

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE BILL NO. 2148

By: Boyd (Betty) and Adair
of the House

and

Rozell of the Senate

An Act relating to schools; amending 26 O.S. 1991, Sections 13A-105, as amended by Section 19, Chapter 247, O.S.L 1992, 13A-106 and 13A-110 (26 O.S. Supp. 1993, Section 13A-105) and 70 O.S. 1991, Sections 5-107A, as last amended by Section 3, Chapter 45, O.S.L. 1993, 5-110, as amended by Section 2, Chapter 254, O.S.L. 1992, 5-110.1, 5-113, as amended by Section 3, Chapter 254, O.S.L. 1992 and 5-113.1, as amended by Section 4, Chapter 254, O.S.L. 1992 (70 O.S. Supp. 1993, Sections 5-107A, 5-110, 5-113 and 5-113.1), which relate to school elections, continuing education for school board members and nepotism; * * * repealing 70 O.S. 1991, Section 5-111, which relates to vacancies on the school board; providing for codification; providing an effective date; and declaring an emergency.

AUTHORS: Remove Rozell as principal Senate Author and substitute Roberts as principal Senate Author and add Rozell as coauthor

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and entire bill and insert

"An Act relating to schools; amending 26 O.S. 1991, Sections 5-118, 13A-105, as amended by Section 19, Chapter 247,

O.S.L 1992, 13A-106 and 13A-110 (26 O.S. Supp. 1993, Section 13A-105) and 70 O.S. 1991, Sections 5-107A, as last amended by Section 3, Chapter 45, O.S.L. 1993, 5-110, as amended by Section 2, Chapter 254, O.S.L. 1992, 5-110.1, 5-113, as amended by Section 3, Chapter 254, O.S.L. 1992 and 5-113.1, as amended by Section 4, Chapter 254, O.S.L. 1992 (70 O.S. Supp. 1993, Sections 5-107A, 5-110, 5-113 and 5-113.1), which relate to contests of candidacy, school elections, continuing education for school board members and nepotism; stating exception to procedure for contesting candidacies; mandating that the declaration of candidacy shall list certain candidacy requirements; requiring certain candidates to swear or affirm certain eligibility for office; providing for certain residency requirements; providing for contest of candidacy for member of district board of education; establishing procedures for filing certain petition, scheduling certain hearing, and serving certain notice; setting certain time schedules; stating requirements of certain petition; allowing State Superintendent of Public Instruction to add allegations to certain petition; requiring posting of certain monetary deposits; placing burden of proof in certain actions; providing for default under certain conditions; requiring State Board of Education to render certain decisions; requiring certain notice to certain county election board secretary; requiring certain county election board secretary to strike certain candidacy and amend certain declaration of candidacy; allocating costs of certain hearing; requiring certain qualifications for appointments to fill certain vacancies; deleting certain vacancy provisions; modifying terms relating to certain school board elections; deleting obsolete language; modifying the commencement of certain terms; expanding elections for nine-member boards of education; modifying training requirements for incumbents of district board of education; modifying training requirements for members of district board of education; requiring promulgation of rules; providing for reimbursement of certain board members who attend certain training; deleting certain exception to eligibility requirements for school board candidate; removing certain eligibility for employment of persons related to a school board member; removing certain exemptions; modifying certain exceptions; removing legislative construction relating to eligibility of certain persons to become candidates; repealing 70 O.S. 1991, Section 5-111, which relates to vacancies on the school board; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 26 O.S. 1991, Section 5-118, is amended to read as follows:

Section 5-118. ~~Any~~ With the exception of a contest of a candidacy for member of a district board of education, any

candidate, hereafter referred to as petitioner, may contest the candidacy of any other candidate for the same office, hereafter referred to as contestee, by filing a written petition with the secretary of the election board with whom said candidate filed ~~his~~ the declaration of candidacy. In the event only one candidate files for an office, a petition contesting ~~his~~ the candidacy may be filed by any registered voter who is eligible to vote for the candidate.

SECTION 2. AMENDATORY 26 O.S. 1991, Section 13A-105, as amended by Section 19, Chapter 247, O.S.L. 1992 (26 O.S. Supp. 1993, Section 13A-105), is amended to read as follows:

Section 13A-105. A. Candidates for member of the board of education of every school district or vocational-technical school district shall file declarations of candidacy in the same place and with the same officials as candidates for county office. The declaration of candidacy shall have an attachment listing the requirements of a candidate for election or reelection to a school board as set forth in Sections 13A-106 and 5-105a of this title and Sections 5-110, 5-110.1 and 5-113 of Title 70 of the Oklahoma Statutes and the candidate shall swear or affirm that he or she is eligible to run for such office or serve in such office if elected. Candidates shall file on the first Monday in December through the following Wednesday. For school districts and vocational-technical school districts located in more than one county, filing shall be in the county wherein supervision of the district is located.

B. The candidacy of any candidate for member of a district board of education may be contested by any candidate for the same office or any registered voter who is eligible to vote for the candidate by the filing of a written petition with the State Board of Education. A person filing such petition is hereinafter referred to as petitioner.

C. A petition contesting the candidacy of any candidate for member of a district board of education shall be filed no later than 5:00 p.m. on the ninth day following the close of the filing period.

D. A petition contesting the candidacy of any candidate for member of a district board of education, hereinafter referred to as contestee, must allege that the contestee is not qualified by law to become a candidate for member of a district board of education and must set forth specific facts to support the allegation. The State Superintendent of Public Instruction may add allegations and supporting facts to the petition if the contestee is given written notice of the additional allegations and facts by the State Superintendent at least three (3) days prior to the hearing on the petition. Any reason not appearing on the face of the petition, unless added by the State Superintendent of Public Instruction, shall be considered waived and shall not be grounds for a contest based on the petition.

E. A petition contesting the candidacy of a candidate for member of a district board of education must be accompanied by a cashier's check or certified check in the amount of Two Hundred Fifty Dollars (\$250.00) payable to the State Board of Education.

F. When a petition contesting the candidacy of a candidate is properly filed, the State Superintendent of Public Instruction shall set the matter for a hearing before the State Board of Education at the Board's next regularly scheduled meeting or at a special meeting. The hearing shall be scheduled no earlier than three (3) days from the date the petition was filed and no later than twenty (20) days after the close of the period for filing declarations of candidacy.

G. The petitioner shall cause a copy of the petition and notice of the date and place of the hearing to be served on the contestee and the secretary of the county election board in which the

contested declaration of candidacy was filed. Service shall be made as set forth in Sections 5-124 and 5-125 of this title.

H. If a contestee desires to appear in answer to the contest, the contestee shall upon appearance at the hearing on the petition, or at the time the contestee files a written answer with the State Board of Education, whichever occurs first, deposit a cashier's check or certified check in the amount of Two Hundred Fifty Dollars (\$250.00) with the State Board of Education. Failure of the contestee to post the required cashier's or certified check shall be deemed a failure to answer the contest, and the petition contesting the candidacy shall be deemed successful.

I. The burden of proof shall be upon the petitioner to sustain the allegations in the petition. However, failure of the contestee to appear or answer shall be deemed a default and shall constitute an admission of the allegations of the petition. In the event of a default, the State Board of Education shall determine whether the factual allegations of the petition constitute appropriate grounds for disqualification. If the Board finds grounds for disqualification, the contestee's candidacy shall be stricken.

J. The petition may be heard without a formal answer being filed by the contestee if the contestee appears on the hearing date and posts the required cashier's or certified check. The State Board of Education shall have authority to issue subpoenas, compel the attendance of witnesses and the production of evidence, and receive testimony of witnesses under oath. The State Superintendent of Public Instruction or, in the absence of the State Superintendent, the acting chair of the Board shall administer the oath. At the conclusion of the hearing, the Board shall render its decision in writing. The decision of the Board shall in all cases be final. If the Board determines that the contestee's declaration of candidacy may be amended or corrected to conform to law, the Board may allow the amendment or correction to be made.

K. The State Board of Education shall notify the secretary of the county election board in the county in which the contested declaration of candidacy was filed of the Board's decision on a contested candidacy by mailing notice of its decision within one day of the decision. Upon receiving notice that the State Board of Education determined that the contestee was not qualified to become a candidate for member of a district board of education, the secretary of the county election board shall strike the candidacy and shall not place the name of the candidate on the ballot. If the State Board of Education determined that the declaration of candidacy may be amended or corrected, the secretary of the county election board shall allow the correction or amendment to be made upon appearance of the contestee for the purpose of making the correction or amendment.

L. If the petitioner is successful, the deposit shall be returned to petitioner, and the costs of the hearing shall be deducted from the deposit of the contestee. The balance of the deposit shall be returned to the contestee. If the contestee does not file an answer or make an appearance, or if the petitioner is unsuccessful, all costs of the hearing shall be paid from the petitioner's deposit. The balance of the petitioner's deposit shall be returned to the petitioner.

M. The provisions of this section shall be the exclusive procedure for contesting a candidacy for member of a district board of education.

SECTION 3. AMENDATORY 26 O.S. 1991, Section 13A-106, is amended to read as follows:

Section 13A-106. A. To be eligible to be a candidate for member of the board of education of a school district or vocational-technical school district, a person must have resided in the district for at least six (6) months preceding the first day of the filing period, and have been a registered voter registered with

the county election board at an address located within the geographical boundaries of the district for six (6) months preceding the first day of the filing period. Beginning May 1, 1990, no person shall be eligible to be a candidate for or elected to be a member of the board of education of a school district or vocational-technical school district unless the person has been awarded a high school diploma or certificate of high school equivalency. In school districts that are divided into election districts, a candidate must have resided in the district for at least six (6) months preceding the first day of the filing period and have been a registered voter registered with the county election board at an address located within the geographical boundaries of the election district for six (6) months preceding the first day of the filing period. Beginning May 1, 1990, no person shall be eligible to be a candidate for or elected to be a member of the board of education unless the person has been awarded a high school diploma or certificate of high school equivalency.

B. To be eligible to vote in a school district election or a vocational-technical school district election, a person must be registered with the county election board at an address located within the geographical boundaries of the district. To be eligible to vote in an election district election within a school district, a person must be registered with the county election board at an address located within the geographical boundaries of the election district.

SECTION 4. AMENDATORY 26 O.S. 1991, Section 13A-110, is amended to read as follows:

Section 13A-110. A. Vacancies for members of the board of education of every school district or vocational-technical school district shall be filled by appointment by the board. Persons appointed to fill vacancies shall serve only until the next succeeding election, at which time the office which they hold shall

be placed on the ballot for the balance of the unexpired term. Vacancies filled by appointment following the delivery of the resolution calling for regular elections to the secretary of the county election board shall be filled until the regular elections the following year. Persons elected to fill unexpired terms shall begin those terms at the next regular meeting of the board of education following the election. No person shall be appointed to a board of education who does not meet the eligibility qualifications needed to be a candidate for such position as provided for in Sections 13A-106 of this title and Sections 5-110, 5-110.1 and 5-113 of Title 70 of the Oklahoma Statutes.

B. If the board of education does not fill the vacancy by appointment within sixty (60) days of the date the board declared the seat vacant, the board of education shall call a special election to fill the vacancy for the unexpired term.

SECTION 5. AMENDATORY 70 O.S. 1991, Section 5-107A, as last amended by Section 3, Chapter 45, O.S.L. 1993 (70 O.S. Supp. 1993, 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. For purposes of this section, temporary positions added to a board of education pursuant to Section 7-101 or 7-105 of this title shall not be considered in determining the size of the board. 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	5	5
2. districts having a		

seven-member board 7 4

3. districts having a
nine-member board
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 district having more than ten thousand (10,000) children in average daily membership, the following provision and the provisions of Section 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~~ an 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~~ candidates 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~~ run-off 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~~ candidates for the board district in the general election, and
- c. At the ~~general~~ run-off election, all of the electors of the board district shall select one of the two ~~nominees~~ candidates as the member of the board of education representing the board district.

C. ~~Until January 1, 1993, any~~ 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 Section 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 Section 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. 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 regular, special or emergency school board meeting after the date of the annual school election and 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, special or emergency school board meeting after the date of the annual school election and 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. 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 three in each year thereafter, and shall commence on the first regular, special or emergency school board meeting after the date of the annual school election and 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, special or emergency school board meeting after the member has been certified as elected.

F. The term of office of each board member elected after July 1, 1992, shall commence on the first regular, special or emergency school board meeting after the date of the annual school election and after the member has been certified as elected. Board members elected prior to 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, special or emergency 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 6. AMENDATORY 70 O.S. 1991, Section 5-110, as amended by Section 2, Chapter 254, O.S.L. 1992 (70 O.S. Supp. 1993, Section 5-110), is amended to read as follows:

Section 5-110. A. Except as provided in subsection B of this section, at the time a school district elector files a notification and declaration of candidacy for the office of district board of education membership, such elector shall agree and pledge in writing that, ~~upon~~ within fifteen (15) months of election or appointment as a member of the district board of education, such member will attend complete at least twelve (12) hours of instruction on contemporary education issues, including school finance, Oklahoma education laws, and ethics, duties, and responsibilities of district board of education members. This requirement may be satisfied by attending a two-day workshop to be held within the state by the State Department of Education, or upon approval of the State Board of Education, by attending workshops, seminars, or classes sponsored by any organization approved by the State Board of Education, including but not limited to institutions of higher education and any organization or association representing district boards of education in this within the state for study and instruction on the subjects of school finance, the Oklahoma School Code and related laws, and the ethics, duties and responsibilities of district board of education members. The State Board of Education shall promulgate rules by which an organization or particular courses offered by an organization may be approved for purposes of fulfilling the instructional requirements set out in this section.

B. When an incumbent of a district board of education files a notification and declaration of candidacy for reelection to the district board of education, the member shall not be required to comply with the provisions of subsection A of this section if the member produces a certificate of completion showing that the member has completed the ~~workshop required~~ instructional requirements set out in subsection A of this section. The member shall be required to agree and pledge in writing that upon reelection the member will ~~attend a six-hour workshop~~ complete six (6) hours of instruction in

the areas set forth in subsection A of this section within ~~thirteen~~
~~(13)~~ fifteen (15) months following his or her election ~~emphasizing~~
~~changes in school law, particularly changes in the areas set forth~~
~~in subsection A of this section.~~

C. The State Department of Education shall, immediately after the annual elections of various district board of education members, determine the members of the district boards of education pledged to ~~attend the workshop~~ complete instructional requirements established by subsections A and B of this section, ~~and~~ shall notify such members of the time and place ~~such~~ the State Department of Education will be conducting its workshop is to be conducted, and shall notify board members of other options for completing the instructional requirements. Upon a board member's completion of the workshop any courses, classes or workshops to fulfill part or all of the instructional requirements, the certificate of completion shall be included in the public records of the school board's minutes. Each school board member, ~~except for an incumbent member,~~ shall be required within ~~thirteen (13)~~ fifteen (15) months following or preceding his or her election to complete the ~~workshop established by subsection~~ applicable instructional requirements set out in subsections A and B of this section ~~or to attend twenty (20) hours of other state workshops conducted as instruction on the subjects of school finance, the Oklahoma School Code and related laws, and the ethics, duties and responsibilities of district board of education members.~~ If a member has not satisfied the ~~above workshop~~ requirements within ~~thirteen (13)~~ fifteen (15) months of ~~his or her~~ the member's election or appointment, the local board of education shall declare the seat of such member vacant and fill the vacancy according to law. All government departments, agencies and institutions of this state are directed to lend such assistance as may be required by the State Department of Education for the proper conduct and administration of the workshops. The State Department

of Education shall maintain a permanent record of each district board of education member who successfully completes a workshop and shall issue a certificate of completion to such member.

D. The State Department of Education and, upon approval of the State Board of Education, any organization or association representing district boards of education in this state are authorized to charge persons pledged to attend the workshop a registration fee sufficient to defray the estimated costs of presenting the workshop or Thirty-five Dollars (\$35.00) per registrant, whichever is the lesser amount, and to collect such fees at the time of registration.

E. Any member of a district board of education or any individual elected, or certified as the elected member by the county election board, but not sworn in and seated as a member of a district board of education at the time of a workshop, presented by the State Board of Education or an organization or association representing district boards of education within the state, who attends and successfully completes a such workshop ~~as required by~~ to satisfy the requirements of subsection A or B of this section shall be reimbursed by the school district for expenses incurred, not to exceed compensation in the sum of Twenty-five Dollars (\$25.00) per day and actual expenses which are itemized and documented for lodging, meals, registration fees and transportation to and from the place of the workshop, as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

SECTION 7. AMENDATORY 70 O.S. 1991, Section 5-110.1, is amended to read as follows:

Section 5-110.1 A. In addition to the requirements of Section 5-110 of Title 70 of the Oklahoma Statutes, every member of a school district board of education elected to a full term of office shall be required to attend a minimum of fifteen (15) hours of continuing education during any full term of office of the member. The

continuing education courses, local and state workshops, seminars, conferences, and conventions which shall satisfy the continuing education requirement shall be held within this state and shall be approved jointly by the State Department of Education and the State Department of Vocational and Technical Education.

B. Local and state continuing education programs conducted pursuant to the provisions of this section shall be held in all regions of the state at institutions of higher learning, vocational-technical schools or other approved sites. Notice of such courses and seminars shall be provided to all school board members and to the public schools.

C. This section shall not apply to those school board members who file for reelection prior to July 1, 1991.

D. Failure by a board member to satisfy the continuing education requirements of this section shall result in the ineligibility of the member to run for reelection to the school district board of education.

E. The State Department of Education and the Oklahoma State School Boards Association may charge persons attending continuing education courses a registration fee sufficient to defray the estimated costs of presenting the course. The registration fees for each course shall be announced prior to the date of such course.

F. Any member of a school district board of education who attends and completes a course which satisfies in part or in full the requirements of this section shall be reimbursed by the school district for expenses incurred.

SECTION 8. AMENDATORY 70 O.S. 1991, Section 5-113, as amended by Section 3, Chapter 254, O.S.L. 1992 (70 O.S. Supp. 1993, Section 5-113), is amended to read as follows:

Section 5-113. No person shall be eligible to be a candidate for or serve on a board of education if he or she is currently employed by the school district governed by that board of education

or is related within the second degree by affinity or consanguinity to any other member of the board of education or to any employee of the school district governed by the board of education, it being the purpose of this section both to prohibit persons who are related within the second degree by affinity or consanguinity from serving simultaneously on the same board of education of any school district of this state and to prohibit persons who are related within the second degree of consanguinity or affinity to an employee of a school district from serving on the board of education governing the school district while such relative is employed. These prohibitions shall not apply to prevent members of boards of education who are serving on September 1, ~~1992~~ 1994, from serving the term for which they were elected ~~or from serving successive terms for which they may be elected.~~

Any member of a board of education who violates the provisions of this section shall be subject to the penalties prescribed by Sections 485 and 486 of Title 21 of the Oklahoma Statutes.

SECTION 9. AMENDATORY 70 O.S. 1991, Section 5-113.1, as amended by Section 4, Chapter 254, O.S.L. 1992 (70 O.S. Supp. 1993, Section 5-113.1), is amended to read as follows:

Section 5-113.1 A. Except as otherwise provided herein, no person may be employed or put under contract by a school district if that person is related to a member of the board of education of that school district within the second degree of consanguinity or affinity; ~~provided, a teacher or employee already under contract to or otherwise employed by the school district at the time a member of the board of education to whom such teacher or employee is so related is elected or serving shall be eligible to continue the employment; provided further, a.~~ A teacher or employee already under contract to or otherwise employed by the school district ~~or a board member already serving~~ at the time the relationship is established may continue in said employment ~~or service.~~ A board

member already serving at the time the relationship is established
may serve out the term for which the member was elected but shall
not be eligible to be a candidate for or serve successive terms of
office. No member of the board of education who has resigned from
the board before his or her term has expired may be reappointed to
the board to complete the remainder of his or her term if a teacher
or employee related to the resigned member of the board within the
second degree of consanguinity or affinity was put under contract or
otherwise employed by the school district after the board member
resigned. ~~The State Board of Education may exempt a person from the~~
~~provisions of this subsection upon written request from that person~~
~~or the local board of education.~~

~~No~~ Any member of a board of education who is related to a
teacher or other employee of the district within the second degree
of consanguinity or affinity shall not attend or participate in any
regular or executive session of the board held to consider any
personnel matter or litigation relating to said teacher or employee;
provided however, the member may vote on collective bargaining
agreements or the renewal of contracts as a group if the vote is
necessary to form a quorum of the board of education members. If
more than one member of the board of education is related to a
teacher or employee, only the minimum number of those members which
is necessary to form a quorum shall be allowed to vote. Each board
of education so affected shall adopt a written policy establishing
procedures on when such a member may vote on the renewal of
contracts or collective bargaining agreements. ~~Nothing herein shall~~
~~be construed to make any person ineligible to become a candidate for~~
~~the board of education.~~

B. Any member of a board of education who violates the
provisions of this section shall be subject to the penalties
prescribed by Sections 485 and 486 of Title 21 of the Oklahoma
Statutes.

SECTION 10. REPEALER 70 O.S. 1991, Section 5-111, is hereby repealed.

SECTION 11. This act shall become effective July 1, 1994.

SECTION 12. 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 Senate the 19th day of April, 1994.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1994.

Speaker of the House of Representatives