

ENGROSSED HOUSE
BILL NO. 1971

BY: BOYD, MONSON, HOLT,
ROSS, DUNLAP and DAVIS
of the HOUSE

and

EASLEY of the SENATE

AN ACT RELATING TO SCHOOLS; AMENDING 70 O.S. 1981,
SECTION 5-107A, WHICH RELATES TO SCHOOL BOARD
ELECTIONS; CLARIFYING CERTAIN LANGUAGE; MODIFYING
COMMENCEMENT OF TERMS; AMENDING 70 O.S. 1991,
SECTION 5-119, WHICH RELATES TO OFFICERS OF BOARDS
OF EDUCATION; MODIFYING ELECTION DATE OF SUCH
OFFICERS; PROVIDING AN EFFECTIVE DATE; AND
DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 5-107A, is
amended to read as follows:

Section 5-107A. The following provisions and the provisions of
Sections 13A-101 et seq. of Title 26 of the Oklahoma Statutes shall
govern the election of members of the board of education for a
school district:

A. The number and term of each board of education shall be as
follows:

District	Members	Term (Years)
Elementary	3	3

Independent

1. districts having a
five-member board
~~on January 1, 1989~~ 5 5

2. districts having a
seven-member board
~~on January 1, 1989,~~
~~or forming a seven-~~
~~member board pursuant~~
~~to Sections 7-101 and~~
~~7-105 of this title~~ 7 4

3. districts having a
nine-member board
~~on January 1, 1989~~
unless an election is
conducted pursuant to
subsection C of this
section 9 3

B. In all school districts, the members of the board of education shall be elected as follows:

1. a. Between August 1 and December 31 of the year following the submission by the United States Department of Commerce to the President of the United States of the official Federal Decennial Census, the board of education shall reapportion the territory of the school district into board districts. Beginning with the reapportionment following the 1990 Federal Decennial Census, all boundaries of board districts shall follow clearly visible, definable and observable physical boundaries which are based upon criteria established and recognized by the Bureau of the Census of the United States Department of Commerce for

purposes of defining census blocks for its decennial census and shall follow, as much as is possible, precinct boundaries. Board districts shall be compact, contiguous and shall be as equal in population as practical with not more than a ten percent (10%) variance between the most populous and least populous board districts.

- b. School districts having fewer than one thousand (1,000) students in average daily membership during the preceding school year may choose not to establish board districts and may nominate and elect all board members at large.
- c. Elementary school districts shall have board members elected at large.
- d. A city located in an independent school district having four or more wards and an outlying area with such outlying area comprising no more than twenty percent (20%) of the population of such independent school district, then such independent school district may adopt such wards and outlying area in lieu of the board districts provided for in subparagraph a of this paragraph, and at least one member of the board of education of such independent school district shall be a member of each ward; and

2. One member of the board of education shall be elected by the electors of the school district to represent each such board district. Provided, however, that in any school district where the electors of each board district, rather than the electors of the entire school district, elect board members to represent that board district, that district shall elect board members in that manner.

If during the term of office to which a person was elected, that member ceases to be a resident of the board district for which the

person was elected, the office shall become vacant and such vacancy shall be filled as provided in Section 13A-110 of Title 26 of the Oklahoma Statutes; provided, if the member still resides within the school district to which board that person was elected, the office shall not become vacant and the member may serve the remainder of the term to which the person was elected; and

3. In a school ~~districts~~ district having more than ten thousand (10,000) children in average daily membership, the following provision and the provisions of Sections 13A-101 et seq. of Title 26 of the Oklahoma Statutes shall control as to election of the members of the school district's board of education:

- a. There shall be held a nomination election in which the electors of each board district in which a term is expiring or in which a vacancy exists shall select two (2) nominees from among the candidates for board member to represent the board district,
- b. If, in the nominating election, one candidate has a majority of all votes cast, then a general election is not required. If no candidate receives a majority of all votes cast, then the two candidates receiving the greatest number of votes shall become the nominees for the board district in the general election, and
- c. At the general election, all of the electors of the board district shall select one of the two nominees as the member of the board of education representing the board district.

C. Until January 1, 1993, any nine-member board shall have the option of reducing its board to a seven- or five-member board after approval of a board resolution or a vote of the electors of the school district to take such action pursuant to Section 13A-109 of Title 26 of the Oklahoma Statutes. If the question is put before the voters of the district, such election shall be held along with

and at the same time and place as the next school election if all requirements of Sections 13A-101 et seq. of Title 26 of the Oklahoma Statutes for such election are met.

After such resolution or election, the board shall reapportion the district, determining by resolution or by lot which board member offices shall be abolished at the end of the current board member's term and which shall become one of the offices of the new board.

Election of the resulting board members shall be carried out according to procedures stated in this section and Sections 13A-101 et seq. of Title 26 of the Oklahoma Statutes.

School board members currently serving in offices abolished pursuant to this subsection shall continue serving until the end of their current terms as at-large members.

D. The offices of members of the board of education shall be designated by consecutive numbers and shall correspond with board districts when applicable.

E. ~~The~~ Except for those members elected prior to July 1, 1992, ~~the~~ terms of office of the members of a five-member board of education shall commence on the first ~~Monday in July of the year indicated~~ scheduled school board meeting after the member has been certified as elected:

Office No. 1	1991
Office No. 2	1992
Office No. 3	1993
Office No. 4	1994
Office No. 5	1995

The terms of office of the members of a seven-member board of education shall be staggered, with one member being elected in 1991, two members being elected in 1992, two members being elected in 1993 and two members being elected in 1994 and shall commence on the first ~~regular meeting in July~~ scheduled school board meeting after the member has been certified as elected; provided, in districts

needing to elect two members in 1991 to maintain a full complement of board members, two members shall be elected in 1991, one for a full term and one for a one-year term, as determined by the local board; provided further that in districts where two members were elected in 1991 for four-year terms, they shall serve the remainder of the term for which elected and only one member shall be elected in 1992. If a seven-member board is formed upon consolidation pursuant to Section 7-105 of this title, or upon annexation pursuant to Section 7-101 of this title, the formation agreement shall specify initial short terms as necessary to extend until the beginning of the regular terms for seven-member boards established herein.

The terms of office of the members of a nine-member board of education shall be staggered, with three members being elected in 1991, three members being elected in 1992 and three members being elected in 1993, and shall commence on the first ~~regular meeting in July~~ scheduled school board meeting after the member has been certified as elected. Upon reduction of a nine-member board pursuant to subsection C of this section, the terms of the five-member or seven-member board shall be staggered pursuant to this subsection.

One member of a three-member board of education shall be elected each year, and the terms of office shall commence on the first ~~regular meeting in July~~ scheduled school board meeting after the member has been certified as elected.

F. The term of office of each board member elected after ~~May 31, 1990~~ July 1, 1992, shall commence on the first ~~regular meeting in July following the election of the member~~ scheduled school board meeting after the member has been certified as elected. Board members elected prior to ~~June 1, 1990~~ July 1, 1992, may remain in office until their successor is elected and seated pursuant to Sections 13A-101 through 13A-111 of Title 26 of the Oklahoma

Statutes. The remaining term of any member who completes the term for which the member was elected but not wishing to serve until the successor of the member takes office on the first ~~regular meeting in July following the election of the successor~~ scheduled school board meeting after the successor has been certified as elected, shall be filled by appointment by the remaining members of the board of education.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 5-119, is amended to read as follows:

Section 5-119. A. The board of education of each school district shall elect from its membership at the first regular meeting ~~after~~ following the annual school election and certification of election of new members, a president and vice president, each of whom shall serve for a term of one (1) year and until a successor is elected and qualified. The board shall also elect a clerk and, in its discretion, a deputy clerk, either of whom may be one of the members of the board, and each of whom shall hold office during the pleasure of the board and each of whom shall receive such compensation for services as the board may allow. If the board elects a board clerk who is not one of the members of the board, the board clerk may also be employed as the encumbrance clerk and minute clerk. Provided, no superintendent, principal, treasurer or assistant treasurer, instructor, or teacher employed by such board shall be elected or serve as clerk or deputy clerk of the board nor as encumbrance clerk or minute clerk except that a treasurer or assistant treasurer may serve as a minute clerk. No board member shall serve as encumbrance clerk or minute clerk. The deputy clerk may perform any of the duties and exercise any of the powers of the clerk with the same force and effect as if the same were done or performed by the clerk. Before entering upon the discharge of the duties of the deputy clerk, the deputy clerk shall give a bond in a sum of not less than One Thousand Dollars (\$1,000.00) with good and

sufficient sureties to be approved by the board conditioned for the faithful performance of the duties of the deputy clerk.

B. The board of education shall employ an encumbrance clerk and minute clerk, both functions of which may be performed by the same employee. The encumbrance clerk shall keep the books and documents of the school district and perform such other duties as the board of education or its committees may require. The minute clerk shall keep an accurate journal of the proceedings of the board of education and perform such other duties as the board of education or its committees may require. The board of education may designate a deputy minute clerk. The deputy minute clerk may perform any of the duties and exercise any of the powers of the minute clerk with the same force and effect as if the same were done or performed by the minute clerk. Before entering upon the discharge of the duties of the deputy minute clerk, the deputy minute clerk shall give a bond in a sum of not less than One Thousand Dollars (\$1,000.00) with good and sufficient sureties to be approved by the board conditioned for the faithful performance of the duties of the deputy minute clerk. Before entering upon the discharge of their duties, the encumbrance clerk and minute clerk shall each give a bond in a sum of not less than One Thousand Dollars (\$1,000.00) with good and sufficient sureties to be approved by the board conditioned for the faithful performance of their duties. If both functions are performed by the same person only one bond in a sum of not less than One Thousand Dollars (\$1,000.00) shall be required.

SECTION 3. This act shall become effective July 1, 1992.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 2nd day of March, 1992.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate