

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1042

By: Randleman

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5
6 AS INTRODUCED

7 An Act relating to education; amending 70 O.S. 2021,
8 Section 26-103, which relates to flexible benefits
9 allowance; modifying definition; and providing an
10 effective date.

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

12 SECTION 1. AMENDATORY 70 O.S. 2021, Section 26-103, is
13 amended to read as follows:

14 Section 26-103. The following words and phrases as used in
15 Section 26-101 et seq. of this title, unless a different meaning is
16 clearly required by the context, shall have the following meanings:

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

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

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

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1 4. "Support personnel" means full-time employees of a school
2 district as determined by the standard period of labor which is
3 customarily understood to constitute full-time employment for the
4 type of services performed by the employees who are employed a
5 minimum of six (6) hours per day for a minimum of one hundred
6 seventy-two (172) days or a minimum of six (6) hours per day for a
7 minimum of one thousand thirty-two (1,032) hours per year and who
8 provide services not performed by certified personnel, or bus
9 drivers who are employed a minimum of (20) hours per week for a
10 minimum of one hundred seventy-two (172) days per year, and which is
11 necessary for the efficient and satisfactory functioning of a school
12 district, and shall include cooks, janitors, maintenance personnel,
13 bus drivers, noncertified or nonregistered nurses, noncertified
14 librarians, and clerical employees of a school district but shall
15 not include adult education instructors or adult coordinators
16 employed by technology center school districts;

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

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

21 7. "School district employee" means certified or support
22 personnel as defined in Section 26-101 et seq. of this title.
23 Employees of an educational service provider contracted with a
24 school district pursuant to subsection G of Section 5-117 of this

1 title who perform functions that would otherwise be performed by a
2 school district employee shall be considered employees of a school
3 district for purposes of the Larry Dickerson Education Flexible
4 Benefits Allowance Act unless otherwise provided for in the contract
5 between the educational service provider and the contracting school
6 district;

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

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

20 SECTION 2. This act shall become effective November 1, 2023.

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