

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 217

BY: COLE

AS INTRODUCED

AN ACT RELATING TO SCHOOLS; AMENDING 70 O.S. 1981, SECTION 5-107A, AS LAST AMENDED BY SECTION 1, CHAPTER 257, O.S.L. 1990, AND SECTION 12, CHAPTER 2, O.S.L. SUPP. 1989 (70 O.S. SUPP. 1990, SECTIONS 5-107A AND 7-101.1), WHICH RELATE TO TERMS OF OFFICE AND ELECTION PROCEDURES FOR MEMBERS OF DISTRICT BOARDS AND TO MANDATORY ANNEXATION OR CONSOLIDATION OF DISTRICTS; CHANGING LENGTH OF CERTAIN TERMS; REQUIRING CERTAIN ARRANGEMENTS OF TERMS; PROVIDING FOR CERTAIN REVIEW AND JOINT DIRECTIVES BY STATE BOARD OF EDUCATION AND STATE ELECTION BOARD; CLARIFYING CERTAIN LANGUAGE; REQUIRING MANDATORY ANNEXATION OF CERTAIN SCHOOL DISTRICTS ON CERTAIN DATE; 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. 1981, Section 5-107A, as last amended by Section 1, Chapter 257, O.S.L. 1990 (70 O.S. Supp. 1990, Section 5-107A), is amended to read as follows:

Section 5-107A. The following provisions and the provisions of Sections 13A-101 through 13A-111 of Title 26 of the Oklahoma Statutes shall govern the election of members of the board of education for a school district:

A. ~~The~~ Until the end of terms in progress on July 1, 1991, the number and term of each board of education shall be as follows:

District	Members	Term (Years)
Dependent	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	9	3

After the end of terms in progress on March 31, 1991, the number of members shall remain the same, but the length of all terms shall be three (3) years; further, the terms shall be staggered so that, as nearly as possible, one-third (1/3) of each board's terms are new each year. Where necessary to initiate said arrangement of staggered terms, short terms of one (1) or two (2) years' duration shall be utilized. The State Board of Education and the State Election Board shall review the term structure of each local school board whose members' normal terms, as of March 31, 1991, are longer than three (3) years. The two state boards shall jointly give

direction to said local school boards for compliance with the changes in term length and structure required by this section.

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

1. Within six (6) months following the publication of the Federal Decennial Census by the United States Bureau of the Census, it shall be the duty of the board of education to divide the territory of the school district into election districts. Such election districts shall be compact, contiguous and shall be as equal in population as may be practicable with not more than a ten percent (10%) variance between the most populous and least populous election districts. In making such division the board may use population reports of the United States Bureau of the Census, utility records, school membership records and any other current data which is competent to aid in determining the population of the school district and the location of such population, but shall not use voter registration records. School districts having fewer than one thousand (1,000) students in average daily ~~attendance~~ membership during the preceding school year may choose not to establish election districts and may nominate and elect all board members at large. Dependent school districts shall have board members elected at large. If there is located in an independent school district a city having four or more wards and an outlying area, and such outlying area comprises 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 election districts hereinbefore mentioned, and at least one member of the board of education of such independent school district shall be a member of each ward. The board of education of a five-member board may choose to establish four (4) election districts as provided for in this paragraph and designate

the fifth seat as an at large seat for which any member of the school district is eligible; and

2. One member of the board of education shall be elected by the electors of the school district to represent each such election district. Provided, however, that in any school district wherein the electors of each election district, rather than the electors of the entire school district, elected board members to represent that election district prior to January 1, 1988, that district shall continue to elect board members in that manner.

If during the term of office to which he were elected a member shall cease to be a resident of such election district for which he was elected, his office shall become vacant and such vacancy shall be filled as provided in Section 13A-110 of Title 26 of the Oklahoma Statutes; and

3. In school districts having more than thirty thousand (30,000) children in average daily attendance, the following provision and the provisions of Sections 13A-101 through 13A-111 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 wherein the electors of each election 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 such 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 such election district in the general election, and
- c. At the general election, all of the electors of such election district shall select one of the two nominees

for each such election district as the member of the board of education representing such election district.

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

D. The terms of office of the members of a ~~five-member board~~ all boards of education shall commence on the first Monday in July ~~of the year indicated:~~

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; 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. If a seven-member board is formed upon consolidation pursuant to Section 7-105 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.~~

~~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.~~

E. ~~The term of office of each board member elected after May 31, 1990, in any dependent or independent school district shall commence on the first regular meeting in July following the election of the member.~~ Board members elected prior to June 1, 1990, 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~~ If a member who completes the term for which the member was elected but ~~not wishing~~ does not wish to serve until the successor ~~of the member~~ takes office ~~on the first regular meeting in July following the election of the successor,~~ the interim vacancy shall be filled by appointment by the remaining members of the board of education.

SECTION 2. AMENDATORY Section 12, Chapter 2, O.S.L. Supp. 1989 (70 O.S. Supp. 1990, Section 7-101.1), is amended to read as follows:

Section 7-101.1 A. The State Board of Education shall ~~be authorized to~~ promulgate rules and regulations regarding the procedures necessary to accomplish mandatory annexation or consolidation, as provided by and within the requirements of the provisions of Sections ~~2, 8, 9, 10, 11, 12 and 13~~ 3-104.4, 3-104.5, 7-201, 7-202, 7-203 and 7-206 of this ~~act~~ title, and as otherwise provided by law.

B. All dependent school districts still in existence on June 30, 1993, shall be mandatorily annexed effective July 1, 1993.

C. In any case where mandatory annexation of a school or school district is recommended by the State Department of Education, the Department shall notify, in writing, the board of education of the school district involved. Upon receipt of the notification, the school district board shall have fifteen (15) days to request an

opportunity to appear before the State Board of Education. If the school district board fails to request an opportunity to appear, the State Board shall proceed without further notice or delay, to conclude the matter. If an opportunity to appear is requested by the school district board, the State Board shall decide the issues after hearing from representatives of the school or school district and the State Department and shall make a final determination on the recommendation of the Department.

SECTION 3. This act shall become effective July 1, 1991.

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.

43-1-367

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