

THE HOUSE OF REPRESENTATIVES
Tuesday, April 6, 2010

Committee Substitute for
ENGROSSED
Senate Bill No. 2211

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 2211 - By:
JOLLEY of the Senate and COX of the House.

An Act relating to schools; amending 70 O.S. 2001, Section 18-116, which relates to forfeiture of State Aid; providing for forfeiture of State Aid by a school district for noncompliance with certain requirement; providing an effective date; and declaring an emergency.

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

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

3 Section 18-116. A. Any school district which willfully operates school buses
4 contrary to the rules and regulations prescribed by the State Board of Education shall
5 forfeit its State Aid for the time of noncompliance. All State Aid funds shall be withheld
6 from any school district that does not comply with the standards of the State Board of
7 Education for accrediting.

8 B. Any school district that willfully pays a teacher less than the minimum salary
9 required by law including the five percent (5%) increments for special education or
10 alternative education shall forfeit a portion of its State Aid equal to the amount that the

1 teacher was underpaid. The amount to be forfeited shall be deducted from the State Aid
2 payment following confirmation of the underpayment by the State Department of
3 Education.

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

9 2. All State Aid paid to a district whose district budget, as filed with the State
10 Auditor and Inspector, shows that the appropriations of the district, plus the State Aid
11 and other cash funds for which the district qualifies, will not enable it to maintain a full
12 term of school as defined by this article, shall be credited against the State Aid of the
13 district or districts to which the first district shall be annexed, if annexation is required.
14 It is intended that the balance of any unexpended State Aid or other revenue originally
15 allocated to an annexed district shall be paid to the receiving district.

16 D. School districts receiving State Aid shall not spend any of these funds except by
17 regularly issued warrants. The warrants shall be issued against properly approved
18 encumbrances in the manner provided by law. All encumbrances shall be approved by
19 the board of education of the school district at a regular meeting or a special meeting
20 called for that purpose. All original copies of encumbrances as represented by purchase
21 orders, shall be filed in either numerical or alphabetical order, with the original paid
22 invoice or invoices attached, accompanied by a signed and dated receiving copy verifying

1 receipt of goods or services. It shall be unlawful to register or pay the warrant unless
2 such warrant conforms to the statutes regulating the allowance and issuance thereof.
3 Said treasurer shall purchase, by treasurer's check, all warrants issued.

4 E. All board of education members, employees, or other officials of school districts
5 required to make reports to the State Board of Education or other agencies under the
6 provisions of this article, and all persons lawfully charged with the duty of making
7 records of original entry, such as teachers' registers, transportation records, and financial
8 records, which form the basis, in whole or in part, of said reports, shall exercise the
9 highest degree of diligence, accuracy, and good faith in making said records and reports
10 reflect the truth. Teachers' registers shall be marked daily in ink, by the teacher or
11 principal in charge of rooms or groups of pupils. Provided, the State Board of Education
12 may authorize alternate systems of accounting for pupils' attendance in districts using
13 data processing methods.

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 H. Any person or firm who shall knowingly or willfully violate any of the provisions
2 of this article shall be guilty of a misdemeanor. Any public official or public employee
3 violating any of the provisions of this article shall be subject to the penalties for a
4 misdemeanor and in addition thereto shall forfeit his position or office. Any officer or
5 employee of the State Board of Education who knowingly or willfully apports or
6 disburses any monies appropriated by this article contrary to the provisions of this
7 article shall be subject to the penalties for a misdemeanor and in addition shall forfeit his
8 office or position.

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

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

22 SECTION 2. This act shall become effective July 1, 2010.

1 SECTION 3. It being immediately necessary for the preservation of the public
2 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
3 this act shall take effect and be in full force from and after its passage and approval.
4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
5 dated 04-05-10 - DO PASS, As Amended.