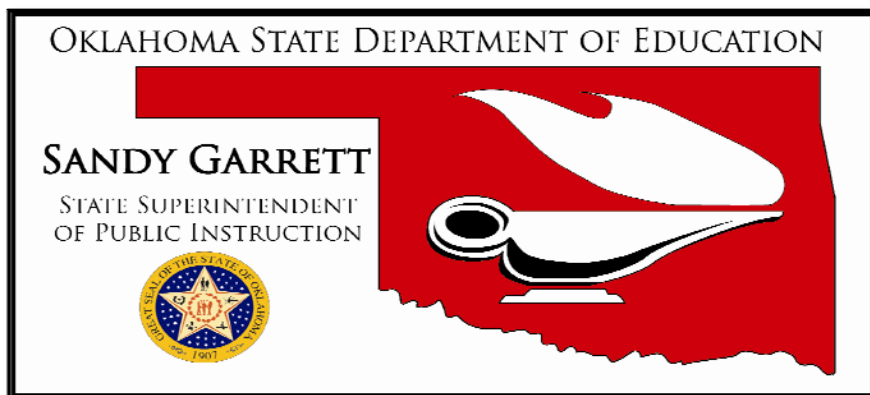


**SCHOOL ANNEXATION AND CONSOLIDATION
IN OKLAHOMA
2009**



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Preface

This technical assistance document has been prepared to assist school districts and local communities in understanding the process of school annexation and consolidation. The purpose of which is to better serve Oklahoma's children and youth.

In 1891, the Oklahoma Territorial Legislature enacted a law organizing the school districts into political subdivisions of four school districts per township. These school districts consisted of approximately nine square miles. The intent for this proximity was to insure that the students live within walking distance of their school. At the time of statehood, the first Oklahoma Legislature also organized Indian Territory into school districts. The school districts in Indian Territory were usually larger than the nine square mile districts of Oklahoma Territory. From this beginning, school districts have made many changes in size and organization.

In 1914, there were 5,880 school districts in the state. As transportation improved and educational demands increased, school districts continued to change in size and organization. In 1989, there were 609 school districts when Senate Bill 74 passed, which established the Voluntary School Consolidation Act. In 1990, House Bill 1017 amended this legislation. Since 1989, there have been 77 school reorganizations, giving us the current number of 532 school districts. The Legislature transferred all the remaining funds out of the Voluntary School Consolidation Act in 1993.

In 2006, Senate Bill 1493 created in the State Treasury a fund designated as the "School Consolidation Assistance Fund." The fund shall be a continuing fund, not subject to fiscal year limitations, and consist of any monies the Legislature may appropriate or transfer to the fund and any monies contributed for the fund from any other source, public or private.

During the 2009 legislative session, Senate Bill 1169 (effective November 1, 2009) amended language for the School Consolidation Assistance Fund. Related funding will be used for voluntary/mandatory annexations or consolidations.

For voluntary and mandatory consolidations, not more than 200 (formerly 1,000) Average Daily Membership (ADM) of any one school district from the preceding school year of the consolidation shall be counted in determining the combined ADM of any district formed by consolidation. The ADM of any one school district shall only be considered once for allocations from the fund when the school district consolidates with two or more school districts. Allocations will be calculated by multiplying the allowable ADM of the combined districts by \$2,500.

For voluntary and mandatory annexations, not more than 200 (formerly 1,000) Average Daily Membership (ADM) of the annexed district from the preceding school year prior to the annexation shall be counted. Allocations will be calculated by multiplying the allowable ADM of only the annexed district by \$5,000. Allocations will be no less than \$400,000 or no more than \$1 million.

The purpose shall be to provide voluntarily or mandatorily consolidated school districts or districts who have received part or all of the territory and part or all of the students of a school district dissolved by voluntary or mandatory annexation, during the first year of consolidation or annexation, with a single one-year allocation of funds needed for: (1) Purchase of uniform textbooks in cases where several districts were not using the same textbooks prior to consolidation or annexation; (2) Employment of certified personnel required to teach courses of the district for which personnel from the districts consolidated or annexed are not certified and available; (3) Employment assistance for personnel of the several districts who are not employed by the consolidated or annexing district. Employment assistance may include the provision of a severance allowance for administrators, teachers, and support personnel, not to exceed eighty

percent (80%) of the individual's salary or wages, exclusive of fringe benefits, for the school year preceding the consolidation or annexation. Personnel receiving such severance pay may accumulate one year of creditable service for retirement purposes. Employment assistance may also include the payment of unemployment compensation benefits. The State Board of Education shall provide a severance allowance to employees dismissed from employment due to annexation or consolidation of a school district in the year of the annexation or consolidation and who were denied a severance allowance or unemployment compensation benefits and the voluntary consolidation funding of the annexing or consolidating district or districts has been paid on or after July 1, 2003, at the maximum allowable amount. Application for severance allowance shall be made to the Finance Division of the State Department of Education by the dismissed employee no later than September 1 of the fiscal year immediately following the fiscal year in which the annexation or consolidation occurred; (4) Furnishing and equipping classrooms and laboratories; (5) Purchase of additional transportation equipment; and (6) When deemed essential by the school district board of education to achieve consolidation or combination by annexation, renovation of existing school buildings and construction or other acquisition of school buildings.

“The State Board of Education shall only make allocations from the fund to school districts formed from the combination of two or more of the districts whose boards of education notify the State Board of Education on or before June 30 of their intent to annex or consolidate and are subsequently combined by such means by January 1 of the second year following the notification of intent.”

“Allocations will be made to school districts formed by voluntary or mandatory consolidation on the basis of combined average daily membership (ADM) of the school year preceding the first year of operation of the school district resulting from the consolidation; provided, not more than two hundred (200) ADM of any one school district shall be counted in determining the combined ADM of any district formed by consolidation. The ADM of any one school district shall not be considered more than once for allocations from the fund when the school district consolidates with two or more school districts. Allocations from the fund pursuant to this subsection shall be calculated by multiplying the combined ADM by Two Thousand Five Hundred Dollars (\$2,500).”

Allocations will be made to school districts which have received part or all of the territory and students of a school district by voluntary or mandatory annexation on the basis of ADM of the annexed school district for the school year preceding the first year of operation of the school district resulting from the annexation; provided, not more than two hundred (200) ADM of the annexed district shall be counted. Allocations from the fund pursuant to this subsection shall be calculated by multiplying the allowable ADM by Five Thousand Dollars (\$5,000). In no case shall allocations payable pursuant to this subsection be less than Four Hundred Thousand Dollars (\$400,000) or greater than One Million Dollars (\$1,000,000). If monies in the School Consolidation Assistance Fund are insufficient to make allocations to all qualified combined districts, allocations shall be made based upon earliest date of application.

Voluntary Annexation

- A. A school district or part of a school district may be annexed to another school district adjacent or not.
- B. A school district may annex to two or more districts when approved at an annexation election. Annexation elections are: (1) called by the State Superintendent of Public Instruction or designee of the State Superintendent; (2) conducted by the county election board in pursuance of a resolution for annexation; (3) the resolutions which are submitted to the State Superintendent must be signed by the board of education of the annexing district and school board or boards of the receiving district(s), or by an election called upon the

filing of a petition with the State Superintendent of Public Instruction that is signed by a majority of district electors in the affected area.

- C. The State Superintendent or designee shall notify the county election board of the election by delivering a resolution to the secretary of the county election board not less than sixty (60) days preceding the election. (Contact your local county election board for election dates and deadline dates.)
- D. Elections are to be held between the hours of 7:00 a.m. and 7:00 p.m. and are conducted by the county election board.
- E. Annexations shall be approved by a majority of the school district electors either (1) of an entire school district or (2) of the affected area with prior school board approval.
- F. If the annexation is approved, the designee of the State Superintendent shall within five (5) days after such election make an order declaring the annexation; the annexation shall not become effective until time for filing an appeal has expired.
- G. Within ten (10) days after the order of the State Superintendent of Public Instruction or designee is made, twenty-five percent (25%) of the district electors who were eligible to vote at the annexation election may appeal to the district court of the county in which the territory proposed to be annexed, or the largest part thereof, if such territory lies in more than one county is situated. Thereafter, all proceedings shall be stayed until the district court has rendered judgment.
- H. If the territory proposed to be annexed is situated in more than one county, the State Superintendent or designee shall file the resolution in the county in which the largest part of such territory lies. If the area to be annexed constitutes less than two percent (2%) of the total area of the district and no qualified electors reside in the area, no election is required and the area may be annexed by resolution of both the losing and receiving district.
- I. If an independent district annexes to an elementary district not maintaining a high school, both boards of education are abolished. The Governor shall appoint three members of the newly formed district to the board of education and these members shall appoint the remaining two members.
- J. It is not legally possible to annex territory to a district that has ceased to exist.

Mandatory Annexation

When the State Board of Education determines that a local school district is to be mandatorily annexed, the following procedure is utilized:

- A. The State Board of Education will assign a school district or districts to inventory and secure the property in the mandatorily annexed district.
- B. The State Superintendent of Public Instruction or designee of the State Superintendent shall notify the parents or guardians of all students in the district being annexed that they must apply for a transfer to the superintendent of the school district they wish to attend. The parent or guardian must also provide the legal description of his or her home. This information is to be given to the State Superintendent or State Department of Education designee within ten (10) days.
- C. Once the State Department of Education has received the transfer requests and legal descriptions, boundary lines will be drawn to divide the annexed district. To the maximum

extent possible, the preference of the parent or guardian regarding the school district assignment will be honored.

- D. The assets and liabilities of the annexed district shall become part of the annexing districts. When an annexing district assumes a debt, the district assuming the debt should receive a comparable portion of the assets. The assets and liabilities of the annexed district are divided by agreement between the receiving districts. If the boards of education of the districts are unable to agree, the matter shall be decided by the State Board of Education.

School law requires reporting to the State Board of Education on or before the first Monday in July by the Local Education Agency (LEA) if it is suspected that a district cannot financially open and maintain school for the next school year.

Voluntary Consolidation

Two or more school districts may be consolidated into a single district; adjacencies are not a requirement. The first step for a consolidation of two or more districts is a feasibility study conducted by the State Department of Education.

This can be done by:

- a) a board resolution of one of the districts; or
- b) by a petition signed by ten percent (10%) of the qualified school electors of any one district.

Following the feasibility study, an election may be called by:

- a) a petition signed by forty percent (40%) of the qualified voters in each district requesting the consolidation election; or
- b) the concurrence of the boards of education of the districts included as shown by a resolution adopted by each board.

If a petition method is utilized, petitions must be filed with the State Superintendent of Public Instruction, and upon verification, the State Superintendent will call for the election.

If the boards of education concur and adopt resolutions, they must file the resolutions with the State Superintendent of Public Instruction who will call the election.

The county election board will conduct the election in accordance with the general election laws of Oklahoma.

The State Board of Education will declare or deny the consolidation based upon the election result.

The State Superintendent of Public Instruction or the State Superintendent's designee shall meet with the members of the boards of education of the school districts forming the new district who shall (1) be provided an opportunity to select from their membership a board of education for the new district; and (2) select the number of members and designating initial terms of service as required by law. However, if an agreement is not reached, the local board of education members representing the district having the largest number of students shall serve as board members of the new district.

On the effective date of consolidation, the districts are dissolved and a new district is formed; the newly created district will be given a new district number and all agreements and policies will need to be negotiated and approved.

All liabilities, assets, powers, and duties shall become the responsibility of the new school district.

Teacher Status Because of Annexation or Consolidation

State law provides that “No district shall be liable for the payment of compensation to a teacher or administrator under the provisions of any contract for the ensuing year, if it becomes necessary to close the school because of annexation or consolidation...provided such cause is known or action is taken prior to July 1 of the ensuing year.”

The term “school” refers to a high school, middle school, junior high school, or elementary school, not a district, unless all the schools of a district were closed. (Example: If district “A” annexed to district “B” and decided to leave the elementary school in district “B” open and to close the high school, the teachers of high school district “B” would not necessarily be given employment in the new district, but the elementary teachers would).

Another variable in this situation is “action prior to July 1.” If a consolidation or annexation occurs at midyear, the new district must use its reduction in force policy or employ all the teachers. If the new board of education elects to utilize any part of a “school,” then all teachers in that “school” must be retained.

Dispensing of a School

A high school, an elementary school, or both may be dispensed with by a majority vote of the qualified electors. The election could be a question on the annual district election or at a specially called election if held no later than June 30. An election for dispensing a school may also be called by a petition signed by forty percent (40%) of the electors. To calculate the sufficiency of the number of signatures on a petition, the forty percent (40%) figure shall be applied to the highest number of voters voting in a regular school election in the district in the preceding five years, as determined by the county election board.

The students of the school who would be entitled to attend the grades dispensed with shall be transferred to another district or districts maintaining courses or grades, which the children are entitled to pursue. The parent or guardian of each child desiring to be transferred must file an application for transfer with the State Department of Education designee.

In the event the district dispenses with the entire school, the State Board of Education shall annex the district mandatorily on July 1.

Petitions for Annexation or Consolidation

The State Department of Education, in accordance with state law, will specify what is needed on any petition requesting an election for annexation or consolidation.

The following information should be included on any petition for consolidation or annexation filed with the State Department of Education:

- 1) Petitioner’s Request;
- 2) General statement that all signers are legal voters in the school district;
- 3) Voter’s name, printed;

- 4) Voter's address;
- 5) Voter's signature; and
- 6) Signature and statement of circulator attesting every voter is a legal voter in the school district.

To calculate sufficiency of the number of signatures on a petition, the given percentage figure shall be applied to the highest number of voters voting in a regular school election in the district or in the case of a partial annexation, in the preceding five years as determined by the county election board, who shall certify the adequacy of the number of the signatures on the petition. Once the county election board has certified the adequacy of the number of signatures on a petition, it is delivered to the State Superintendent of Public Instruction or the designee of the State Superintendent.

Requirements of Election Laws

Special elections for annexations or consolidations are to be called by the State Superintendent of Public Instruction or designee of the State Department of Education. The entity calling the elections shall notify the county election board by delivering a resolution to the secretary of the county election board at least sixty (60) days preceding the election.

The resolution shall contain information necessary for the county election board to conduct the election:

- 1) Date of election;
- 2) Ballot titles of the question to be voted upon;
- 3) Effective date of the annexation or consolidation;
- 4) Description of persons eligible to vote in the election; and
- 5) Legal description if the annexing district is to be divided among two or more districts.

The annexation shall be approved by a majority of the school district electors voting at such election:

- 1) Of the entire school district, or
- 2) If a majority of the members of a board of education of a school district losing the territory concur with the petitioners, or resolution, only the legal voters of the area so affected shall be eligible to vote at such election.

Legal Election Days

A schedule of legal election dates and deadlines may be obtained by contacting the local county election board, the State Election Board, or the Oklahoma State Department of Education.

Cost of Elections

The board of education of the school district, for which the election is being called, shall pay the county election board for any costs of the election. The school district shall pay these costs even if the election is called by a petition of the voters of the district.

PETITION FOR ANNEXATION

(EXAMPLE)

Describe clearly in the space provided below, the nature of this request. Make sure to identify both/all school district's involved by using the school district's number and county number(s).

Add/Attach additional page(s) if needed.

SIGNATURE

ADDRESS

PRINT NAME

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____

Add/Attach additional signature page(s) as needed.

The undersigned being a qualified elector of _____ School District Number (____) of _____ County, Oklahoma, does hereby certify that each and every person whose signature appears above signed this petition in my presence and I believe them to be qualified electors of said School District.

Signed by: _____ Print Name: _____
Signature and Title

Subscribed to and sworn before me this _____ day of _____, 20____.

State of _____ County of _____

Notary Signature

My Commission Expires:

Notary Public:

Commission Number

Print Name