

1 ENGROSSED HOUSE  
2 BILL NO. 2470

By: McCall, Cornwell and  
Hasenbeck of the House

3 and

4 Thompson of the Senate  
5

6  
7 An Act relating to teachers; amending 70 O.S. 2011,  
8 Section 26-105, which relates to the flexible benefit  
9 allowance; increasing amount of compensation for  
10 certified personnel who do not participate in the  
11 health care plan; and providing an effective date.

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

13 SECTION 1. AMENDATORY 70 O.S. 2011, Section 26-105, is  
14 amended to read as follows:

15 Section 26-105. A. The flexible benefit allowance shall be  
16 used by a school district employee who is participating in the  
17 cafeteria plan to purchase major medical health care plan coverage  
18 offered by the school district through a cafeteria plan. Any excess  
19 flexible benefit allowance over the cost of the major medical  
20 coverage purchased by the employee who is participating in the  
21 cafeteria plan may be used to purchase any of the additional  
22 benefits offered by the school district or may be taken as taxable  
23 compensation as provided in subsection C of this section. Certified  
24 personnel who choose not to participate in the school-district-

1 sponsored cafeteria plan shall receive ~~Sixty-nine Dollars and~~  
2 ~~seventy-one cents (\$69.71)~~ Three Hundred Dollars (\$300.00) per month  
3 as taxable compensation in lieu of the flexible benefit allowance  
4 amount provided in subsection B of this section. Support personnel  
5 who choose not to participate in the school-district-sponsored  
6 cafeteria plan shall receive One Hundred Eighty-nine Dollars and  
7 sixty-nine cents (\$189.69) per month as taxable compensation in lieu  
8 of the flexible benefit allowance amount provided in subsection B of  
9 this section.

10 B. Each eligible school district employee shall be credited  
11 annually with a specified amount as a flexible benefit allowance  
12 which shall be available for the purchase of benefits. The amount  
13 of the flexible benefit allowance credited to each eligible school  
14 district employee shall be communicated to the employee prior to the  
15 enrollment period for each plan year.

16 1. For the fiscal year ending June 30, 2002, the flexible  
17 benefit allowance amount for certified personnel shall be no less  
18 than Sixty-nine Dollars and seventy-one cents (\$69.71) per month.  
19 For the fiscal year ending June 30, 2002, the flexible benefit  
20 allowance amount for support personnel shall be no less than One  
21 Hundred Eighty-nine Dollars and sixty-nine cents (\$189.69) per  
22 month.

23 2. For the fiscal year ending June 30, 2004, the flexible  
24 benefit allowance amount for certified personnel shall be no less

1 than fifty-eight percent (58%) of the premium amount for the  
2 HealthChoice (Hi) option plan for an individual offered by the State  
3 and Education Employees Group Insurance Board. For the fiscal year  
4 ending June 30, 2003, and each fiscal year thereafter, the flexible  
5 benefit allowance amount for support personnel shall be no less than  
6 one hundred percent (100%) of the premium amount for the  
7 HealthChoice (Hi) option plan for an individual offered by the State  
8 and Education Employees Group Insurance Board.

9 3. For the fiscal year ending June 30, 2005, and each fiscal  
10 year thereafter, the flexible benefit allowance amount for certified  
11 personnel shall be no less than one hundred percent (100%) of the  
12 premium amount for the HealthChoice (Hi) option plan for an  
13 individual offered by the State and Education Employees Group  
14 Insurance Board.

15 C. If a school district employee who is participating in the  
16 cafeteria plan elects benefits whose sum total is less than the  
17 flexible benefit allowance, the employee shall receive any excess  
18 flexible benefit allowance as taxable compensation. Such taxable  
19 compensation shall be paid in substantially equal amounts each pay  
20 period over the plan year. Except as otherwise provided for in  
21 subsection D of this section, on termination during a plan year, a  
22 participating school district employee shall have no right to  
23 receive any taxable cash compensation allocated to the portion of  
24 the plan year after the termination of the employee.

1 D. In cases where the employee of a school district fulfills  
2 the terms of ~~their~~ his or her contract and terminates employment for  
3 the subsequent year, the employee shall be entitled to the flexible  
4 benefit allowance for the remainder of the current benefit term.  
5 For purposes of this subsection, "benefit term" shall mean the  
6 twelve-month period after the initiation of benefits for the  
7 position held by the employee.

8 E. Each school district employee shall make an annual election  
9 of benefits under the plan during an enrollment period to be held  
10 prior to the beginning of each plan year. The enrollment period  
11 dates will be determined annually and will be announced by the  
12 school district, providing the enrollment period shall end no later  
13 than thirty (30) days before the beginning of the plan year. Each  
14 school district employee shall make an irrevocable advance election  
15 for the plan year or the remainder of the plan year pursuant to  
16 procedures the school district shall prescribe.

17 F. The school district shall prescribe the forms that school  
18 district employees shall be required to use in making their  
19 elections, and may prescribe deadlines and other procedures for  
20 filing the elections.

21 G. School district employees hired after the closing of the  
22 enrollment period shall be allowed to make an election as provided  
23 in this act.

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1 H. A district board of education shall have the option of  
2 providing a flexible benefit allowance to the superintendent of the  
3 school district in an amount not more than the amount of the  
4 flexible benefit allowance established for certified personnel in  
5 subsection B of this section. Funding for the flexible benefit  
6 allowance for a superintendent shall be provided through local  
7 revenue.

8 SECTION 2. This act shall become effective November 1, 2019.

9 Passed the House of Representatives the 7th day of March, 2019.

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12 Presiding Officer of the House  
of Representatives

13 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2019.

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17 Presiding Officer of the Senate