
11 Sections 7-201, as amended by Section 1, Chapter 296,
12 O.S.L. 2003, 7-202, as amended by Section 2, Chapter
13 296, O.S.L. 2003, 7-203, as last amended by Section
14 4, Chapter 278, O.S.L. 2006 and 7-204, as amended by
15 Section 4, Chapter 296, O.S.L. 2003 (70 O.S. Supp.
16 2008, Sections 7-201, 7-202, 7-203 and 7-204), which
17 relate to the Oklahoma School Voluntary Consolidation
18 and Annexation Act; updating statutory citations;
19 modifying name of the act; modifying purposes of
20 School Consolidation Assistance Fund; modifying method
21 of allocating funds; deleting obsolete language;
22 providing an effective date; and declaring an
23 emergency.

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

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

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

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

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

14 SECTION 3. AMENDATORY 70 O.S. 2001, Section 7-203, as
15 last amended by Section 4, Chapter 278, O.S.L. 2006 (70 O.S. Supp.
16 2008, Section 7-203), is amended to read as follows:

17 Section 7-203. A. There is hereby created in the State
18 Treasury a fund to be designated the "School Consolidation
19 Assistance Fund". The fund shall be a continuing fund, not subject
20 to fiscal year limitations, and shall consist of any monies the
21 Legislature may appropriate or transfer to the fund and any monies
22 contributed for the fund from any other source, public or private.

23 B. All monies accruing to the credit of said fund are hereby
24 appropriated and may be budgeted and expended by the State Board of

1 Education for the purposes established by this section, the
2 Legislature and in accordance with rules promulgated by the State
3 Board of Education. The purposes shall be to provide voluntarily or
4 mandatorily consolidated school districts or districts who have
5 received part or all of the territory and part or all of the
6 students of a school district dissolved by voluntary or mandatory
7 annexation, during the first year of consolidation or annexation,
8 ~~except as provided for in subsection G of this section,~~ with a
9 single one-year allocation of funds needed for:

10 1. Purchase of uniform textbooks in cases where the several
11 districts were not using the same textbooks prior to consolidation
12 or annexation;

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

16 3. Employment assistance for personnel of the several districts
17 who are not employed by the consolidated or annexing district.
18 Employment assistance may include provision of a severance allowance
19 for administrators, teachers and support personnel not to exceed
20 eighty percent (80%) of the individual's salary or wages, exclusive
21 of fringe benefits, for the school year preceding the consolidation
22 or annexation. Personnel receiving such severance pay may
23 accumulate one (1) year of creditable service for retirement
24 purposes. Employment assistance may also include the payment of

1 unemployment compensation benefits. The State Board of Education
2 shall provide a severance allowance to employees dismissed from
3 employment due to annexation or consolidation of a school district
4 in the year of the annexation or consolidation and who were denied a
5 severance allowance or unemployment compensation benefits and the
6 voluntary consolidation funding of the annexing or consolidating
7 district or districts has been paid on or after July 1, 2003, at the
8 maximum allowable amount. Application for a severance allowance
9 shall be made to the Finance Division of the State Department of
10 Education by the dismissed employee no later than September 1 of the
11 fiscal year immediately following the fiscal year in which the
12 annexation or consolidation occurred;

13 4. Furnishing and equipping classrooms and laboratories;

14 5. Purchase of additional transportation equipment; and

15 6. When deemed essential by the school district board of
16 education to achieve consolidation or combination by annexation,
17 renovation of existing school buildings and construction or other
18 acquisition of school buildings.

19 C. The State Board of Education shall only make allocations
20 from the fund to school districts formed from the combination of two
21 or more of the districts whose boards of education notify the State
22 Board of Education on or before June 30 of their intent to annex or
23 consolidate and are subsequently combined by such means by January 1
24 of the second year following the notification of intent.

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

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

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

23 2. ~~The ADM as limited by this section that the annexing school~~
24 ~~district is gaining from the annexed school district plus the~~

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

17 F. ~~Allocations from the fund shall be calculated by multiplying~~
18 ~~the combined ADM by:~~

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

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

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

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

3 If monies in the School Consolidation Assistance Fund are
4 insufficient to make allocations to all qualified combined
5 districts, allocations shall be made based upon earliest date of
6 application.

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

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

14 Section 7-204. Consolidated districts and districts combined by
15 annexation which are created pursuant to the Oklahoma School
16 ~~Voluntary~~ Consolidation and Annexation Act shall have for three (3)
17 subsequent consecutive years after consolidation or annexation
18 preference for allocations from funds appropriated to the State
19 Board of Education for Community Education, Alternative and High
20 Challenge Schools, School/Community Network for Arts-in-Education,
21 Instructional Cooperative and Technical Education, Advanced
22 Placement Incentives, and for all other allocations made by the
23 Board on a competitive basis.

24 SECTION 5. This act shall become effective July 1, 2009.

1 SECTION 6. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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