

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 435

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

6 and

7 Steele of the House

8  
9  
10 COMMITTEE SUBSTITUTE

11 An Act relating to the State Board of Education;  
12 amending 70 O.S. 2001, Section 3-101, as amended by  
13 Section 15, Chapter 375, O.S.L. 2002 (70 O.S. Supp.  
14 2010, Section 3-101), which relates to the membership  
15 of the State Board of Education; modifying  
16 appointments to the State Board; setting effective  
17 date of a term; providing for term of membership;  
18 providing for appointments to fill vacancies;  
19 providing for termination of the terms of certain  
20 persons; providing for appointments to fill certain  
21 vacancies; deleting certain appointment requirements;  
22 deleting provision for the continuation of certain  
23 terms; and declaring an emergency.

24  
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

17 B. The terms of persons serving as members of the State Board  
18 of Education on the effective date of this act shall be terminated  
19 on July 1, 2011. By August 1, 2011, the Governor shall make  
20 appointments to fill the vacancies, with one member appointed from  
21 each congressional district and one member appointed from the state  
22 at-large. The appointments shall be subject to confirmation by the  
23 Senate at the next session of the Legislature. The terms for  
24 members appointed pursuant to this subsection shall terminate on

1 April 2, 2015. Thereafter, members shall be appointed as provided  
2 for in subsection A of this section.

3 C. No person shall be eligible to be appointed to serve on the  
4 State Board unless ~~said~~ the person has been awarded a high school  
5 diploma or certificate of high school equivalency. Any member  
6 appointed to the State Board ~~after the effective date of this act~~  
7 shall complete the workshop requirements of a new school board  
8 member pursuant to Section 5-110 of this title within thirteen (13)  
9 months following or preceding the appointment of the member.

10 Notwithstanding any provision of law to the contrary, the State  
11 Department of Education shall not charge any member of the State  
12 Board of Education a fee for any workshop provided by the Department  
13 for board members pursuant to Section 5-110 of this title and shall  
14 not pay a fee to any organization or institution of higher education  
15 on behalf of a member of the State Board of Education, or reimburse  
16 any member of the Board for a fee paid to any organization or  
17 institution of higher education, for attendance at a workshop or  
18 courses to satisfy the requirements of Section 5-110 of this title.

19 ~~The Governor shall appoint one member to serve for one (1) year;~~  
20 ~~one member to serve for two (2) years; one member to serve for three~~  
21 ~~(3) years; one member to serve for four (4) years; one member to~~  
22 ~~serve for five (5) years; and one member to serve for six (6) years.~~  
23 ~~Said members shall serve until their successors are duly appointed~~  
24 ~~and qualified. Their successors shall be appointed for a term of~~

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

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

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

5        ~~Provided, that persons serving as members of the State Board of~~  
6 ~~Education on the effective date of this act shall continue to serve~~  
7 ~~as members of the State Board of Education for the terms for which~~  
8 ~~they were appointed.~~

9        SECTION 2. It being immediately necessary for the preservation  
10 of the public peace, health and safety, an emergency is hereby  
11 declared to exist, by reason whereof this act shall take effect and  
12 be in full force from and after its passage and approval.

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14        53-1-7344            KB            03/30/11

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