

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1379

By: Brinkley

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5
6 AS INTRODUCED

7 An Act relating to school districts; eliminating all
8 elementary school districts; allowing school sites to
9 maintain certain characteristics; defining term;
10 directing independent school districts to assume
11 administrative duties of certain school sites;
12 amending 70 O.S. 2011 Section 5-101, which relates to
13 designation of school districts; removing elementary
14 school districts; amending 70 O.S. 2011, Section 5-
15 105, which relates to powers; eliminating elementary
16 districts; amending 70 O.S. 2011, Sections 5-107A, 6-
17 101.10, 8-112, 9-105 and 14-108, which relate to
18 school districts; eliminating references to
19 elementary school districts; repealing 70 O.S. 2011,
20 Section 5-103; providing for codification; providing
21 an effective date; and declaring an emergency.

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

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 5-102.1 of Title 70, unless
25 there is created a duplication in numbering, reads as follows:

26 A. On the effective date of this act, all elementary school
27 districts shall cease to exist and the school site of the former
28 elementary school district shall become a part of the independent
29 school district in which the elementary school district is located.
30 The school site shall be able to retain the school name, mascot and

1 any other distinctive characteristic associated with the school site
2 in order to maintain community pride. The independent school
3 district assuming control of the elementary school site shall
4 provide all administrative support.

5 B. For purposes of this section, "elementary school district"
6 shall be defined as any school district which offers kindergarten
7 through eighth grade only and has not been designated as an
8 independent school district by the State Board of Education.

9 SECTION 2. AMENDATORY 70 O.S. 2011, Section 5-101, is
10 amended to read as follows:

11 Section 5-101. All school districts in Oklahoma, now in
12 existence or which may hereafter be created, shall be designated
13 only as independent, ~~elementary~~ or technology center school
14 districts. Independent school districts, ~~elementary school~~
15 ~~districts~~ and technology center school districts shall be under the
16 supervision and the administration of the respective boards of
17 education thereof.

18 SECTION 3. AMENDATORY 70 O.S. 2011, Section 5-105, is
19 amended to read as follows:

20 Section 5-105. Every school district shall be a body corporate
21 and shall possess the usual powers of a corporation for public
22 purposes by the name and style of "Independent ~~(or Elementary, if it~~
23 ~~is an elementary school district)~~ School District Number
24 _____ (such number as may be designated by the State

1 Board of Education) of _____ (the name of the
2 county in which the district is located, or if lying in more than
3 one county the name of the county where supervision is located)
4 County, Oklahoma," and in that name may sue and be sued and be
5 capable of contracting and being contracted with and holding such
6 real and personal estate as it may come into possession of or by
7 will or otherwise and as authorized by law.

8 SECTION 4. AMENDATORY 70 O.S. 2011, Section 5-107A, is
9 amended to read as follows:

10 Section 5-107A. The following provisions and the provisions of
11 Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes shall
12 govern the election of members of the board of education for a
13 school district:

14 A. For purposes of this section, temporary positions added to a
15 board of education pursuant to Section 7-101 or 7-105 of this title
16 and the chair of the board of education elected pursuant to Section
17 ~~±~~ 5-107B of this ~~act~~ title shall not be considered in determining
18 the size of the board. The number and term of each board of
19 education shall be as follows:

| 20 | District | Members | Term (Years) |
|----|-----------------------------------|---------|--------------|
| 21 | Elementary | 3 | 3 |
| 22 | Independent | | |
| 23 | 1. Districts having a five-member | | |
| 24 | board | 5 | 5 |

1 percent (10%) variance between the most populous and
2 least populous board districts.

3 b. School districts having fewer than one thousand eight
4 hundred (1,800) students in average daily membership
5 during the preceding school year may choose not to
6 establish board districts and may nominate and elect
7 all board members at large.

8 c. ~~Elementary school districts shall have board members~~
9 ~~elected at large.~~

10 ~~d.~~ A city located in an independent school district
11 having four or more wards and an outlying area with
12 such outlying area comprising no more than twenty
13 percent (20%) of the population of such independent
14 school district, then such independent school district
15 may adopt such wards and outlying area in lieu of the
16 board districts provided for in subparagraph a of this
17 paragraph, and at least one member of the board of
18 education of such independent school district shall be
19 a member of each ward; and

20 2. One member of the board of education shall be elected by the
21 electors of the school district to represent each such board
22 district. Provided, however, that in any school district where the
23 electors of each board district, rather than the electors of the
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1 entire school district, elect board members to represent that board
2 district, that district shall elect board members in that manner.

3 If during the term of office to which a person was elected, that
4 member ceases to be a resident of the board district for which the
5 person was elected, the office shall become vacant and such vacancy
6 shall be filled as provided in Section 13A-110 of Title 26 of the
7 Oklahoma Statutes; and

8 3. In a school district having more than ten thousand (10,000)
9 children in average daily membership, the following provision and
10 the provisions of Section 13A-101 et seq. of Title 26 of the
11 Oklahoma Statutes shall control as to election of the members of the
12 school district's board of education:

13 a. There shall be held an election in which the electors
14 of each board district in which a term is expiring or
15 in which a vacancy exists shall select two candidates
16 from among the candidates for board member to
17 represent the board district,

18 b. If, in the election, one candidate has a majority of
19 all votes cast, then a run-off election is not
20 required. If no candidate receives a majority of all
21 votes cast, then the two candidates receiving the
22 greatest number of votes shall become the candidates
23 for the board district in the general election, and
24

1 c. At the run-off election, all of the electors of the
2 board district shall select one of the two candidates
3 as the member of the board of education representing
4 the board district.

5 C. Any seven-member board shall have the option of reducing its
6 board to a five-member board either after approval of a board
7 resolution or a vote of the electors of the school district to take
8 such action pursuant to Section 13A-109 of Title 26 of the Oklahoma
9 Statutes. The election pursuant to a vote of the electors of the
10 school district shall be called upon the submission of a petition
11 requesting the election signed by ten percent (10%) of the school
12 district electors in the school district, the percentage being
13 applied to the highest number of voters voting in a regular school
14 district election in the district in the preceding five (5) years as
15 determined by the secretary of the county election board, who shall
16 certify the adequacy of the number of signatures on the petition.
17 If the question is put before the voters of the district, such
18 election shall be held along with and at the same time and place as
19 the next school election if all requirements of Section 13A-101 et
20 seq. of Title 26 of the Oklahoma Statutes for such election are met.

21 After such resolution or election, the board shall reapportion
22 the district, determining by resolution or by lot which board member
23 offices shall be abolished at the end of the current board member's
24 term and which shall become one of the offices of the new board.

1 Election of the resulting board members shall be carried out
2 according to procedures stated in this section and Section 13A-101
3 et seq. of Title 26 of the Oklahoma Statutes.

4 School board members currently serving in offices abolished
5 pursuant to this subsection shall continue serving until the end of
6 their current terms as at-large members.

7 D. Except for the chair of the board of education elected
8 pursuant to Section ~~4~~ 5-107B of this ~~act~~ title, offices of members
9 of the board of education shall be designated by consecutive numbers
10 and shall correspond with board districts when applicable.

11 E. Except for those members elected prior to July 1, 1992, the
12 terms of office of the members of a five-member board of education
13 shall commence on the first regular, special or emergency school
14 board meeting after the date of the annual school election and after
15 the member has been certified as elected:

- 16 Office No. 1 1991
- 17 Office No. 2 1992
- 18 Office No. 3 1993
- 19 Office No. 4 1994
- 20 Office No. 5 1995

21 The terms of office of the members of a seven-member board of
22 education shall be staggered, with one member being elected in 1991,
23 two members being elected in 1992, two members being elected in 1993
24 and two members being elected in 1994 and shall commence on the

1 first regular, special or emergency school board meeting after the
2 date of the annual school election and after the member has been
3 certified as elected; provided, in districts needing to elect two
4 members in 1991 to maintain a full complement of board members, two
5 members shall be elected in 1991, one for a full term and one for a
6 one-year term, as determined by the local board. If a seven-member
7 board is formed upon consolidation pursuant to Section 7-105 of this
8 title, or upon annexation pursuant to Section 7-101 of this title,
9 the formation agreement shall specify initial short terms as
10 necessary to extend until the beginning of the regular terms for
11 seven-member boards established herein.

12 Upon reduction of a seven-member board pursuant to subsection C
13 of this section, the terms of the five-member board shall be
14 staggered pursuant to this subsection.

15 One member of a three-member board of education shall be elected
16 each year, and the terms of office shall commence on the first
17 regular, special or emergency school board meeting after the member
18 has been certified as elected.

19 F. The term of office of each board member elected after July
20 1, 1992, shall commence on the first regular, special or emergency
21 school board meeting after the date of the annual school election
22 and after the member has been certified as elected. Board members
23 elected prior to July 1, 1992, may remain in office until their
24 successor is elected and seated pursuant to Sections 13A-101 through

1 13A-111 of Title 26 of the Oklahoma Statutes. The remaining term of
2 any member who completes the term for which the member was elected
3 but not wishing to serve until the successor of the member takes
4 office on the first regular, special or emergency school board
5 meeting after the successor has been certified as elected, shall be
6 filled by appointment by the remaining members of the board of
7 education.

8 SECTION 5. AMENDATORY 70 O.S. 2011, Section 6-101.10, is
9 amended to read as follows:

10 Section 6-101.10. A. Each school district board of education
11 shall maintain and annually review, following consultation with or
12 involvement of representatives selected by local teachers, a written
13 policy of evaluation for all teachers and administrators. In those
14 school districts in which there exists a professional negotiations
15 agreement made in accordance with ~~Sections~~ Section 509.1 et seq. of
16 this title, the procedure for evaluating members of the negotiations
17 unit and any standards of performance and conduct proposed for
18 adoption beyond those established by the State Board of Education
19 shall be negotiable items. Nothing in this section shall be
20 construed to annul, modify or to preclude the renewal or continuing
21 of any existing agreement heretofore entered into between any school
22 district and any organizational representative of its employees.
23 Every policy of evaluation adopted by a board of education shall:
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1 1. Be based upon a set of minimum criteria developed by the
2 State Board of Education, which by no later than the 2013-14 school
3 year, shall be revised and based upon the Oklahoma Teacher and
4 Leader Effectiveness Evaluation System (TLE) developed by the State
5 Board of Education as provided in Section ~~6~~ 6-101.16 of this ~~act~~
6 title;

7 2. Be prescribed in writing at the time of adoption and at all
8 times when amendments to the policy are adopted. The original
9 policy and all amendments to the policy shall be promptly made
10 available to all persons subject to the policy;

11 3. Provide that all evaluations be made in writing and that
12 evaluation documents and responses thereto be maintained in a
13 personnel file for each evaluated person;

14 4. Provide that every probationary teacher be evaluated at
15 least two times per school year, once prior to November 15 and once
16 prior to February 10 of each year;

17 5. Provide that every teacher be evaluated once every year,
18 except as otherwise provided by law; and

19 6. Provide that, except for superintendents of independent ~~and~~
20 ~~elementary~~ school districts and superintendents of area school
21 districts, who shall be evaluated by the school district board of
22 education, all certified personnel shall be evaluated by a
23 principal, assistant principal, or other trained certified
24 individual designated by the school district board of education.

1 B. All individuals designated by the school district board of
2 education to conduct the personnel evaluations shall be required to
3 participate in training conducted by the State Department of
4 Education or training provided by the school district using
5 guidelines and materials developed by the State Department of
6 Education prior to conducting evaluations.

7 C. The State Department of Education shall develop and conduct
8 workshops pursuant to statewide criteria which train individuals in
9 conducting evaluations.

10 D. The State Board of Education shall monitor compliance with
11 the provisions of this section by school districts.

12 E. Refusal by a school district to comply with the provisions
13 of this section shall be grounds for withholding State Aid funds
14 until compliance occurs.

15 SECTION 6. AMENDATORY 70 O.S. 2011, Section 8-112, is
16 amended to read as follows:

17 Section 8-112. A. Except as provided in subsection B of this
18 section, on and after July 1, 1990, no school district shall be
19 required to pay and no school district shall charge any other school
20 district a fee for the transfer of a student. Specifically,
21 transfer fees shall not be permitted for ~~transfers between~~
22 ~~elementary school districts, for transfers between independent~~
23 ~~school districts or for transfers between independent school~~
24 ~~districts and elementary school districts.~~

1 B. Nothing herein shall prevent the payment or charging of any
2 other fee for the transfer of a student as required by law. Except
3 as otherwise provided for in the Education Open Transfer Act, school
4 districts shall not be permitted to contract to waive transfer fees
5 with regard to special education pupil transfers.

6 C. The State Board of Education shall establish the necessary
7 and appropriate application forms sufficient to enable school
8 districts to accomplish transfers and to comply with the provisions
9 of Sections 8-101 through 8-106 of this title. Upon establishment
10 of such forms, the State Board of Education shall notify each school
11 district of the content thereof.

12 SECTION 7. AMENDATORY 70 O.S. 2011, Section 9-105, is
13 amended to read as follows:

14 Section 9-105. A. The State Board of Education shall determine
15 and fix definite boundaries of the area in which each school
16 district shall provide transportation for each school. ~~When an
17 elementary school district is surrounded by an independent school
18 district, the independent school district must be designated as the
19 transportation area for the high school students in the elementary
20 school district.~~

21 B. The State Board of Education is authorized to establish
22 definite routes in each transportation area, and it shall be the
23 further duty of ~~said~~ the Board to make rules and regulations as to
24 the manner in which ~~said~~ the area and routes may be established or

1 changed. Except as otherwise provided in this section, state funds
2 payable to a district shall be withheld for a failure or refusal to
3 confine its transportation to the area and routes designated by the
4 State Board of Education or to comply with the rules and regulations
5 of the State Board of Education. State funds payable to a school
6 district shall not be withheld in the following circumstances:

7 1. When, based upon the mutual agreement of the two
8 participating school districts, a school district offering special
9 education classes extends its transportation program to include the
10 transportation of students qualifying for special education in an
11 adjacent school district which does not offer special education
12 classes, for the purpose of offering its special education classes
13 to ~~said~~ students; or

14 2. When, by resolutions of the boards of education of two
15 participating districts, the districts agree that one or both of the
16 districts may extend its transportation program into the other
17 participating district to provide transportation for students who
18 reside in such other participating district and who, by agreement of
19 the participating districts, are, or will be, attending school in
20 the district that has agreed to furnish transportation for the
21 students.

22 C. The State Board shall promulgate rules as are necessary to
23 implement the provisions of this section.

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1 SECTION 8. AMENDATORY 70 O.S. 2011, Section 14-108, is
2 amended to read as follows:

3 Section 14-108. A. The State Board of Career and Technology
4 Education shall prescribe criteria and procedures for the
5 establishment and governance of technology center school districts,
6 as provided by Section 9B, Article X, of the Oklahoma Constitution,
7 and such districts so established shall be operated in accordance
8 with rules of the State Board of Career and Technology Education,
9 except as otherwise provided in this title.

10 B. A technology center school district shall be a body
11 corporate and shall possess the usual powers of a corporation for
12 public purposes. Its official name shall be designated by the State
13 Board of Career and Technology Education, in which name it may sue
14 and be sued, and be capable of contracting and being contracted
15 with, and holding real and personal estate.

16 C. The governing board of a technology center school district
17 shall be a board of education consisting of not less than five (5)
18 nor more than seven (7) members. Except as otherwise provided for
19 in subsection D of this section, all members of the board of
20 education shall be elected in a manner prescribed by the State Board
21 of Career and Technology Education. The State Board shall
22 promulgate rules prescribing the manner in which the elections
23 required by this subsection are held.

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1 D. In a technology center school district that serves seventy
2 or more public school districts, the territory of the school
3 district shall be divided into district zones by the State Board of
4 Career and Technology Education. Between August 1 and December 31
5 of the year following the submission by the United States Department
6 of Commerce to the President of the United States of the official
7 Federal Decennial Census, the Board shall reapportion the territory
8 of the technology center school district into district zones. All
9 boundaries of district zones shall follow clearly visible,
10 definable, and observable physical boundaries which are based upon
11 criteria established and recognized by the Bureau of the Census of
12 the United States Department of Commerce for purposes of defining
13 census blocks for its decennial census and shall follow, as much as
14 possible, precinct boundaries. District zones shall be compact,
15 contiguous and shall be as equal in population as practical with not
16 more than a five-percent variance between the most populous and
17 least populous district zones. The board of education of a
18 technology center school district shall consist of one member
19 elected from each of the district zones of the school district
20 created pursuant to this subsection. The electors of each district
21 zone shall elect a person, who is a resident of the district zone,
22 to represent the district zone on the school board. If during the
23 term of office to which a person was elected, that member ceases to
24 be a resident of the district zone for which the person was elected,

1 the office shall become vacant and the vacancy shall be filled as
2 provided in Section 13A-110 of Title 26 of the Oklahoma Statutes.
3 The State Board of Career and Technology Education shall promulgate
4 rules prescribing the manner in which the elections required by this
5 subsection are held.

6 E. The board of education of a technology center school
7 district shall have the same powers and duties that boards of
8 education of independent school districts have. It may require
9 nonresident students to pay reasonable tuition fees, which may be
10 paid for a student by the independent ~~or elementary~~ school district
11 in which the student resides.

12 F. An election to vote on the question of making a levy of not
13 to exceed five (5) mills on the dollar valuation of the taxable
14 property in a technology center school district under the provisions
15 of subsection A, Section 9B, Article X, of the Oklahoma
16 Constitution, shall be called by the board of education and
17 conducted by the county election board of such district in the same
18 manner that elections for emergency levies in school districts under
19 the provisions of subsection (d), Section ~~9(d)~~, Article X, of the
20 Oklahoma Constitution, are called and conducted. When such levy is
21 approved by a majority of the electors of the technology center
22 school district voting on the question at such election, the levy
23 shall be made each fiscal year thereafter until repealed by a
24 majority of the electors of the district voting on the question at

1 an election called for such purpose. An election to vote on the
2 question of making a local incentive levy of not to exceed five (5)
3 mills on the dollar valuation of the taxable property in a
4 technology center school district under the provisions of subsection
5 B of Section 9B of Article X of the Oklahoma Constitution, may be
6 called by the board of education; and elections on a levy for a
7 building fund for an area school district under the provisions of
8 Section 10, Article X, Oklahoma Constitution, shall be called by the
9 board of education of such district and conducted by the county
10 election board in the same manner that elections for similar levies
11 are called and conducted in independent school districts.

12 G. Annual estimates of needs of technology center school
13 districts shall be made and approved in the same manner that those
14 of independent school districts are made and approved. Provided,
15 that the State Board of Career and Technology Education shall
16 prescribe a list of appropriation accounts by which the funds of
17 technology center school districts shall be budgeted, accounted for
18 and expended. Any such estimate of needs may include an estimate of
19 federal funds as probable income from sources other than ad valorem
20 tax of the district and other than any excise or other tax assessed
21 by legislative enactment and distributed in lieu of ad valorem
22 taxes. If a technology center school district lies in more than one
23 county, the district's estimate of needs shall be filed with and

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1 approved by the county excise board of the county designated by the
2 school district board of education.

3 H. Territory may be annexed to or detached from a technology
4 center school district, in accordance with rules prescribed by the
5 State Board of Career and Technology Education. If the State Board
6 of Career and Technology Education requires the submission of a
7 petition in order for an election to be called for the purpose of
8 annexation or deannexation of territory to a technology center
9 school district, such petition shall not be required to bear a
10 number of technology center school district electors' signatures
11 which exceed fifty percent (50%) of the number of technology center
12 school district electors who voted in the last school board election
13 in the territory proposed to be annexed or deannexed. Provided, the
14 period of time from which the petition is initiated to its time of
15 filing with the State Board shall not exceed ninety (90) days.

16 I. Schools of technology center school districts shall be
17 subject to classification, inspection and accreditation by the State
18 Board of Education.

19 J. The technology center school board of education may
20 designate a county treasurer to serve as treasurer of the school
21 district or may appoint an independent treasurer.

22 K. Within four (4) years after the creation of a technology
23 center school district, such school district may, at its discretion,
24 permit a teacher to transfer any or all accrued benefits upon

1 employment including credit for years of service in the previous
2 school district by the technology center school district, if the
3 teacher at the time of hiring is employed as a teacher by an
4 independent ~~or elementary~~ school district which is all or partly
5 within the boundaries of the technology center school district or is
6 employed as a teacher in a skills center within the boundaries of
7 the school district.

8 L. The board of education of a technology center school
9 district may convey surplus personal property without consideration
10 to:

11 1. A school district that is within the boundary of the
12 technology center school district;

13 2. A public school offering secondary level education which was
14 created and is operated by the State of Oklahoma and that is within
15 the boundary of the technology center school district;

16 3. A technology center school district; or

17 4. The Oklahoma Department of Career and Technology Education
18 for the support or delivery of department initiatives.

19 M. The board of education of a technology center school
20 district may, without prior approval of the State Board of Career
21 and Technology Education, approve all plans and specifications for
22 technology center school buildings, additions, and major
23 modifications to school buildings that are designed to provide for
24 the offering of vocational-technical education programs and services

1 when the cost of the building project is to be paid with local
2 levies or state bond monies or both local levies and state bond
3 monies.

4 SECTION 9. REPEALER 70 O.S. 2011, Section 5-103, is
5 hereby repealed.

6 SECTION 10. This act shall become effective June 30, 2013.

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

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