

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

SENATE BILL 514

By: Stanislawski

AS INTRODUCED

An Act relating to schools; requiring the State Department of Education to publish certain list by certain date; providing guidelines for list; directing school districts included on certain list to submit petition for voluntary consolidation or annexation; requiring the State Board of Education to consolidate or annex certain school districts; providing requirements for annexation or consolidation agreements; providing for application of certain governing board; providing for promulgation of rules; providing for application of act; providing for membership of board until certain election is held; directing general elections for school boards to be held on certain dates; providing for composition of school boards; providing for terms of members; providing for filling of certain vacancy; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-207 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. By August 1, 2017, the State Department of Education shall publish a list of all dependent and independent school districts that:

1        1. Had an average daily membership (ADM) of less than five  
2 hundred (500) based on the rolling average of ADM for the preceding  
3 three (3) school years; and

4        2. Are located less than sixty-five (65) miles from another  
5 school district.

6        B. 1. A school district included in the list published  
7 pursuant to subsection A of this subsection shall agree to  
8 consolidate with or be annexed to another school district or  
9 districts in accordance with the Oklahoma School Consolidation and  
10 Annexation Act.

11        2. Districts that agree to consolidate or annex shall submit a  
12 petition for approval to the State Board of Education by June 30,  
13 2018. The petition shall set forth the terms of the consolidation  
14 or annexation agreement.

15        3. If the petition is approved by the State Board of Education,  
16 the consolidation or annexation shall be completed by June 30, 2019.

17        C. A school district included in the list published pursuant to  
18 subsection A of this section that does not submit a petition to  
19 consolidate or annex by June 30, 2018, shall be consolidated or  
20 annexed by the State Board of Education with or into one or more  
21 school districts by June 30, 2019.

22        D. The State Board of Education shall take necessary action to  
23 assist school districts included in the list published pursuant to  
24

1 subsection A of this section to reach a consolidation or annexation  
2 agreement. The agreement shall address, at a minimum:

3 1. The disposition and utilization of property and equipment;

4 2. Provisions related to the technology center school district  
5 and the newly formed school district;

6 3. The assumption of all liabilities, assets, powers and duties  
7 of the school districts to be consolidated or annexed;

8 4. The division of employees; and

9 5. The transfer of student and employee records.

10 E. The provisions of Section 2 of this act shall govern the  
11 board of education of each resulting school district created  
12 pursuant to this section.

13 F. 1. Beginning August 1, 2019, and each August 1 thereafter,  
14 the State Department of Education shall publish a list of all  
15 dependent and independent school districts that:

16 a. had an ADM of less than five hundred (500) based on  
17 the rolling average of ADM for the preceding three (3)  
18 school years, and

19 b. are located less than sixty-five (65) miles from  
20 another school district.

21 2. A school district included in the list published pursuant to  
22 paragraph 1 of this subsection shall agree to consolidate with or be  
23 annexed to another school district or districts in accordance with  
24 the Oklahoma School Consolidation and Annexation Act.

1        3. Districts that agree to consolidate or annex shall submit a  
2 petition for approval to the State Board of Education by June 30  
3 immediately following publication of the list required by paragraph  
4 1 of this subsection. The petition shall set forth the terms of the  
5 consolidation or annexation agreement.

6        4. If the petition is approved by the State Board of Education,  
7 the consolidation or annexation shall be completed by June 30 of the  
8 second year following publication of the list required by paragraph  
9 1 of this subsection.

10       5. A school district that does not submit a petition to  
11 consolidate or annex by the June 30 deadline shall be subject to the  
12 provisions of subsection C of this section.

13       G. Nothing in this section shall be construed to require the  
14 closing of any school or school facility.

15       H. A school district consolidated or annexed pursuant to this  
16 section shall have no more than one superintendent.

17       I. The State Board of Education shall promulgate rules  
18 necessary to implement the provisions of this section.

19       SECTION 2.       NEW LAW       A new section of law to be codified  
20 in the Oklahoma Statutes as Section 5-107C of Title 70, unless there  
21 is created a duplication in numbering, reads as follows:

22       The following provisions and the provisions of Section 13A-101  
23 et seq. of Title 26 of the Oklahoma Statutes shall govern the  
24 election of members of a board of education whose school district

1 was subject to annexation or consolidation pursuant to Section 1 of  
2 this act.

3 A. A school district that has undergone consolidation or  
4 annexation pursuant to subsections A or C of Section 1 of this act  
5 shall be governed by the boards of education of the school districts  
6 that were in place at the date of consolidation or annexation. The  
7 members of the boards of education shall serve until an election is  
8 held pursuant to subsection B of this section.

9 B. At the general election to be held in November 2020, a  
10 school district that has undergone consolidation or annexation  
11 pursuant to subsections A or C of Section 1 of this act shall hold  
12 an election for a board of education to represent the annexed or  
13 consolidated district. The number and terms of each board of  
14 education shall be as follows:

15 1. For an annexed or consolidated district that consisted of  
16 two (2) or more districts that were governed by three-member boards  
17 prior to June 30, 2019, the annexed or consolidated district shall  
18 be governed by a five-member board. The terms of office of the  
19 initial members shall be as follows:

- 20 a. one member shall serve a term of one (1) year,
- 21 b. one member shall serve a term of two (2) years,
- 22 c. one member shall serve a term of three (3) years,
- 23 d. one member shall serve a term of four (4) years, and
- 24 e. one member shall serve a term of five (5) years.

1 At the expiration of the terms of the initial members, their  
2 successors shall be elected for terms of five (5) years; and

3 2. For an annexed or consolidated district that consisted of  
4 two (2) or more districts that were governed by five-member boards  
5 prior to June 30, 2019, the annexed or consolidated district shall  
6 be governed by a seven-member board. The terms of office of the  
7 initial members shall be as follows:

8 a. one member shall serve a term of one (1) year,

9 b. two members shall serve terms of two (2) years,

10 c. two members shall serve terms of three (3) years, and

11 d. two members shall serve terms of four (4) years.

12 At the expiration of the terms of the initial members, their  
13 successors shall be elected for terms of four (4) years.

14 C. A school district that has undergone consolidation or  
15 annexation pursuant to subsection F of Section 1 of this act shall  
16 be governed by the boards of education of the school districts that  
17 were in place at the date of consolidation or annexation. The  
18 members of the boards of education shall serve until an election is  
19 held pursuant to subsection D of this section.

20 D. At the general election held in November 2022 and each  
21 November thereafter, a school district that has undergone  
22 consolidation or annexation pursuant to subsection F of Section 1 of  
23 this act shall hold an election for a board of education to  
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1 represent the annexed or consolidated district. The number and  
2 terms of each board of education shall be as follows:

3 1. For an annexed or consolidated district that consisted of  
4 two (2) or more districts that were governed by three-member boards  
5 prior to being annexed or consolidated pursuant to subsection F of  
6 Section 1 of this act, the annexed or consolidated district shall be  
7 governed by a five-member board. The terms of office of the initial  
8 members shall be as follows:

- 9 a. one member shall serve a term of one (1) year,
- 10 b. one member shall serve a term of two (2) years,
- 11 c. one member shall serve a term of three (3) years,
- 12 d. one member shall serve a term of four (4) years, and
- 13 e. one member shall serve a term of five (5) years.

14 At the expiration of the terms of the initial members, their  
15 successors shall be elected for terms of five (5) years; and

16 2. For an annexed or consolidated district that consisted of  
17 two (2) or more districts that were governed by five-member boards  
18 prior to being annexed or consolidated pursuant to subsection F of  
19 Section 1 of this act, the annexed or consolidated district shall be  
20 governed by a seven-member board. The terms of office of the  
21 initial members shall be as follows:

- 22 a. one member shall serve a term of one (1) year,
- 23 b. two members shall serve terms of two (2) years,
- 24 c. two members shall serve terms of three (3) years, and

1           d.    two members shall serve terms of four (4) years.

2           At the expiration of the terms of the initial members, their  
3 successors shall be elected for terms of four (4) years.

4           E.   If during the term of office to which a person was elected,  
5 that member ceases to be a resident of the board district for which  
6 the person was elected, the office shall become vacant and such  
7 vacancy shall be filled as provided in Section 13A-110 of Title 26  
8 of the Oklahoma Statutes.

9           SECTION 3.   This act shall become effective July 1, 2017.

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

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