

1 **SENATE FLOOR VERSION**

2 February 27, 2013

3 **AS AMENDED**

4 SENATE BILL NO. 266

5 By: Stanislawski and Fields of
6 the Senate

7 and

8 Brumbaugh of the House

9 **[schools - directing Department to collaborate with
10 technology center school districts to establish
11 service centers - effective date -
12 emergency]**

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

14 SECTION 1. AMENDATORY 70 O.S. 2011, Section 5-117b, is
15 amended to read as follows:

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

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

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

21 2. An interlocal cooperative agreement which is optional to
22 school districts and shall be effective only after it is approved by
23 the State Board of Education and the board of directors may be
24 designated as a local education agency for some or all state and

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

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

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

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

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

22 7. Except as otherwise specifically provided in this section,
23 any powers, privileges or authority exercised or capable of being
24 exercised by any school district of this state, or by any board of

1 education thereof, may be jointly exercised pursuant to the
2 provisions of an interlocal cooperative agreement. Federal grant
3 money, applied for on behalf of a school district, may be disbursed
4 directly to a interlocal cooperative with the consent of the school
5 districts comprising the interlocal cooperative. No powers,
6 privileges or authority with respect to the levy and collection of
7 taxes or the application for or receipt of State Aid formula money,
8 or the issuance of bonds shall be created or effectuated for joint
9 exercise pursuant to the provisions of an interlocal cooperative
10 agreement; and

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

15 B. The State Department of Education **may** collaborate with
16 technology center school districts in this state to establish
17 service centers with which school district boards of education may
18 enter into interlocal cooperative agreements for the purpose of
19 assisting participating school districts with administrative
20 services. Administrative services may include but are not limited
21 to instructional staff training and grant writing. The service
22 centers shall also assist participating school districts with
23 business services, including but not limited to financial

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1 accounting, payroll processing, human resources management and
2 information technology.

3 C. Nothing contained in this section shall be construed to
4 abrogate, interfere with, impair, qualify or affect in any manner
5 the exercise and enjoyment of all the powers, privileges and
6 authority conferred upon school districts and boards of education by
7 law, except that boards of education and school districts are
8 required to comply with the provisions of this section when entering
9 into an interlocal cooperative agreement that meets the definition
10 of an interlocal cooperative agreement.

11 SECTION 2. This act shall become effective July 1, 2013.

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
17 February 27, 2013 - DO PASS AS AMENDED
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