

1 ENGROSSED SENATE
2 BILL NO. 1784

By: Stanislawski of the Senate
and
Wright (John) of the House

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6 [schools - textbook allocation and adjustment -
7 authorizing school districts to expend certain
8 allocations - bargaining unit -
9 effective date]

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

13 SECTION 1. AMENDATORY Section 7, Chapter 2, O.S.L. 2002
14 (70 O.S. Supp. 2009, Section 16-114a), is amended to read as
15 follows:

16 Section 16-114a. A. Based upon legislative appropriations, the
17 State Board of Education shall determine the textbook allocation to
18 be distributed to each school district in the state. Each year the
19 textbook allocation for each school district shall be calculated and
20 distributed in July and adjusted in December. The initial
21 allocation shall be calculated based on the audited end-of-year
22 average daily attendance of the preceding school year multiplied by
23 Fifty-five Dollars (\$55.00). The initial allocation shall be
24 calculated and distributed to each school district in July. The

1 December adjustment shall be calculated by multiplying the audited
2 first nine (9) weeks' average daily attendance for that current
3 school year by Fifty-five Dollars (\$55.00) and subtracting from that
4 amount the amount of the initial allocation. The adjustment shall
5 be calculated in December and distributed to each eligible school
6 district no later than January 15. A school district shall receive
7 an adjustment only if the adjustment figure as calculated in this
8 section is greater than zero. The State Department of Education
9 shall retain from the total amount appropriated for textbooks not
10 less than one percent (1%) of the total amount to be used for the
11 purpose of making the adjustments. If the amount appropriated,
12 including the retained amount, is not sufficient to fully fund the
13 adjusted allocation, each school district eligible for an adjustment
14 shall receive a proportionate reduction in funding.

15 B. 1. Any unused portion of the value of textbooks allowed to
16 a school district shall be cumulative and may be retained by the
17 school district the following fiscal year, in addition to the
18 allocation it is entitled to receive during such fiscal year.

19 2. For the fiscal year ending June 30, 2011, and for any fiscal
20 year thereafter when actual state revenues are at least five percent
21 (5%) less than the total appropriated amount for the same fiscal
22 year, school districts are authorized to expend textbook
23 allocations, including any amounts retained from a prior fiscal
24 year, for instructional expenses.

1 C. All textbooks distributed to a school district that have
2 been destroyed by fire or other hazard shall be replaced by the
3 State Board of Education. The total cost of all additional
4 textbooks delivered to school districts to replace those destroyed
5 by fire or other hazard shall not exceed, for the entire state in
6 any fiscal year, the aggregate sum of One Hundred Thousand Dollars
7 (\$100,000.00), which sum shall be reserved for such purpose from any
8 appropriation made to carry out the provision of this article for
9 any fiscal year.

10 SECTION 2. AMENDATORY Section 18, Chapter 434, O.S.L.
11 2003, as last amended by Section 2, Chapter 248, O.S.L. 2004 (70
12 O.S. Supp. 2009, Section 18-114.9), is amended to read as follows:

13 Section 18-114.9. A. If a teacher, as defined in Section 6-
14 101.3 of this title, is employed by the same school district for the
15 next school year as the preceding school year, the total
16 compensation, consisting of salary and fringe benefits, of the
17 teacher shall not be decreased the next school year unless the hours
18 or the duties of the teacher are reduced proportionately, or upon
19 agreement of the district board of education and the local
20 bargaining unit.

21 For school year 2004-05, total compensation shall not include
22 any amount paid by a district during school year 2003-04 over and
23 above the flexible benefit allowance for certified personnel

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1 pursuant to Section 26-105 of this title toward employee health
2 insurance if:

3 1. The district provided the health insurance benefit mandated
4 in Section 1310.1 of Title 74 of the Oklahoma Statutes as a fringe
5 benefit that required the employee to accept the health insurance
6 option in order to receive the benefit; and

7 2. The district did not apply the payment toward meeting the
8 requirements of subsection A of Section 18-114.7 of this title.

9 B. Subject to the provisions of this section, any school
10 district that willfully reduces or has in years previous to
11 enactment of this section willfully reduced the compensation of a
12 teacher in violation of subsection A of this section shall forfeit
13 as a penalty a portion of its State Aid equal to the total amount
14 that the teacher was underpaid. If the teacher was underpaid for
15 more than one (1) school year, the amount forfeited shall equal the
16 cumulative amount that the teacher was underpaid. The amount to be
17 forfeited shall be deducted from the State Aid payment following
18 confirmation of the underpayment by the State Department of
19 Education.

20 C. In addition to the amount of State Aid forfeited as a
21 penalty pursuant to subsection B of this section, in order to ensure
22 that the teacher receives the full amount of unpaid compensation,
23 the State Department of Education shall withhold an amount which is
24 equal to the total amount that the teacher was underpaid from the

1 State Aid payment of the school district and pay the amount directly
2 to the teacher. The Board shall not withhold an amount for payment
3 to the teacher pursuant to the subsection if the teacher has
4 recovered the underpayment pursuant to judicial action.

5 D. Complaints filed with the State Board of Education pursuant
6 to this section may be based on alleged underpayments during fiscal
7 years that began:

8 1. On or after July 1, 2002; or

9 2. Before July 1, 2002, if the teacher filed an action to
10 recover the underpayment in a court of competent jurisdiction before
11 July 1, 2002.

12 E. Complaints filed with the State Board of Education alleging
13 underpayment during fiscal years that began on or after July 1,
14 2002, shall be filed within one (1) year of the end of the fiscal
15 year in which the underpayment is alleged to have occurred.

16 F. Filing a complaint with the State Board of Education
17 pursuant to this section shall not operate to prohibit a teacher
18 from filing an action for underpayment in a court of competent
19 jurisdiction or continuing to pursue an action for underpayment
20 pending in a court of competent jurisdiction on August 29, 2003.

21 G. The State Board of Education shall promulgate rules
22 necessary to implement the provisions of this section. The rules
23 shall include, but not be limited to, procedures for a teacher to

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1 file a complaint for violation of this section and the Department to
2 investigate the complaint.

3 SECTION 3. This act shall become effective July 1, 2010.

4 Passed the Senate the 2nd day of March, 2010.

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Presiding Officer of the Senate

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8 Passed the House of Representatives the ____ day of _____,

9 2010.

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Presiding Officer of the House
of Representatives

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