

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 600

By: Stanislawski

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5
6 AS INTRODUCED

7 An Act relating to school district division;
8 requiring the State Department of Education to
9 publish certain list by certain date; providing
10 guidelines for list; requiring the division of
11 certain school districts if approved at certain
12 election called by the State Superintendent of Public
13 Instruction; directing the State Board of Education
14 and the State Department of Education to take action
15 to assist school districts; detailing assistance to
16 be provided; requiring certain election to be held
17 every five years if certain election is not approved;
18 providing for election of boards of education of
19 resulting school districts; requiring division of
20 certain school district to be complete by certain
21 date; requiring the State Department of Education to
22 publish list by certain date and each year
23 thereafter; requiring the division of certain school
24 districts if approved at certain election called by
the state Superintendent of Public Instruction;
directing the State Board of Education and the State
Department of Education to take action to assist
school districts; requiring division of certain
school district to be complete by certain date;
requiring certain election to be held every five
years if certain election is not approved; providing
for promulgation of rules; providing for
codification; providing an effective date; and
declaring an emergency.

23 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 7-109 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. By December 31, 2019, the State Department of Education shall publish a list of all dependent and independent school districts that had an average daily membership (ADM) of more than twenty thousand (20,000) for the 2018-2019 school year.

B. A school district included in the list published pursuant to subsection A of this section shall be divided into two or more school districts consisting of an ADM of no more than fifteen thousand (15,000) if approved at an election called by the State Superintendent of Public Instruction to be held at the general election in November 2020.

C. If a majority of the school district electors approve the division of a school district at the election required by subsection B of this section, the State Board of Education and the State Department of Education shall take action necessary to assist the school districts to divide into two or more districts. The assistance shall include:

1. Establishment of new district boundaries for the districts resulting from the plan of division required by subsection B of this section. The Department shall consult with the applicable council of governments established under the provisions of the Interlocal Cooperation Act in establishing the new boundaries;

1 2. Calculating the division of enrolled students. The student
2 population for each resulting district shall be within five
3 percentage points of each other;

4 3. Calculating the division of legal bonded indebtedness of the
5 district. Bonded indebtedness shall be divided based on the bonding
6 capacity and student enrollment of each resulting district; and

7 4. Creating a plan of division in coordination with the school
8 districts included in the list published pursuant to subsection A of
9 this section. The plan shall address, at a minimum:

10 a. the utilization of property and equipment,

11 b. the assumption of all liabilities, assets, powers and
12 duties of the school districts to be created,

13 c. the division of employees, and

14 d. the transfer of student and employee records.

15 D. If a majority of the school district electors do not approve
16 the division of a school district at the election required by
17 subsection B of this section, the State Superintendent of Public
18 Instruction shall call an election every five years thereafter to
19 ask school district electors whether the school district shall be
20 divided into two or more districts.

21 E. The following provisions and the provisions of Section 13A-
22 101 et seq. of Title 26 of the Oklahoma Statutes shall govern the
23 election of members of the boards of education of the resulting
24 school districts created pursuant to this section:

1 1. At the general election to be held in April 2022, there
2 shall be elected in each school district resulting from the division
3 approved by a majority of school district electors pursuant to this
4 section a board of education. The board of education shall consist
5 of five (5) board districts with boundaries to be determined by the
6 State Board of Education consistent with the provisions of Section
7 5-107A of Title 70 of the Oklahoma Statutes. The board of education
8 shall have the powers and duties provided by Section 5-117 of Title
9 70 of the Oklahoma Statutes; and

10 2. Each board of education of a resulting school district shall
11 consist of five (5) members to be elected as follows:

- 12 a. one member elected to serve a term of five (5) years,
- 13 b. one member elected to serve an initial term of four
14 (4) years. A member thereafter elected shall serve a
15 term of five (5) years,
- 16 c. one member elected to serve an initial term of three
17 (3) years. A member thereafter elected shall serve a
18 term of five (5) years,
- 19 d. one member elected to serve an initial term of two (2)
20 years. A member thereafter elected shall serve a term
21 of five (5) years, and
- 22 e. one member elected to serve an initial term of one (1)
23 year. A member thereafter elected shall serve a term
24 of five (5) years.

1 E. If a majority of school district electors approve the
2 division of a school district pursuant to this section, the division
3 of the school district included in the list published pursuant to
4 subsection A of this section shall be complete, and the resulting
5 districts shall be in operation, beginning July 1, 2022.

6 F. 1. Beginning December 31, 2022, and each December 31
7 thereafter, the State Department of Education shall publish a list
8 of all dependent and independent school districts that had an ADM of
9 more than twenty thousand (20,000) for the previous school year.

10 2. A school district included in the list published pursuant to
11 paragraph 1 of this subsection shall be divided into two or more
12 school districts consisting of an ADM of no more than fifteen
13 thousand (15,000) if approved at an election called by the State
14 Superintendent of Public Instruction to be held at the next
15 regularly scheduled general election.

16 3. If a majority of the school district electors approve the
17 division of a school district, the State Board of Education and the
18 State Department of Education shall take action as prescribed in
19 subsection C of this section to assist school districts included in
20 the list published pursuant to paragraph 1 of this subsection to
21 reach a plan of division.

22 4. If approved by a majority of the school district electors,
23 the division of a school district included in the list published
24 pursuant to paragraph 1 of this subsection shall be complete, and

1 the resulting districts shall be in operation, beginning July 1 of
2 the third year following publication of the list.

3 5. If a majority of the school district electors do not approve
4 the division of a school district at an election required by
5 paragraph 2 of this subsection, the State Superintendent of Public
6 Instruction shall call an election every five (5) years thereafter
7 to ask school district electors whether the school district shall be
8 divided into two or more districts.

9 G. The State Board of Education shall promulgate rules
10 necessary to implement the provisions of this act.

11 SECTION 2. This act shall become effective July 1, 2019.

12 SECTION 3. It being immediately necessary for the preservation
13 of the public peace, health or 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.

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