

SB 2211

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THE STATE SENATE
Monday, February 22, 2010

Senate Bill No. 2211
As Amended

SENATE BILL NO. 2211 - By: Jolley of the Senate and Cox of the House.

[schools - forfeiture of State Aid - effective date - emergency]

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

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

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

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

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

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

18 D. School districts receiving State Aid shall not spend any of
19 these funds except by regularly issued warrants. The warrants shall
20 be issued against properly approved encumbrances in the manner
21 provided by law. All encumbrances shall be approved by the board of
22 education of the school district at a regular meeting or a special
23 meeting called for that purpose. All original copies of

1 encumbrances as represented by purchase orders, shall be filed in
2 either numerical or alphabetical order, with the original paid
3 invoice or invoices attached, accompanied by a signed and dated
4 receiving copy verifying receipt of goods or services. It shall be
5 unlawful to register or pay the warrant unless such warrant conforms
6 to the statutes regulating the allowance and issuance thereof. Said
7 treasurer shall purchase, by treasurer's check, all warrants issued.

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

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

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

7 H. Any person or firm who shall knowingly or willfully violate
8 any of the provisions of this article shall be guilty of a
9 misdemeanor. Any public official or public employee violating any
10 of the provisions of this article shall be subject to the penalties
11 for a misdemeanor and in addition thereto shall forfeit his position
12 or office. Any officer or employee of the State Board of Education
13 who knowingly or willfully apportioned or disburses any monies
14 appropriated by this article contrary to the provisions of this
15 article shall be subject to the penalties for a misdemeanor and in
16 addition shall forfeit his office or position.

17 I. The State Board of Education shall prescribe the form of all
18 records, reports and applications for State Aid necessary to the
19 proper administration of this article, and it shall be the duty of
20 all, school district superintendents, and boards of education of
21 school districts to make such reports fully and completely at the
22 time and in the manner prescribed by the State Board of Education.
23 The State Board of Education shall also have authority and it shall

1 be its duty to promulgate rules and regulations, not inconsistent
2 with the provisions hereof, relative to the distribution of funds
3 and for the administration of this article. Such regulations and
4 rules shall apply alike to all school districts.

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

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

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

15 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-17-10 - DO
16 PASS, As Amended and Coauthored.