

1 ENGROSSED SENATE
2 BILL NO. 1015

By: Stanislawski of the Senate

3 and

4 Caldwell of the House

5
6 [Larry Dickerson Education Flexible Benefits
7 Allowance Act - definitions - ~~effective date~~ -
8 emergency]

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

10 SECTION 1. AMENDATORY 70 O.S. 2011, Section 26-103, as
11 amended by Section 1, Chapter 320, O.S.L. 2012 (70 O.S. Supp. 2017,
12 Section 26-103), is amended to read as follows:

13 Section 26-103. The following words and phrases as used in ~~this~~
14 ~~act~~ Section 26-101 et seq. of this title, unless a different meaning
15 is clearly required by the context, shall have the following
16 meanings:

17 1. "Benefit" means any of the benefits which may be purchased
18 or are required to be purchased under the cafeteria plan;

19 2. "Cafeteria plan" means a benefit plan established pursuant
20 to 26 U.S.C. Section 125;

21 3. "Flexible benefit allowance" means amounts credited by the
22 school district for each school district employee for the purchase
23 of benefits under the cafeteria plan;
24

1 4. "Support personnel" means full-time employees of a school
2 district as determined by the standard period of labor which is
3 customarily understood to constitute full-time employment for the
4 type of services performed by the employees who are employed a
5 minimum of six (6) hours per day for a minimum of one hundred
6 seventy-two (172) days or a minimum of six (6) hours per day for a
7 minimum of one thousand thirty-two (1,032) hours per year and who
8 provide services not performed by certified personnel, which is
9 necessary for the efficient and satisfactory functioning of a school
10 district, and shall include cooks, janitors, maintenance personnel,
11 bus drivers, noncertified or nonregistered nurses, noncertified
12 librarians, and clerical employees of a school district but shall
13 not include adult education instructors or adult coordinators
14 employed by technology center school districts;

15 5. "Plan year" means the twelve-month period established by the
16 school district for the cafeteria plan;

17 6. "School district" means the public school districts and
18 technology center school districts of this state;

19 7. "School district employee" means certified or support
20 personnel as defined in ~~this act~~ Section 26-101 et seq. of this
21 title. Employees of an educational service provider contracted with
22 a school district pursuant to subsection G of Section 5-117 of this
23 title who perform functions that would otherwise be performed by a
24 school district employee shall be considered employees of a school

1 district for purposes of the Larry Dickerson Education Flexible
2 Benefits Allowance Act unless otherwise provided for in the contract
3 between the educational service provider and the contracting school
4 district;

5 8. "Certified personnel" means a certified person employed on a
6 full-time basis to serve as a teacher, principal, supervisor,
7 administrator, counselor, librarian, or certified or registered
8 nurse, but shall not mean a superintendent of a school district; and

9 9. "Self-insured" means a health care program in which the
10 school district funds the benefit plans from its own resources
11 without purchasing insurance and which may be administered by the
12 school district or by an outside administrator under contract with
13 the school district for administrative services. The State Board of
14 Education shall prepare by May 1st of each year a list of each
15 school district in the state that is self-insured and the number of
16 support personnel and the number of certified personnel that are
17 participating in each self-insured school district plan.

18 ~~SECTION 2. This act shall become effective July 1, 2018.~~

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

1 Passed the Senate the 14th day of March, 2018.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2018.

7
8 _____
9 Presiding Officer of the House
10 of Representatives