

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 275

By: Fields

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5
6 AS INTRODUCED

7 An Act relating to school funding; amending 70 O.S.
8 2001, Section 5-117b, as amended by Section 1,
9 Chapter 327, O.S.L. 2003 (70 O.S. Supp. 2010, Section
10 5-117b), which relates to interlocal cooperative
11 agreements; allowing interlocal cooperative to
12 receive federal grant money; providing an effective
13 date; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 70 O.S. 2001, Section 5-117b, as
16 amended by Section 1, Chapter 327, O.S.L. 2003 (70 O.S. Supp. 2010,
17 Section 5-117b), is amended to read as follows:

18 Section 5-117b. A. The boards of education of any two or more
19 school districts may enter into an interlocal cooperative agreement
20 for the purpose of jointly and comparatively performing any of the
21 services, duties, functions, activities, obligations or
22 responsibilities which are authorized or required by law to be
23 performed by school districts of this state. Two or more school
24 districts may enter into an interlocal cooperative agreement for the
purpose of forming buying pools and purchasing cooperatives. As

1 used in this section, "interlocal cooperative agreement" means an
2 agreement which is entered into by the boards of education of two or
3 more school districts pursuant to the provisions of this section.
4 This section shall not prohibit school districts from entering into
5 cooperative agreements authorized under Section 5-117 of this title
6 or interfere with existing cooperative agreements between school
7 districts. If the boards of education of any two or more school
8 districts enter into an interlocal cooperative agreement the
9 following conditions may apply:

10 1. An interlocal cooperative agreement shall establish a board
11 of directors which shall be responsible for administering the joint
12 or cooperative undertaking. The agreement shall specify the
13 organization, terms, and composition of, and manner of appointment
14 to, the board of directors and shall make provision for
15 restructuring or terminating the board upon partial or complete
16 termination of the agreement. The board of directors shall be
17 selected by the board of education of each contracting school
18 district and may include but not be limited to a board member,
19 administrator or teacher from each contracting school district.
20 Vacancies in the membership of the board of directors shall be
21 filled within thirty (30) days from the date of the vacancy in the
22 manner specified in the agreement;

23 2. An interlocal cooperative agreement which is optional to
24 school districts and shall be effective only after it is approved by

1 the State Board of Education and the board of directors may be
2 designated as a local education agency for some or all state and
3 federal application, reporting and auditing procedures. An
4 interlocal cooperative board of directors that has been designated
5 as a local education agency shall comply with state and federal law
6 and the regulations of the State Board of Education;

7 3. An interlocal cooperative agreement shall be subject to
8 change or termination by a recommendation of the State Board of
9 Education;

10 4. The duration of an interlocal cooperative agreement for
11 joint or cooperative action in performing any of the services,
12 duties, functions, activities, obligations or responsibilities,
13 other than the provision of special education services, which are
14 authorized or required by law of school districts in this state,
15 shall be for a term of not less than one (1) year. Notice of intent
16 of a school district to withdraw from the cooperative agreement must
17 be given no later than March 15 for the ensuing school year;

18 5. An interlocal cooperative agreement shall specify the method
19 or methods to be employed for disposing of property upon partial or
20 complete termination of the agreement;

21 6. Within the limitations provided by law, an interlocal
22 cooperative agreement may be changed or modified by majority consent
23 of the interlocal cooperative board of directors;

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1 7. Except as otherwise specifically provided in this section,
2 any powers, privileges or authority exercised or capable of being
3 exercised by any school district of this state, or by any board of
4 education thereof, may be jointly exercised pursuant to the
5 provisions of an interlocal cooperative agreement. Federal grant
6 money, applied for on behalf of a school district, may be disbursed
7 directly to a interlocal cooperative with the consent of the school
8 districts comprising the interlocal cooperative. No powers,
9 privileges or authority with respect to the levy and collection of
10 taxes or the application for or receipt of State Aid formula money,
11 or the issuance of bonds shall be created or effectuated for joint
12 exercise pursuant to the provisions of an interlocal cooperative
13 agreement; and

14 8. Payments from the general fund of each school district which
15 enters into any interlocal cooperative agreement for the purpose of
16 financing the joint or cooperative undertaking provided for by the
17 agreement shall be operating expenses.

18 B. Nothing contained in this section shall be construed to
19 abrogate, interfere with, impair, qualify or affect in any manner
20 the exercise and enjoyment of all the powers, privileges and
21 authority conferred upon school districts and boards of education by
22 law, except that boards of education and school districts are
23 required to comply with the provisions of this section when entering
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1 into an interlocal cooperative agreement that meets the definition
2 of an interlocal cooperative agreement.

3 SECTION 2. This act shall become effective July 1, 2011.

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

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