

EHB 1647

1 THE STATE SENATE
2 Wednesday, March 25, 2009

3 ENGROSSED

4 House Bill No. 1647

5 As Amended

6 ENGROSSED HOUSE BILL NO. 1647 - By: Rousselot of the House and
7 Garrison of the Senate.

8 An Act relating to schools; amending 70 O.S. 2001, Sections
9 5-113 and 5-113.1, which relate to the school district
10 boards of education nepotism prohibition; updating statutory
11 language; limiting application of school board member
12 nepotism prohibition when employee is a substitute teacher
13 or support employee; providing an exception for substitute
14 teachers or support employees to school employee nepotism
15 prohibition; making an exception for situations covered by
16 other provisions of law; **requiring school districts to post**
17 **certain expenditure reports on district website each month;**
18 **specifying expenditure categories; authorizing certain**
19 **publication of information if website unavailable;** providing
20 for codification; providing an effective date; and declaring
21 an emergency.

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

23 SECTION 1. AMENDATORY 70 O.S. 2001, Section 5-113, is
24 amended to read as follows:

25 Section 5-113. A. No person shall be eligible to be a
26 candidate for or serve on a board of education if ~~he or she~~ the
27 person is currently employed by the school district governed by that
28 board of education or is related within the second degree by
29 affinity or consanguinity to any other member of the board of
30 education or to any employee of the school district governed by the

1 board of education, ~~it being the~~. The purpose of this section is
2 both to prohibit persons who are related within the second degree by
3 affinity or consanguinity from serving simultaneously on the same
4 board of education of any school district of this state and to
5 prohibit persons who are related within the second degree of
6 consanguinity or affinity to an employee of a school district from
7 serving on the board of education governing the school district
8 while such relative is employed.

9 B. If the relationship is based on affinity, ~~these the~~
10 prohibitions in this section shall not apply to prevent members of
11 boards of education who are serving on September 1, 1995, from
12 serving the term for which they were elected or from serving
13 successive terms for which they may be elected, unless it is the
14 member's spouse who is a member of the board of education or an
15 employee of the school district, then such prohibitions shall apply.

16 C. The prohibitions set forth in this section shall not apply
17 if the person related to the board member within the second degree
18 of affinity or consanguinity is employed as a substitute teacher by
19 the school district pursuant to the provisions of Section 6-105 of
20 this title or as a temporary substitute support employee if the
21 school district has an Average Daily Membership (ADM) of less than
22 five thousand (5,000).

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

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

7 Section 5-113.1 A. Except as otherwise provided ~~herein~~ in this
8 section, no person may be employed or put under contract by a school
9 district if that person is related to a member of the board of
10 education of that school district within the second degree of
11 consanguinity or affinity. A teacher or employee already under
12 contract to or otherwise employed by the school district at the time
13 the relationship is established may continue in said employment.
14 Except as otherwise provided, a board member already serving at the
15 time the relationship is established may serve out the term for
16 which the member was elected but shall not be eligible to be a
17 candidate for or serve successive terms of office for which the
18 member may be elected. ~~This provision~~

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

1 board to complete the remainder of ~~his or her~~ the term if a teacher
2 or employee related to the resigned member of the board within the
3 second degree of consanguinity or affinity was put under contract or
4 otherwise employed by the school district after the board member
5 resigned.

6 C. The provisions of this section shall not prevent a person
7 who is related to a member of the board of education within the
8 second degree of consanguinity or affinity from being employed by
9 the school district as a substitute teacher pursuant to the
10 provisions of Section 6-105 of this title or as a temporary
11 substitute support employee if the school district has an Average
12 Daily Membership (ADM) of less than five thousand (5,000).

13 D. Any member of a board of education who is related to a
14 teacher or other employee of the district within the second degree
15 of consanguinity or affinity shall not attend or participate in any
16 regular or executive session of the board held to consider any
17 personnel matter or litigation relating to said teacher or employee,
18 ~~provided however, the~~ The member may vote on collective bargaining
19 agreements or the renewal of contracts as a group if the vote is
20 necessary to form a quorum of the board of education members. If
21 more than one member of the board of education is related to a
22 teacher or employee, only the minimum number of those members which
23 is necessary to form a quorum shall be allowed to vote. Each board

1 of education so affected shall adopt a written policy establishing
2 procedures on when such a member may vote on the renewal of
3 contracts or collective bargaining agreements.

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

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 484.1 of Title 21, unless there
10 is created a duplication in numbering, reads as follows:

11 The provisions of Sections 481 through 484 of Title 21 of the
12 Oklahoma Statutes shall not apply to any situation covered by
13 Sections 5-113 and 5-113.1 of Title 70 of the Oklahoma Statutes.

14 SECTION 4. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 5-135.4 of Title 70, unless
16 there is created a duplication in numbering, reads as follows:

17 Each month school districts shall post on the district website a
18 report of all itemized expenditures of the district for the previous
19 month for each school site and for the district. The school site
20 report shall include expenditures for the following categories:
21 instruction, social workers, guidance, medical, physical therapy,
22 psychological, speech therapy, curriculum development, instructional
23 staff training, library, instructional related technology, academic

1 student assessment, school administration, student transportation,
2 and food services. All remaining expenditures shall constitute
3 district expenditures. If a district does not have a website
4 available the district shall publish the information required by
5 this section in a local newspaper.

6 SECTION 5. This act shall become effective July 1, 2009.

7 SECTION 6. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

11 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 3-23-09 - DO
12 PASS, As Amended.