



JOY HOFMEISTER

STATE SUPERINTENDENT *of* PUBLIC INSTRUCTION
OKLAHOMA STATE DEPARTMENT *of* EDUCATION

MEMORANDUM

TO: The Honorable Members of the State Board of Education

FROM: Joy Hofmeister

DATE: November 15, 2016

SUBJECT: Voluntary Consolidation of Olustee Public School District (33I035) and Eldorado Public School District (33I025) pursuant to Title 70 O.S. § 7-105 and OAC 210:1-3-2(c)(5).

INTRODUCTION

The State Board of Education will be requested to take action on the Resolutions submitted by the Olustee Public School District (33I035), Jackson County, and Eldorado Public School District (33I025), Jackson County, pursuant to Title 70 O.S. § 7-105(D and F) and *Oklahoma Administrative Rule* 210:1-3-2(c)(5).

The Olustee Public School District (33I035), Jackson County, and the Eldorado Public School District (33I025), Jackson County, upon obtaining approval of the school district board members of each school district hereby present proposed consolidation resolutions to the State Board of Education and request that the State Board of Education determine such resolutions sufficient and call an election for the purpose of affording the school district electors in the school districts involved an opportunity to express their wishes through a majority vote of the entire territories involved.

JH/rm

Attachments

Oklahoma Statutes Citationized

Title 70. Schools

Chapter 1 - School Code of 1971

Article Article VII - Annexation and Consolidation

Section 7-105 - Consolidation - Studies - Petition - Election

Cite as: O.S. §, ___

A. Two or more school districts may, whether adjacent or not adjacent, be consolidated into a single school district in accordance with standards, rules and procedures to be determined by the State Board of Education. When the consolidation of two or more school districts is proposed, the State Board of Education shall conduct such studies of the populations, wealth, terrain, trade areas and other factors as may be necessary to determine the location of boundaries and the size of a proposed district which will most nearly ensure an efficient and economical administrative unit. The State Board of Education shall furnish the boards of education of the school districts which might be involved information and advice as to where the boundaries and what the size of the proposed new district should be. Nothing herein shall be construed to prevent the inclusion within a school district of territory lying within the boundaries of two or more counties.

B. Ten percent (10%) of the qualified school electors in any district may petition the board of education of such district to request such information, or a board of education of such district may on its own initiative ask for information and advice from the State Board of Education on the educational advantages and disadvantages of proposed consolidation to the children and residents of the area which might be affected. Upon the receipt of such a petition, the local board of education shall request the services of the State Board of Education and shall notify the boards of education in adjacent school districts that such a request has been made. The State Board of Education may on its own initiative make the study herein authorized of any area of the state and direct the board of education of such school districts as might be involved to set into operation in their districts the procedure for determining what, if any, consolidation should be carried on in the area under study.

C. Any rules or procedures which the State Board of Education may prescribe for consolidation of school districts shall include the opportunity for the qualified school electors in the school districts involved to express their wishes through a majority vote of the school electors in the entire territory involved.

D. Prior to an election for consolidation, the boards of education of the school districts involved may develop a plan which shall set forth the actions to be taken during and after consolidation. The plan of action shall include agreements relating to school site closing, disposition and utilization of property and equipment and such other agreements as may be necessary to facilitate the consolidation of the school districts. The plan of action shall also include provisions related to the technology center school district the newly formed district will be a part of which are consistent with the State Board of Career and Technology Education rules. The plan shall be placed on a separate ballot and voted on by the qualified school electors of each district at the time of the consolidation election. Both the plan and consolidation questions must be approved by a majority vote for the plan to take effect. The plan shall be binding on the board of education of the newly formed district for at least three (3) years; provided, any provisions related to the expenditure of appropriated money shall not be binding beyond the current fiscal year. The newly formed district may alter or disregard the plan only if there is a significant change in circumstances, including a significant drop in revenue to the district or in student enrollment.

E. Two or more school districts may be consolidated into a single school district on a conditional basis. If the voters approve conditional consolidation of the school districts at an election for such purpose in accordance with the procedures set forth in this section, the newly formed school district shall be considered consolidated and shall go through the same procedure and meet the same requirements as any consolidated school district. Under a conditional consolidation plan, any subsequent decision to consolidate the new school district or annex all or part of the new school district, shall first be approved by a majority of the electors, voting at such election, of each of the original school districts. If one or more of

the original school districts disapproves the subsequent consolidation or annexation plan, the plan shall not be approved. If all of the original school districts approve the subsequent consolidation or annexation plan, the plan shall be approved and thereafter, any further consolidation or annexation shall be subject to approval of the electors of all of the school districts as a whole. The original school district shall mean only the districts which independently voted to join the conditionally consolidated district.

F. An election for such purpose shall be held either upon:

1. A petition for consolidation or conditional consolidation, signed by forty percent (40%) of the school district electors of each school district included in the proposed consolidation, or conditional consolidation said percentage being applied to the highest number of voters voting in a regular school election in the district in the preceding five (5) years as determined by the secretary of the county election board, who shall certify the adequacy of the number of signatures on the petition; **or**

2. The concurrence of the boards of education of the school districts included in the proposed consolidation or conditional consolidation, as shown by a resolution adopted by each board.

The election shall be called by the State Board of Education and conducted in accordance with the general election laws of this state. Any vote to consolidate two or more districts, shall require a majority vote of those voting in each school district involved. When such a majority vote is in favor of consolidation or conditional consolidation, the State Board of Education shall declare the participating school districts dissolved and the new school district established, and the newly formed district shall thereupon be governed by the provisions of the Oklahoma School Code.

G. The State Superintendent of Public Instruction or designee shall convene the members of the boards of the districts forming the new district, who shall be given the opportunity of selecting from among themselves the initial board of education for the new district, selecting the number of members and designating the initial terms of service of each as required to conform to law; provided, the members convened shall have the option of forming a seven-member board pursuant to the provisions of Section 5-107A of this title rather than a board of the size otherwise provided by law and shall have the option of temporarily increasing the number of board positions for the new district by two positions per consolidating district for the first two (2) years following consolidation. The temporary positions will be filled by appointment by the board. The temporary board positions shall be abolished two (2) years from the effective date of consolidation. Within ten (10) days following the declaration of establishment of the new district, the State Superintendent or designee shall declare the agreement or shall declare that such agreement has not been reached, in which case persons serving as members of the board of education of the participating district having the largest number of enumerated children as shown by the last regular enumeration shall serve as members of the board of education of the newly formed district for the terms for which they were elected and until their successors have been duly elected or appointed and have qualified.

H. All liabilities, assets, powers and duties of the participating districts shall become the responsibility of the new school district, which district shall be the legal successor in every respect to the school districts participating in the consolidation or conditional consolidation in accordance with law.

210:1-3-2. Annexation, consolidation, dispensation, and severance determination

(a) **State Board of Education role.** The State Board of Education's role is: to receive and implement an order from the State Superintendent which declares that all or part of a district has been voted to be annexed, following statutory requirements, to adjacent or transporting district(s); to decide on the division of assets and property of a disorganized district in the event the problem cannot be resolved by the boards of annexing districts; and to set standards, promulgate rules and procedures, and conduct studies relating to the consolidation of two or more adjacent school districts. [70:7-105 & 106]

(b) **Mandatory annexation.**

(1) Mandatory annexation will be considered by the State Board of Education upon occurrence of the following situations:

(A) When a school district has been declared "academically at-risk" pursuant to 70 O.S. 1989, §1210.541.

(B) When a school district is nonaccredited by the State Board of Education.

(C) When a district, without officially dispensing with school, fails to open or maintain a school (except when situations beyond the control of the district cause a normal delay). [Title 70 O.S. § 8-106].

(2) When it comes to the attention of the State Board of Education that a local school district is facing the possibility of mandatory annexation, the State Board of Education shall provide the district with an opportunity to be heard. The State Board of Education shall notify the superintendent and each school board member of the time, date and place of the meeting. At the meeting, representatives of the school district, including patrons, shall have an opportunity to address the State Board of Education and to provide information to the Board. The President of the State Board of Education may set time limits on individual presentations and may require groups to select a representative to speak on behalf of the group.

(3) When the State Board of education determines that a local school district is to be mandatorily annexed, the following steps will be followed:

(A) The Board will notify one or more of the potential receiving districts that they are responsible for taking an inventory of property and securing the buildings and other property of the district being mandatorily annexed. In selecting the district(s) responsible for this procedure, the State Board of Education may rely on recommendations from the State Superintendent.

(B) The State Board of Education will immediately notify the district superintendent of the Board's action.

(C) The state superintendent shall notify the parents or legal guardians of all students in the district being annexed that they must apply for a transfer to the state superintendent within 10 days of the State Board of Education's action to annex. The state superintendent may require the parents to furnish a legal description of their residence at the time the transfer request is made.

(D) Once the state superintendent has received the transfer requests, she/he shall notify the State Department of Education, in writing, of the breakdown of where students are asking to attend school by transfer and provide the State Department of Education with the legal description of the residence of each student.

(E) The State Department of Education will utilize the transfer requests and legal descriptions submitted to the state superintendent as a guide in plotting the proposed boundary lines for dividing the annexed district. To the maximum extent possible, the preference of the students and parents shall be acknowledged.

(F) The State Department of Education will present the proposed boundary lines for division of the annexed district to the State Board of Education for approval. The proposal shall be accompanied by the legal description of the property being annexed.

(G) The assets and liabilities of the annexed district shall become part of the annexing districts. When an annexing district assumes a debt incurred by the annexed district prior to July 1, the district assuming the debt should receive a comparable portion of the assets.

(H) When two or more annexing districts are involved in the division of an annexed district, the assets and liabilities are divided by agreement between the boards of education. If the boards of education are unable to agree, the matter shall be divided by the State Board of Education.

(c) Consolidation of school districts.

(1) A petition by the board of education of any school district desiring a study of the consolidation of such school district with another school district or districts, or proposing such consolidation, shall be signed by the president and clerk of such board of education, and such petition shall be considered by the State Board of Education at its next regular meeting. If a study of the proposed consolidation is deemed proper and advisable, the Secretary of the State Board of Education shall forthwith advise the boards of education of all districts involved that a study of the proposed consolidation is going to be made.

(2) The State Board of Education reserves the right to make a study of the advisability of consolidating two or more school districts in any area of the State, on its own initiative, and without any petition from a board of education. When such decision is made, each school district involved shall forthwith be advised that such study is going to be made, and such districts shall be directed to determine, by such procedures as the State Board of Education may prescribe what, if any, consolidation should be carried on in the area under study.

(3) All studies of the advisability of consolidation shall be under the direction of the President of the State Board of Education, who shall utilize the services of appropriate divisions of the State Department of Education.

(4) If after a study of the population, wealth, terrain, trade areas and other pertinent factors, it is determined that two or more school districts should be consolidated, the board of education of each school district involved shall be so advised.

(5) No election to determine consolidation shall be called or held unless there shall have been filed with the State Board of Education a petition therefore, signed by a majority of the school district electors of each school district included in the proposed consolidation. When such a petition is received and is determined to be sufficient, the State Board of Education shall call an election for the purpose of affording to the school district electors in the school districts involved an opportunity to express their wishes through a majority vote of the school district electors in the entire territory involved. Notice of such election, stating the time and date thereof and the polling places, shall be posted in five (5) public places in each school district involved, not less than ten (10) days before date of such election. Such election shall be conducted by one or more members of the State Department of Education, as designated by the President of the State Board of Education.

(6) If a majority vote at such election is in favor of consolidation, the State Board of Education shall issue a written order to such effect, declaring the participating school districts dissolved and the new school district established. Copies of such order shall be sent to the county treasurer, county assessor and the county clerk of each county in which the districts involved are situated, and to the Oklahoma Tax Commission, and to the board of education of each school district involved. If a majority vote at such election is not in favor of consolidation, the State Board of

Education shall make a written order to such effect, and shall send a copy thereof to the board of education of each school district involved.

(7) The local board of education members representing the school district having the largest number of enumerated children shall serve as board members of the newly-formed school district for the remainder of their term.

(8) All liabilities, assets, powers and duties shall become the responsibility of the newly-formed school district.

(d) Dispensing with a school district.

(1) Should residents of a district desire to dispense with all or part of this school district, it is the duty of the State Superintendent to notify the State Board of Education of a majority vote of eligible electors at an annual or special election or by a petition signed by sixty (60) percent of eligible school district electors to dispense with either grades 1 thru 8 or grades 9 thru 12, or both, and such procedure shall be accomplished prior to June 30. Subsequently, parents of such children in the dispensed grades should file an application transfer for the ensuing year with the State Superintendent. Any district which dispenses with its entire school district for the ensuing year shall be mandatorily annexed on July 1 by the State Board of Education to an adjacent school district(s) to which pupils have been transferred.

(2) Provided that if a school district does not officially dispense with its school following the preceding procedure and fails to open and maintain a school during such ensuing year, the State Board of Education, except as otherwise provided, shall at its next regular meeting annex such district, as provided by law. [70-8-106]

(e) Severance determination. Pursuant to 70 O.S. §7-203(B), the State Board of Education may promulgate rules regarding its authority to budget and make expenditures of monies contained in the School Consolidation Fund. School Consolidation Funds can be used by annexing or consolidating districts to provide employment assistance in the form of severance for school district employees who are dismissed due to annexation or consolidation under 70 O.S. §7-203(B)(1)(c). The procedure for employees to make a severance application and process to receive a severance determination shall be communicated to all affected employees by the annexed or consolidated district superintendent. The severance application process is as follows:

(1) To qualify for severance, district employees (teachers, administrators, and support personnel) must first seek severance allowance from the annexing or consolidating district(s) prior to making application to the State Department of Education.

(A) Any annexing or consolidating school district(s) that receive School Consolidation Funds must accept and consider all requests for severance made by district employees who were dismissed due to annexation or consolidation, but not subsequently employed by the consolidating or annexing district(s).

(B) The annexing or consolidating district(s) may elect to award qualifying employees a severance in an amount up to and not to exceed eighty percent (80%) of the individual's salary or wages, exclusive of fringe benefits.

(C) Severance allowance from the annexing or consolidating district(s) is permissive in any amount from 0% to 80% of the individual's salary or wages, exclusive of fringe benefits, for the school year preceding the consolidation or annexation.

(D) For the purposes of calculation, the district(s) shall include only the salary or wages actually paid to the employee for the school year preceding the consolidation or annexation.

(E) Applications for severance shall be considered on an individual case by case basis.

BRENT DRURY
HIGH SCHOOL PRINCIPAL

MELVIN HAZEL
ELEMENTARY PRINCIPAL

OLUSTEE PUBLIC SCHOOLS

DIST. 1-035
GAYLENE FREEMAN, SUPERINTENDENT
P.O. BOX 70
OLUSTEE, OKLAHOMA 73560

PHONE: 580-648-2243
FAX: 580-648-2501

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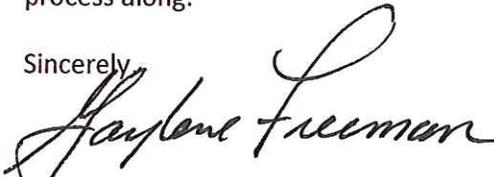
STATE DEPT OF EDUCATION

8-18-16

Dear Supt. Hofmeister,

Please find enclosed the Olustee-Eldorado Consolidation Plan which has been approved by both boards. We sent our consolidation intent to your office a few weeks ago as well. In order to survive the difficult economic times, we feel consolidating is the most sensible course to ensure that our children can continue their education in a local setting. As we are all new to this process, we will continue to meet with our parents and communities and wait for further instructions from the SDE as how to move this process along.

Sincerely,



Gaylene Freeman, Supt.

OLUSTEE PUBLIC SCHOOLS

DIST. 1-035
GAYLENE FREEMAN, SUPERINTENDENT
P.O. BOX 70
OLUSTEE, OKLAHOMA 73560

PHONE: 580-648-2243
FAX: 580-648-2501

OLUSTEE-ELDORADO PUBLIC SCHOOLS

CONSOLIDATION PLAN

FOR 17-18

- 1) Name of the new district will be Olustee-Eldorado Public School District and will become effective July 1, 2017.
- 2) The new Board of Education will temporarily become a seven member board with four members selected from the Olustee site and three members selected from the Eldorado Board. Two years following the consolidation, seats 6 and 7 will expire.
- 3) The new mascot and colors will be selected by a process determined by the new board.
- 4) The Eldorado site gym will be used for some basketball games and tournaments to maintain community involvement and interest in new district.
- 5) The Olustee-Eldorado board will determine district administration based on total employment time as well as administrative experience.
- 6) The Olustee -Eldorado Board will hire certified staff based on total employment time of all employees to determine who stays as employees and who is released via Rif.
- 7) The Olustee-Eldorado Board will hire non-certified staff based on total employment time of all employees to determine who stays as employees and who is released via Rif.
- 8) The administration will assist non-hired Olustee -Eldorado site employees in filing for SDE severance pay.

9) All assets and liabilities both real and monetary of both Eldorado and Olustee will transfer to the new school district.

10) The consolidation shall be approved by a majority vote in both Eldorado and Olustee on the February 14th, 2017 election.


Olustee Board President


Eldorado Board President


Olustee Board Clerk


Eldorado Board Clerk

8-9-16

Date

8-11-16

Date

RESOLUTION FOR CONSOLIDATION

WHEREAS:

The Board of Education of Olustee Public School (1035) and Eldorado Public School (1025), both in Jackson County, desire to consolidate into a new school district.

BE IT THEREFORE RESOLVED

- 1) Name of the new district will be Olustee-Eldorado Public School District and will become effective July 1, 2017.
- 2) The entire territories of the Olustee Public School and Eldorado Public School are subject to this Resolution.
- 3) The new Board of Education will become a seven member board with four members selected from the Olustee Board and three members selected from the Eldorado Board. The seven member board will serve for two years and then be reduced to a 5 member at large board.
- 4) The new mascot and colors will be selected by a process determined by the new board.
- 5) The Eldorado site gym will be used for some basketball games and tournaments to maintain community involvement and interest in new district.
- 6) The Olustee-Eldorado board will determine district administration based on total employment time as well as administrative experience.
- 7) The Olustee –Eldorado Board will hire certified staff based on total employment time of all employees to determine who stays as employees and who is released via Rif.
- 8) The Olustee-Eldorado Board will hire non-certified staff based on total employment time of all employees to determine who stays as employees and who is released via Rif.

- 9) The administration will assist non-hired Olustee -Eldorado site employees in filing for SDE severance pay.
- 10) All assets and liabilities both real and monetary of both Eldorado and Olustee will transfer to the new school district.
- 11) The consolidation shall be approved by a majority vote in both Eldorado and Olustee on the February 14th, 2017 election.

Resolved this 8th day of November, 2016

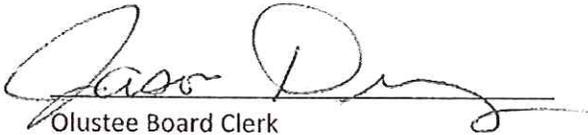


Olustee Board President

Resolved this 10th day of November, 2016



Eldorado Board President



Olustee Board Clerk



Eldorado Board Clerk

Draft

LEGAL DESCRIPTION OF OLUSTEE SCHOOL DISTRICT: