

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1713

By: Jech

AS INTRODUCED

An Act relating to interlocal cooperative agreements; amending 70 O.S. 2021, Section 5-117b, which relates to interlocal cooperative agreements between boards of education of two or more school districts; requiring certain boards of directors to maintain certain positions on board; updating statutory language; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 5-117b, is amended to read as follows:

Section 5-117b. A. The boards of education of any two or more school districts may enter into an interlocal cooperative agreement for the purpose of jointly and comparatively performing any of the services, duties, functions, activities, obligations, or responsibilities which are authorized or required by law to be performed by school districts of this state. Two or more school districts may enter into an interlocal cooperative agreement for the purpose of forming buying pools and purchasing cooperatives. As used in this section, "interlocal cooperative agreement" means an

1 agreement which is entered into by the boards of education of two or  
2 more school districts pursuant to the provisions of this section.

3 This section shall not prohibit school districts from entering into  
4 cooperative agreements authorized under Section 5-117 of this title  
5 or interfere with existing cooperative agreements between school  
6 districts. If the boards of education of any two or more school  
7 districts enter into an interlocal cooperative agreement the  
8 following conditions may apply:

9 1. An interlocal cooperative agreement shall establish a board  
10 of directors which shall be responsible for administering the joint  
11 or cooperative undertaking. The agreement shall specify the  
12 organization, terms, and composition of, and manner of appointment  
13 to, the board of directors and shall make provision for  
14 restructuring or terminating the board upon partial or complete  
15 termination of the agreement. The board of directors shall be  
16 selected by the board of education of each contracting school  
17 district and may include but not be limited to a board member,  
18 administrator, or teacher from each contracting school district.  
19 Vacancies in the membership of the board of directors shall be  
20 filled within thirty (30) days from the date of the vacancy in the  
21 manner specified in the agreement. Provided, however, an interlocal  
22 cooperative agreement entered into pursuant to this act for the  
23 purpose of providing insurance for Oklahoma educational institutions

1 shall maintain at least one of each of the following positions on  
2 the board of directors:

3 a. an individual who is a member of the American Academy  
4 of Actuaries, and

5 b. an individual with more than ten (10) years of  
6 professional experience in property and casualty  
7 insurance;

8 2. An interlocal cooperative agreement which is optional to  
9 school districts and shall be effective only after it is approved by  
10 the State Board of Education and the board of directors may be  
11 designated as a local education agency for some or all state and  
12 federal application, reporting, and auditing procedures. An  
13 interlocal cooperative board of directors that has been designated  
14 as a local education agency shall comply with state and federal law  
15 and the regulations of the State Board of Education;

16 3. An interlocal cooperative agreement shall be subject to  
17 change or termination by a recommendation of the State Board of  
18 Education;

19 4. The duration of an interlocal cooperative agreement for  
20 joint or cooperative action in performing any of the services,  
21 duties, functions, activities, obligations, or responsibilities,  
22 other than the provision of special education services, which are  
23 authorized or required by law of school districts in this state,  
24 shall be for a term of not less than one (1) year. Notice of intent

1 of a school district to withdraw from the cooperative agreement must  
2 be given no later than March 15 for the ensuing school year;

3 5. An interlocal cooperative agreement shall specify the method  
4 or methods to be employed for disposing of property upon partial or  
5 complete termination of the agreement;

6 6. Within the limitations provided by law, an interlocal  
7 cooperative agreement may be changed or modified by majority consent  
8 of the interlocal cooperative board of directors;

9 7. Except as otherwise specifically provided in this section,  
10 any powers, privileges, or authority exercised or capable of being  
11 exercised by any school district of this state, or by any board of  
12 education thereof, may be jointly exercised pursuant to the  
13 provisions of an interlocal cooperative agreement. Federal grant  
14 money, applied for on behalf of a school district, may be disbursed  
15 directly to a an interlocal cooperative with the consent of the  
16 school districts comprising the interlocal cooperative. No powers,  
17 privileges, or authority with respect to the levy and collection of  
18 taxes or the application for or receipt of State Aid formula money,  
19 or the issuance of bonds shall be created or effectuated for joint  
20 exercise pursuant to the provisions of an interlocal cooperative  
21 agreement; and

22 8. Payments from the general fund of each school district which  
23 enters into any interlocal cooperative agreement for the purpose of  
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1 financing the joint or cooperative undertaking provided for by the  
2 agreement shall be operating expenses.

3 B. Nothing contained in this section shall be construed to  
4 abrogate, interfere with, impair, qualify, or affect in any manner  
5 the exercise and enjoyment of all the powers, privileges, and  
6 authority conferred upon school districts and boards of education by  
7 law, except that boards of education and school districts are  
8 required to comply with the provisions of this section when entering  
9 into an interlocal cooperative agreement that meets the definition  
10 of an interlocal cooperative agreement.

11 SECTION 2. This act shall become effective July 1, 2024.

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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