

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1705

By: Derby

4
5
6 AS INTRODUCED

7 An Act relating to schools; creating the School
8 District Restructuring Act; providing definitions;
9 directing the State Department of Education to
10 publish an administrative restructuring list;
11 requiring the inclusion of certain-sized school
12 districts; allowing certain school districts to
13 voluntarily restructure; providing for submission of
14 petition to the State Board of Education;
15 establishing timeline for restructuring; providing
16 for mandatory restructuring by certain date;
17 requiring prompt action; establishing criteria for
18 approval of a voluntary restructuring or annexation;
19 prohibiting a negative impact on desegregation;
20 providing for transfer of bonded indebtedness and
21 school district assets; providing for the division of
22 property; prohibiting the closing of a school site
23 for certain period; limiting number of
24 superintendents; allowing restructuring of
noncontiguous school districts if certain conditions
are met; allowing certain districts in the same
county to restructure; directing the Board to
promulgate rules; requiring certain school districts
and the Department to track the educational progress
of certain students; requiring a written report;
requiring certain school districts to retain student
records and historical records and artifacts;
providing for codification; providing an effective
date; and declaring an emergency.

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 This act shall be known and may be cited as the "School District
5 Restructuring Act".

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 7-302 of Title 70, unless there
8 is created a duplication in numbering, reads as follows:

9 As used in the School District Restructuring Act:

10 1. "Administrative annexation" means the joining of an affected
11 school district or a part of the school district with a receiving
12 district;

13 2. "Administrative division" means the dividing of an affected
14 school district into two or more school districts;

15 3. "Administrative restructuring" means the joining of two or
16 more school districts to create a new single school district with
17 one administrative unit and one board of education that is not
18 required to close school facilities or the division of a school
19 district into two or more administrative units and one or more
20 boards of education that is not required to close school facilities;

21 4. "Affected district" means a school district that loses
22 territory or students as a result of administrative annexation or
23 division;

24

1 5. "Receiving district" means a school district or districts
2 that receive territory or students, or both, from an affected
3 district as a result of administrative annexation; and

4 6. "Resulting district" means the new school district or
5 districts created from an affected district or districts as a result
6 of administrative restructuring.

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

10 By February 1, 2010, and each January 1 thereafter, the State
11 Department of Education shall publish an administrative
12 restructuring list that includes all school districts with fewer
13 than seven thousand (7,000) students and more than fourteen thousand
14 (14,000) students according to the average daily membership of the
15 school district in each of the two (2) school years immediately
16 preceding the current school year.

17 SECTION 4. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 7-304 of Title 70, unless there
19 is created a duplication in numbering, reads as follows:

20 A. Any school district included in the administrative
21 restructuring list developed by the State Department of Education
22 pursuant to Section 3 of this act may voluntarily agree to
23 administratively restructure by being administratively annexed to
24 another district or districts in accordance with the requirements

1 and limitations of this section or by being administratively divided
2 into two or more districts in accordance with the requirements and
3 limitations of this section.

4 B. 1. Any school district on the restructuring list choosing
5 to voluntarily administratively restructure by annexing or dividing
6 shall submit a petition for approval to the State Board of Education
7 by March 1 immediately following publication of the list and shall
8 set forth the terms of the administrative restructuring agreement in
9 the petition.

10 2. If the petition is approved by the Board, the administrative
11 restructuring shall be completed by May 1, to be effective July 1
12 immediately following the publication of the list required under
13 Section 3 of this act.

14 C. Any school district on the restructuring list that does not
15 submit a petition under subsection B of this section or that does
16 not receive approval by the Board for a voluntary restructuring
17 petition shall be administratively restructured by the Board with or
18 into one or more school districts by May 1, to be effective July 1
19 immediately following the publication of the list required under
20 Section 3 of this act.

21 D. The Board shall promptly consider petitions or move on its
22 own motion to administratively restructure a school district on the
23 restructuring list in order to enable the affected school districts
24 to reasonably accomplish any resulting administrative restructuring

1 by July 1 immediately following the publication of the list required
2 under Section 3 of this act.

3 E. The Board shall not deny the petition for voluntary
4 administrative restructuring of any school district or two or more
5 school districts unless:

6 1. The provisions contained in the petition for administrative
7 restructuring would violate state or federal law; or

8 2. The voluntary restructuring would not contribute to the
9 betterment of the education of students in the districts.

10 F. Any school district required to be administratively
11 restructured under the School District Restructuring Act shall be
12 administratively restructured in a manner as to create a resulting
13 district with an average daily membership of more than seven
14 thousand (7,000) and less than fourteen thousand (14,000).

15 G. All administrative restructurings under this section shall
16 be accomplished so as not to create a school district that hampers,
17 delays, or in any manner negatively affects the desegregation of
18 another school district in this state.

19 H. In the administratively restructured school districts
20 created under this act, the bonded indebtedness of the school
21 district shall be determined as set forth in Section 7-103 of Title
22 70 of the Oklahoma Statutes. The division of property, debt, and
23 obligations shall be determined as set forth in Section 7-104 of
24 Title 70 of the Oklahoma Statutes.

1 I. No administratively restructured school district or school
2 districts shall close a school site or school facility for at least
3 three (3) years after the restructuring.

4 J. No administratively restructured school district shall have
5 more than one superintendent.

6 K. Noncontiguous school districts may voluntarily restructure
7 if the school facilities and physical plant of each school district:

8 1. Are within the same county, and the Board approves the
9 administrative restructuring; or

10 2. Are not within the same county, and the Board approves the
11 administrative restructuring and finds that:

12 a. the restructuring or annexation will result in the
13 overall improvement in the educational benefit to
14 students in all of the school districts involved, or

15 b. the restructuring or annexation will provide a
16 significant advantage in transportation costs or
17 service to all of the school districts involved.

18 L. Contiguous districts may administratively restructure even
19 if they are not in the same county.

20 M. The Board shall promulgate rules as necessary to implement
21 the provisions of this act.

22 SECTION 5. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 7-305 of Title 70, unless there
24 is created a duplication in numbering, reads as follows:

1 A. Following the restructuring by annexation or division of a
2 school district under the provisions of the School District
3 Restructuring Act, each receiving or resulting school district and
4 the State Department of Education shall develop a plan to track the
5 educational progress of all students from the affected district.

6 B. By November 1 each year, the Department shall file a written
7 report with the Governor, the Speaker of the Oklahoma House of
8 Representatives, and the President Pro Tempore of the State Senate
9 assessing the educational progress of all students from affected
10 districts.

11 C. Following the restructuring of a school district pursuant to
12 this act, a receiving or resulting school district shall obtain and
13 retain all student and historical records and documents from the
14 affected school district.

15 D. Following the restructuring of a school district pursuant to
16 this act, a receiving or resulting school district or districts
17 shall obtain, retain, and preserve all historical artifacts of the
18 affected school district.

19 SECTION 6. This act shall become effective July 1, 2009.

20 SECTION 7. It being immediately necessary for the preservation
21 of the public peace, health and safety, an emergency is hereby
22
23
24

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3

4 52-1-5024 KB 01/03/09

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24