

1 ENGROSSED HOUSE
2 BILL NO. 2115

By: Hickman and Denney of the
House

3 and

4 Ford of the Senate
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8 An Act relating to schools; amending 70 O.S. 2001,
9 Sections 7-202, 7-203 and 7-204, as last amended by
10 Sections 3, 4 and 5, Chapter 448, O.S.L. 2009 (70
11 O.S. Supp. 2010, Sections 7-202, 7-203 and 7-204),
12 which relate to the Oklahoma School Consolidation and
13 Annexation Act; expanding application of the act;
14 providing for the expenditure of funds for assistance
15 to school districts that have entered into a mutual
16 contract for a superintendent; establishing amount of
17 assistance; setting maximum amount of assistance;
18 requiring certain notification; allowing certain
19 school districts to get preference for allocations
20 from certain funds; providing an effective date; and
21 declaring an emergency.

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

23 SECTION 1. AMENDATORY 70 O.S. 2001, Section 7-202, as
24 last amended by Section 3, Chapter 448, O.S.L. 2009 (70 O.S. Supp.
2010, Section 7-202), is amended to read as follows:

Section 7-202. The provisions of the Oklahoma School
Consolidation and Annexation Act shall apply only to school
districts whose entire territory has been annexed to one or more
existing school districts or which have been created by the

consolidation of two or more existing school districts in accordance with the provisions of Section 7-101 et seq. of this title or to school districts which have entered into a mutual contract with a superintendent as authorized pursuant to Section 5-106A of this title.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 7-203, as last amended by Section 4, Chapter 448, O.S.L. 2009 (70 O.S. Supp. 2010, Section 7-203), is amended to read as follows:

Section 7-203. A. There is hereby created in the State Treasury a fund to be designated the "School Consolidation Assistance Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of any monies the Legislature may appropriate or transfer to the fund and any monies contributed for the fund from any other source, public or private.

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

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

1 ~~1. Purchase~~

2 a. purchase of uniform textbooks in cases where the
3 several districts were not using the same textbooks
4 prior to consolidation or annexation~~7, 1~~

5 ~~2. Employment~~

6 b. employment of certified personnel required to teach
7 courses of the district for which personnel from the
8 districts consolidated or annexed are not certified
9 and available~~7, 1~~

10 ~~3. Employment~~

11 c. employment assistance for personnel of the several
12 districts who are not employed by the consolidated or
13 annexing district. Employment assistance may include
14 provision of a severance allowance for administrators,
15 teachers and support personnel not to exceed eighty
16 percent (80%) of the individual's salary or wages,
17 exclusive of fringe benefits, for the school year
18 preceding the consolidation or annexation. Personnel
19 receiving such severance pay may accumulate one (1)
20 year of creditable service for retirement purposes.
21 Employment assistance may also include the payment of
22 unemployment compensation benefits. The State Board
23 of Education shall provide a severance allowance to
24 employees dismissed from employment due to annexation

1 or consolidation of a school district in the year of
2 the annexation or consolidation and who were denied a
3 severance allowance or unemployment compensation
4 benefits and the voluntary consolidation funding of
5 the annexing or consolidating district or districts
6 has been paid on or after July 1, 2003, at the maximum
7 allowable amount. Application for a severance
8 allowance shall be made to the Finance Division of the
9 State Department of Education by the dismissed
10 employee no later than September 1 of the fiscal year
11 immediately following the fiscal year in which the
12 annexation or consolidation occurred~~7~~.

13 ~~4. Furnishing~~

14 d. furnishing and equipping classrooms and laboratories~~7~~.

15 ~~5. Purchase~~

16 e. purchase of additional transportation equipment~~7~~ and

17 ~~6. When~~

18 f. when deemed essential by the school district board of
19 education to achieve consolidation or combination by
20 annexation, renovation of existing school buildings
21 and construction or other acquisition of school
22 buildings; and

23 2. Assistance to school districts which have entered into a
24 mutual contract with a superintendent as authorized pursuant to

1 Section 5-106A of this title in paying the salary or wages of the
2 superintendent. The assistance shall equal not more than fifty
3 percent (50%) of the salary or wages of the superintendent for not
4 more than three (3) consecutive years. In no case shall the total
5 amount of assistance paid over the three-year period be more than
6 Two Hundred Thousand Dollars (\$200,000.00).

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

17 D. Allocations will be made to school districts formed by
18 voluntary or mandatory consolidation on the basis of combined
19 average daily membership (ADM) of the school year preceding the
20 first year of operation of the school district resulting from the
21 consolidation; provided, not more than two hundred (200) ADM of any
22 one school district shall be counted in determining the combined ADM
23 of any district formed by consolidation. The ADM of any one school
24 district shall not be considered more than once for allocations from

1 the fund when the school district consolidates with two or more
2 school districts. Allocations from the fund pursuant to this
3 subsection shall be calculated by multiplying the combined ADM by
4 Two Thousand Five Hundred Dollars (\$2,500.00).

5 E. Allocations will be made to school districts which have
6 received part or all of the territory and students of a school
7 district by voluntary or mandatory annexation on the basis of ADM of
8 the annexed school district for the school year preceding the first
9 year of operation of the school district resulting from the
10 annexation; provided, not more than two hundred (200) ADM of the
11 annexed district shall be counted. Allocations from the fund
12 pursuant to this subsection shall be calculated by multiplying the
13 allowable ADM by Five Thousand Dollars (\$5,000.00). In no case
14 shall allocations payable pursuant to this subsection be less than
15 Four Hundred Thousand Dollars (\$400,000.00) or greater than One
16 Million Dollars (\$1,000,000.00).

17 F. If monies in the School Consolidation Assistance Fund are
18 insufficient to make allocations to all qualified combined
19 districts, allocations shall be made based upon earliest date of
20 application.

21 SECTION 3. AMENDATORY 70 O.S. 2001, Section 7-204, as
22 last amended by Section 5, Chapter 448, O.S.L. 2009 (70 O.S. Supp.
23 2010, Section 7-204), is amended to read as follows:
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1 Section 7-204. Consolidated districts and districts combined by
2 annexation which are created pursuant to the Oklahoma School
3 Consolidation and Annexation Act and districts that have entered
4 into a mutual contract with a superintendent shall have for three
5 (3) subsequent consecutive years after consolidation ~~or~~, annexation
6 or the effective date of the mutual contract preference for
7 allocations from funds appropriated to the State Board of Education
8 for Community Education, Alternative and High Challenge Schools,
9 School/Community Network for Arts-in-Education, Instructional
10 Cooperative and Technical Education, Advanced Placement Incentives,
11 and for all other allocations made by the Board on a competitive
12 basis.

13 SECTION 4. This act shall become effective July 1, 2011.

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

1 Passed the House of Representatives the 14th day of March, 2011.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2011.

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9 Presiding Officer of the Senate
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