

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 435

By: Bingman, Ford, David,  
Shortey and Holt of the  
3 Senate

4 and

5 Steele of the House

6  
7  
8 An Act relating to the State Board of Education;  
amending 70 O.S. 2001, Sections 3-101, as amended by  
9 Section 15, Chapter 375, O.S.L. 2002, 3-102, and 3-  
104, as last amended by Section 73, Chapter 2,  
10 O.S.L. 2010 (70 O.S. Supp. 2010, Sections 3-101 and  
3-104), which relate to the role of the State Board  
11 of Education; modifying membership of the Board;  
\* \* \* and declaring an emergency.

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14 AUTHORS: Add the following House Coauthors: Nelson and Wright

15 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill  
and insert

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17 "An Act relating to the State Board of Education;  
amending 70 O.S. 2001, Section 3-101, as amended by  
18 Section 15, Chapter 375, O.S.L. 2002 (70 O.S. Supp.  
2010, Section 3-101), which relates to the  
19 membership of the State Board of Education;  
modifying appointments to the State Board; setting  
20 effective date of a term; providing for term of  
membership; providing for appointments to fill  
21 vacancies; providing for termination of the terms of  
certain persons; providing for appointments to fill  
22 certain vacancies; deleting certain appointment  
requirements; and deleting provision for the  
23 continuation of certain terms.

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

2 SECTION 1. AMENDATORY 70 O.S. 2001, Section 3-101, as  
3 amended by Section 15, Chapter 375, O.S.L. 2002 (70 O.S. Supp. 2010,  
4 Section 3-101), is amended to read as follows:

5 Section 3-101. A. The State Board of Education shall be the  
6 governing board of the State Department of Education and shall  
7 consist of seven (7) members. The State Superintendent of Public  
8 Instruction shall be a member and the chairperson of ~~said~~ the Board.  
9 The remaining six members shall be appointed by the Governor by and  
10 with the advice and consent of the Senate. Except as otherwise  
11 provided for in subsection B of this section, upon assuming office  
12 each Governor shall appoint one member from each congressional  
13 district and one member from the state at-large. Each appointment  
14 shall be made to take effect on April 2. The terms of each  
15 appointed member shall be four (4) years. Appointed members shall  
16 serve until a successor is appointed. Appointed members shall serve  
17 at the pleasure of the Governor. Upon the occurrence of a vacancy  
18 the same shall be filled by the Governor, subject to confirmation by  
19 the Senate at the next session of the Legislature. The appointment  
20 to fill a vacancy shall be made for the unexpired term.

21 B. The terms of persons serving as members of the State Board  
22 of Education on the effective date of this act shall be terminated  
23 on July 1, 2011. By August 1, 2011, the Governor shall make  
24 appointments to fill the vacancies, with one member appointed from

1 each congressional district and one member appointed from the state  
2 at-large. The appointments shall be subject to confirmation by the  
3 Senate at the next session of the Legislature. The terms for  
4 members appointed pursuant to this subsection shall terminate on  
5 April 2, 2015. Thereafter, members shall be appointed as provided  
6 for in subsection A of this section.

7 C. No person shall be eligible to be appointed to serve on the  
8 State Board unless ~~said~~ the person has been awarded a high school  
9 diploma or certificate of high school equivalency. Any member  
10 appointed to the State Board ~~after the effective date of this act~~  
11 shall complete the workshop requirements of a new school board  
12 member pursuant to Section 5-110 of this title within thirteen (13)  
13 months following or preceding the appointment of the member.  
14 Notwithstanding any provision of law to the contrary, the State  
15 Department of Education shall not charge any member of the State  
16 Board of Education a fee for any workshop provided by the Department  
17 for board members pursuant to Section 5-110 of this title and shall  
18 not pay a fee to any organization or institution of higher education  
19 on behalf of a member of the State Board of Education, or reimburse  
20 any member of the Board for a fee paid to any organization or  
21 institution of higher education, for attendance at a workshop or  
22 courses to satisfy the requirements of Section 5-110 of this title.

23 ~~The Governor shall appoint one member to serve for one (1) year;~~  
24 ~~one member to serve for two (2) years; one member to serve for three~~

1 ~~(3) years; one member to serve for four (4) years; one member to~~  
2 ~~serve for five (5) years; and one member to serve for six (6) years.~~  
3 ~~Said members shall serve until their successors are duly appointed~~  
4 ~~and qualified. Their successors shall be appointed for a term of~~  
5 ~~six (6) years, and thereafter the term of each member of said Board~~  
6 ~~shall be six (6) years. An appointment shall be made to take effect~~  
7 ~~on April 2 of each year. Except for the State Superintendent of~~  
8 ~~Public Instruction, a member shall be appointed from each~~  
9 ~~congressional district, and any remaining members shall be appointed~~  
10 ~~from the state at large, not to exceed more than one member from any~~  
11 ~~one county, city or town. However, when congressional districts are~~  
12 ~~redrawn each member appointed prior to July 1 of the year in which~~  
13 ~~such modification becomes effective shall complete the current term~~  
14 ~~of office and appointments made after July 1 of the year in which~~  
15 ~~such modification becomes effective shall be based on the redrawn~~  
16 ~~districts. Appointments made after July 1 of the year in which such~~  
17 ~~modification becomes effective shall be from any redrawn districts~~  
18 ~~which are not represented by a board member until such time as each~~  
19 ~~of the modified congressional districts are represented by a board~~  
20 ~~member. No appointments may be made after July 1 of the year in~~  
21 ~~which such modification becomes effective if such appointment would~~  
22 ~~result in more than two members serving from the same modified~~  
23 ~~district. Upon the occurrence of a vacancy the same shall be filled~~  
24 ~~by the Governor, subject to confirmation by the Senate at the next~~

1 ~~session of the Legislature, such appointments to be made for the~~  
2 ~~unexpired term.~~

3 ~~Terms of the members shall be staggered so that only one term~~  
4 ~~expires each year. Each member~~

5 D. Members of the Board shall receive necessary traveling  
6 expenses while in the performance of ~~his~~ their duties in accordance  
7 with the State Travel Reimbursement Act, ~~Section 500.1 et seq. of~~  
8 ~~Title 74 of the Oklahoma Statutes.~~

9 ~~Provided, that persons serving as members of the State Board of~~  
10 ~~Education on the effective date of this act shall continue to serve~~  
11 ~~as members of the State Board of Education for the terms for which~~  
12 ~~they were appointed."~~

13 Passed the House of Representatives the 6th day of April, 2011.

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17 Presiding Officer of the House of  
Representatives

18 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2011.

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21 \_\_\_\_\_  
22 Presiding Officer of the Senate

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