

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 359

By: Holt

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5
6 AS INTRODUCED

7 An Act relating to the Larry Dickerson Education
8 Flexible Benefits Allowance Act; amending 70 O.S.
9 2011, Section 26-103, as amended by Section 1,
10 Chapter 320, O.S.L. 2012 (70 O.S. Supp. 2016, Section
11 26-103), which relates to definitions; providing for
12 certain individuals to be considered school district
13 employees for certain purpose; providing an effective
14 date; and declaring an emergency.

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

16 SECTION 1. AMENDATORY 70 O.S. 2011, Section 26-103, as
17 amended by Section 1, Chapter 320, O.S.L. 2012 (70 O.S. Supp. 2016,
18 Section 26-103), is amended to read as follows:

19 Section 26-103. A. The following words and phrases as used in
20 this act, unless a different meaning is clearly required by the
21 context, shall have the following meanings:

22 1. "Benefit" means any of the benefits which may be purchased
23 or are required to be purchased under the cafeteria plan;

24 2. "Cafeteria plan" means a benefit plan established pursuant
to 26 U.S.C. Section 125;

1 3. "Flexible benefit allowance" means amounts credited by the
2 school district for each school district employee for the purchase
3 of benefits under the cafeteria plan;

4 4. "Support personnel" means full-time employees of a school
5 district as determined by the standard period of labor which is
6 customarily understood to constitute full-time employment for the
7 type of services performed by the employees who are employed a
8 minimum of six (6) hours per day for a minimum of one hundred
9 seventy-two (172) days or a minimum of six (6) hours per day for a
10 minimum of one thousand thirty-two (1,032) hours per year and who
11 provide services not performed by certified personnel, which is
12 necessary for the efficient and satisfactory functioning of a school
13 district, and shall include cooks, janitors, maintenance personnel,
14 bus drivers, noncertified or nonregistered nurses, noncertified
15 librarians, and clerical employees of a school district but shall
16 not include adult education instructors or adult coordinators
17 employed by technology center school districts;

18 5. "Plan year" means the twelve-month period established by the
19 school district for the cafeteria plan;

20 6. "School district" means the public school districts and
21 technology center school districts of this state;

22 7. "School district employee" means certified or support
23 personnel as defined in this act;

1 8. "Certified personnel" means a certified person employed on a
2 full-time basis to serve as a teacher, principal, supervisor,
3 administrator, counselor, librarian, or certified or registered
4 nurse, but shall not mean a superintendent of a school district; and

5 9. "Self-insured" means a health care program in which the
6 school district funds the benefit plans from its own resources
7 without purchasing insurance and which may be administered by the
8 school district or by an outside administrator under contract with
9 the school district for administrative services. The State Board of
10 Education shall prepare by May 1st of each year a list of each
11 school district in the state that is self-insured and the number of
12 support personnel and the number of certified personnel that are
13 participating in each self-insured school district plan.

14 B. Individuals employed by a public or private entity that has
15 contracted with a school district pursuant to subsection G of
16 Section 5-117 of this title to provide educational and
17 administrative services to school districts shall be considered
18 school district employees for purposes of the Larry Dickerson
19 Education Flexible Benefits Allowance Act.

20 SECTION 2. This act shall become effective July 1, 2017.

21 SECTION 3. It being immediately necessary for the preservation
22 of the public peace, health or safety, an emergency is hereby
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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.

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