

THE STATE SENATE  
Monday, February 23, 2009

Committee Substitute for  
Senate Bill No. 1169

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1169 - By: Anderson of the Senate and Denney of the House.

[ schools - School Consolidation Assistance Fund - effective date - emergency ]

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 7-203, as last amended by Section 4, Chapter 278, O.S.L. 2006 (70 O.S. Supp. 2008, Section 7-203), is amended to read as follows:

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

B. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Board of Education for the purposes established by this section, the Legislature and in accordance with rules promulgated by the State Board of Education. The purposes shall be to provide voluntarily or mandatorily consolidated school districts or districts who have

1 received part or all of the territory and part or all of the  
2 students of a school district dissolved by voluntary annexation,  
3 during the first year of consolidation or annexation, except as  
4 provided for in subsection G of this section, with a single one-year  
5 allocation of funds needed for:

6 1. Purchase of uniform textbooks in cases where the several  
7 districts were not using the same textbooks prior to consolidation  
8 or annexation;

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

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

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

10 4. Furnishing and equipping classrooms and laboratories;

11 5. Purchase of additional transportation equipment; and

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

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

22 D. Allocations will be made to school districts formed by  
23 voluntary or mandatory consolidation ~~or which have received part or~~

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

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

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

21 2. ~~The ADM as limited by this section that the annexing school~~  
22 ~~district is gaining from the annexed school district plus the~~  
23 ~~annexing school district's ADM as multiplied by the percentage of~~

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

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

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

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

22 3. ~~One Thousand Four Hundred Dollars (\$1,400.00) when four~~  
23 ~~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 2. This act shall become effective July 1, 2009.

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

16       COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-18-09 - DO  
17 PASS, As Amended and Coauthored.