

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2824

By: Denney

AS INTRODUCED

An Act relating to schools; providing definitions; directing the State Board of Education to publish a consolidation list of all elementary school districts; excluding elementary school districts which have received a certain exemption; allowing certain school districts to voluntarily consolidate or be annexed; providing for submission of petition to the Board; establishing timeline for consolidation or annexation; providing for mandatory consolidation by certain date; requiring prompt action; establishing criteria for disapproval of a voluntary consolidation or annexation; providing for the levying of certain taxes; providing for transfer of bonded indebtedness; providing for the division of property; limiting construction to require the closing of a school site; limiting number of superintendents; allowing consolidation or annexation of noncontiguous school districts if certain conditions are met; allowing certain districts in the different counties to consolidate or annex; directing the Board to promulgate rules; allowing an elementary school district to apply for an exemption from certain consolidation list; listing certain criteria; stating basis for granting or denying an application; providing for codification; and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 7-301 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

4 As used in Sections 2 and 3 of this act:

5 1. "Affected district" means a school district that loses
6 territory or students as a result of annexation or consolidation;

7 2. "Annexation" means the joining of an affected school
8 district with a receiving school district;

9 3. "Consolidation" means the joining of two or more school
10 districts to create a new single school district with one
11 administrative unit and one board of education;

12 4. "Elementary school district" means a school district that
13 offers an early childhood program through grade eight, kindergarten
14 through grade eight or an early childhood program through grade six
15 and meets the criteria established in Section 5-103 of Title 70 of
16 the Oklahoma Statutes;

17 5. "Receiving district" means a school district or districts
18 that receive territory or students, or both, from an affected
19 district as a result of annexation or consolidation; and

20 6. "Resulting district" means the new school district created
21 from an affected district or districts as a result of annexation or
22 consolidation.
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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 7-302 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

4 A. By January 31, 2017, and on January 31 every sixth year
5 thereafter, the State Board of Education shall publish a list of all
6 elementary school districts subject to consolidation. The
7 consolidation list shall include all elementary school districts
8 except for the districts which have received an exemption as
9 provided for in Section 3 of this act.

10 B. 1. Any elementary school district included in the
11 consolidation list developed by the Board pursuant to subsection A
12 of this section may voluntarily agree to consolidate with or be
13 annexed to another school district or districts in accordance with
14 the requirements and limitations of this section.

15 2. Any elementary school district on the consolidation list
16 choosing to voluntarily consolidate or annex shall submit a petition
17 for approval to the Board within sixty (60) days of publication of
18 the consolidation list. The petition shall set forth the terms of
19 the consolidation or annexation agreement.

20 3. If the petition is approved by the Board, the consolidation
21 or annexation shall be completed by May 31 and shall be effective by
22 July 1 of the year the consolidation list is published.

23 C. An elementary school district on the consolidation list
24 developed by the Board pursuant to subsection A of this section that

1 does not submit a petition under subsection B of this section or
2 that does not receive approval by the Board for a voluntary
3 consolidation or annexation petition shall be consolidated by the
4 Board with or into one or more school districts by May 31 and shall
5 be effective July 1 of the year the consolidation list is published.

6 D. The Board shall promptly consider petitions or move on its
7 own motion to consolidate a school district on the consolidation
8 list developed by the Board pursuant to subsection A of this section
9 in order to enable the affected school districts to reasonably
10 accomplish any resulting consolidation or annexation by July 1 of
11 the year the consolidation list is published.

12 E. The Board shall not deny the petition for voluntary
13 consolidation or annexation of any two or more school districts
14 unless:

15 1. The provisions contained in the petition for consolidation
16 or annexation would violate state or federal law; or

17 2. The voluntary consolidation or annexation would not
18 contribute to the betterment of the education of students in the
19 school districts.

20 F. 1. In the consolidated or annexed school districts created
21 under this section, the operating and building fund tax levies of
22 the school district shall be determined as set forth in Section 7-
23 104 of Title 70 of the Oklahoma Statutes.
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1 2. In the consolidated or annexed school districts created
2 under this section, the bonded indebtedness of the school district
3 shall be determined as set forth in Section 7-103 of Title 70 of the
4 Oklahoma Statutes.

5 3. In the consolidated or annexed school districts created
6 under this section, the division of property, debt, and obligations
7 shall be determined as set forth in Section 7-104 of Title 70 of the
8 Oklahoma Statutes.

9 G. Nothing in this section shall be construed to require or
10 force the closing of any school site or facility.

11 H. No consolidated or annexed school district shall have more
12 than one superintendent.

13 I. Noncontiguous school districts may voluntarily consolidate
14 or annex if the school facilities and physical plant of each school
15 district:

16 1. Are within the same county, and the Board approves the
17 consolidation or annexation; or

18 2. Are not within the same county, and the Board approves the
19 consolidation or annexation and finds that:

20 a. the consolidation or annexation will result in the
21 overall improvement in the educational benefit to
22 students in all of the school districts involved, or
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1 b. the consolidation or annexation will provide a
2 significant advantage in transportation costs or
3 service to all of the school districts involved.

4 J. Contiguous districts may consolidate or annex even if they
5 are not in the same county.

6 K. The Board shall promulgate rules as necessary to administer
7 the provisions of this act.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 7-303 of Title 70, unless there
10 is created a duplication in numbering, reads as follows:

11 A. An elementary school district as defined in Section 1 of
12 this act may submit a request to the State Board of Education to be
13 exempt from the consolidation list published by the Board pursuant
14 to subsection A of Section 2 of this act if the school district
15 meets the following criteria:

16 1. Has received an average grade of a "B-" or above on the
17 annual school reports prepared by the Board pursuant to Section
18 1210.545 of Title 70 of the Oklahoma Statutes. The average grade
19 shall be calculated by averaging the combined points for each school
20 site in the district for the two (2) years immediately preceding the
21 submission of the exemption request; and

22 2. Each school site in the school district is located more than
23 thirty (30) miles from the closest school site of another school
24 district.

1 B. The Board shall grant or deny requests for an exemption from
2 the consolidation list based on the application submitted by the
3 school district.

4 SECTION 4. This act shall become effective November 1, 2016.

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