

1 **CORRECTED**

2 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

3 STATE OF OKLAHOMA

4 2nd Session of the 53rd Legislature (2012)

5 COMMITTEE SUBSTITUTE
6 FOR
7 HOUSE BILL NO. 3119

By: Hickman of the House

and

Stanislawski of the Senate

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11 COMMITTEE SUBSTITUTE

12 An Act relating to schools; amending 70 O.S. 2011,
13 Section 7-203, which relates to the School
14 Consolidation Assistance Fund; modifying certain
15 term; defining term; deleting provision for payment
16 of severance allowance for certain employees;
17 providing an effective date; and declaring an
18 emergency.

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

20 SECTION 1. AMENDATORY 70 O.S. 2011, Section 7-203, is
21 amended to read as follows:

22 Section 7-203. A. There is hereby created in the State
23 Treasury a fund to be designated the "School Consolidation
24 Assistance Fund". The fund shall be a continuing fund, not subject

1 to fiscal year limitations, and shall consist of any monies the
2 Legislature may appropriate or transfer to the fund and any monies
3 contributed for the fund from any other source, public or private.

4 B. All monies accruing to the credit of the fund are hereby
5 appropriated and may be budgeted and expended by the State Board of
6 Education for the purposes established by this section, the
7 Legislature and in accordance with rules promulgated by the State
8 Board of Education. The purposes shall be to provide:

9 1. Voluntarily or mandatorily consolidated school districts or
10 districts who have received part or all of the territory and part or
11 all of the students of a school district dissolved by voluntary or
12 mandatory annexation, during the first year of consolidation or
13 annexation with a single one-year allocation of funds needed for:

14 a. purchase of uniform ~~textbooks~~ instructional material
15 in cases where the several districts were not using
16 the same ~~textbooks~~ instructional material prior to
17 consolidation or annexation. For purposes of this
18 section, "instructional material" shall have the same
19 meaning as provided for in Section 16-102 of this
20 title,

21 b. employment of certified personnel required to teach
22 courses of the district for which personnel from the
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1 districts consolidated or annexed are not certified
2 and available,

3 c. employment assistance for personnel of the several
4 districts who are not employed by the consolidated or
5 annexing district. Employment assistance may include
6 provision of a severance allowance for administrators,
7 teachers and support personnel not to exceed eighty
8 percent (80%) of the individual's salary or wages,
9 exclusive of fringe benefits, for the school year
10 preceding the consolidation or annexation. Personnel
11 receiving such severance pay may accumulate one (1)
12 year of creditable service for retirement purposes.
13 Employment assistance may also include the payment of
14 unemployment compensation benefits. ~~The State Board
15 of Education shall provide a severance allowance to
16 employees dismissed from employment due to annexation
17 or consolidation of a school district in the year of
18 the annexation or consolidation and who were denied a
19 severance allowance or unemployment compensation
20 benefits and the voluntary consolidation funding of
21 the annexing or consolidating district or districts
22 has been paid on or after July 1, 2003, at the maximum
23 allowable amount. Application for a severance~~

1 ~~allowance shall be made to the Finance Division of the~~
2 ~~State Department of Education by the dismissed~~
3 ~~employee no later than September 1 of the fiscal year~~
4 ~~immediately following the fiscal year in which the~~
5 ~~annexation or consolidation occurred,~~

- 6 d. furnishing and equipping classrooms and laboratories,
- 7 e. purchase of additional transportation equipment, and
- 8 f. when deemed essential by the school district board of
9 education to achieve consolidation or combination by
10 annexation, renovation of existing school buildings
11 and construction or other acquisition of school
12 buildings; and

13 2. Assistance to school districts which have entered into a
14 mutual contract with a superintendent as authorized pursuant to
15 Section 5-106A of this title in paying the salary or wages of the
16 superintendent. The assistance shall equal not more than fifty
17 percent (50%) of the salary or wages of the superintendent for not
18 more than three (3) consecutive years. In no case shall the total
19 amount of assistance paid over the three-year period be more than
20 One Hundred Fifty Thousand Dollars (\$150,000.00) nor shall any
21 school district be eligible to receive assistance pursuant to this
22 paragraph for more than one three-year time period.

1 C. The State Board of Education shall only make allocations
2 from the fund to school districts formed from the combination of two
3 or more of the districts whose boards of education notify the State
4 Board of Education on or before June 30 of their intent to annex or
5 consolidate and are subsequently combined by such means by January 1
6 of the second year following the notification of intent. The boards
7 of education which have entered into a mutual contract with a
8 superintendent shall notify the Board on or before June 30 of the
9 year preceding the school year the mutual contract will become
10 effective.

11 D. Allocations will be made to school districts formed by
12 voluntary or mandatory consolidation on the basis of combined
13 average daily membership (ADM) of the school year preceding the
14 first year of operation of the school district resulting from the
15 consolidation; provided, not more than two hundred (200) ADM of any
16 one school district shall be counted in determining the combined ADM
17 of any district formed by consolidation. The ADM of any one school
18 district shall not be considered more than once for allocations from
19 the fund when the school district consolidates with two or more
20 school districts. Allocations from the fund pursuant to this
21 subsection shall be calculated by multiplying the combined ADM by
22 Two Thousand Five Hundred Dollars (\$2,500.00).

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1 E. Allocations will be made to school districts which have
2 received part or all of the territory and students of a school
3 district by voluntary or mandatory annexation on the basis of ADM of
4 the annexed school district for the school year preceding the first
5 year of operation of the school district resulting from the
6 annexation; provided, not more than two hundred (200) ADM of the
7 annexed district shall be counted. Allocations from the fund
8 pursuant to this subsection shall be calculated by multiplying the
9 allowable ADM by Five Thousand Dollars (\$5,000.00). In no case
10 shall allocations payable pursuant to this subsection be greater
11 than One Million Dollars (\$1,000,000.00).

12 F. If monies in the School Consolidation Assistance Fund are
13 insufficient to make allocations to all qualified combined
14 districts, allocations shall be made based upon the determination of
15 the State Board of Education with preference given to school
16 district consolidation and annexation.

17 SECTION 2. This act shall become effective July 1, 2012.

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

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23 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 03/01/2012
24 - DO PASS, As Amended and Coauthored.