STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2479 By: Rousselot

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2001, Sections 5-113 and 5-113.1, which relate to the school district board of education nepotism prohibitions; updating statutory language; limiting application of school board member nepotism prohibition when employee is a substitute teacher; providing an exception for substitute teachers to school employee nepotism prohibition; 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. 2001, Section 5-113, is amended to read as follows:

Section 5-113. A. No person shall be eligible to be a candidate for or serve on a board of education if ~~he or she~~ the person 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~~. The purpose of this section is 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.

B. If the relationship is based on affinity, ~~these~~ the prohibitions in this section shall not apply to prevent members of boards of education who are serving on September 1, 1995, from

serving the term for which they were elected or from serving successive terms for which they may be elected, unless it is the member's spouse who is a member of the board of education or an employee of the school district, then such prohibitions shall apply.

C. The prohibitions set forth in this section shall not apply if the person related to the board member within the second degree of consanguinity or affinity is employed as a substitute teacher by the school district pursuant to the provisions of Section 6-105 of this title.

D. 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 2. AMENDATORY 70 O.S. 2001, Section 5-113.1, is amended to read as follows:

Section 5-113.1 A. Except as otherwise provided ~~herein~~ in this section, 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. A teacher or employee already under contract to or otherwise employed by the school district at the time the relationship is established may continue in said employment. Except as otherwise provided, 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 for which the member may be elected. ~~This provision~~

B. The provisions of this section shall not prevent a board member from serving successive terms of office if otherwise eligible under the provision of Section 5-113 of this title. No member of the board of education who has resigned from the board before ~~his or her~~ the term of the person has expired may be reappointed to the

board to complete the remainder of ~~his or her~~ the 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.

C. The provisions of this section shall not prevent a person who is related to a member of the board of education within the second degree of consanguinity or affinity from being employed by the school district as a substitute teacher pursuant to the provisions of Section 6-105 of this title.

D. 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~~. 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.

~~B.~~ E. 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 3. This act shall become effective July 1, 2006.

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.

50-2-7723 KB 12/19/05