

1 ENGROSSED HOUSE  
2 BILL NO. 3152

By: Coody of the House

3 and

4 Scott of the Senate  
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7 An Act relating to school boards; amending 70 O.S.  
8 2011, Sections 5-113 and 5-113.1, which relate to  
9 prohibition of certain relationships; providing  
exception for certain district; providing exception  
for certain employment; and declaring an emergency.

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

13 SECTION 1. AMENDATORY 70 O.S. 2011, Section 5-113, is  
14 amended to read as follows:

15 Section 5-113. A. ~~No~~ Except as otherwise provided in this  
16 section, no person shall be eligible to be a candidate for or serve  
17 on a board of education if the person is currently employed by the  
18 school district governed by that board of education or is related  
19 within the second degree by affinity or consanguinity to any other  
20 member of the board of education or to any employee of the school  
21 district governed by the board of education. The purpose of this  
22 section is both to prohibit persons who are related within the  
23 second degree by affinity or consanguinity from serving  
24 simultaneously on the same board of education of any school district

1 of this state and to prohibit persons who are related within the  
2 second degree of consanguinity or affinity to an employee of a  
3 school district from serving on the board of education governing the  
4 school district while such relative is employed except as otherwise  
5 provided in this section.

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

13 C. The prohibitions set forth in this section shall not apply  
14 if ~~the~~ the:

15 1. The person related to the board member within the second  
16 degree of affinity or consanguinity is employed as a substitute  
17 teacher by the school district pursuant to the provisions of Section  
18 6-105 of this title or as a temporary substitute support employee if  
19 the school district has an Average Daily Membership (ADM) of less  
20 than five thousand (5,000); or

21 2. The school district has an ADM of less than four hundred  
22 (400), the board of education has adopted a policy providing for  
23 such candidate eligibility and the board member who is related  
24 within the second degree by affinity or consanguinity to any

1 employee of the school district governed by the board of education  
2 complies with the provisions of subsection E of Section 5-113.1 of  
3 this title.

4 D. 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 2. AMENDATORY 70 O.S. 2011, Section 5-113.1, is  
9 amended to read as follows:

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

22 B. The provisions of this section shall not prevent a board  
23 member from serving successive terms of office if otherwise eligible  
24 under the provision of Section 5-113 of this title. No member of

1 the board of education who has resigned from the board before the  
2 term of the person has expired may be reappointed to the board to  
3 complete the remainder of the term if a teacher or employee related  
4 to the resigned member of the board within the second degree of  
5 consanguinity or affinity was put under contract or otherwise  
6 employed by the school district after the board member resigned.

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

14 D. The provisions of this section shall not prevent a person  
15 who is related to a member of the board of education within the  
16 second degree of consanguinity or affinity from being employed by  
17 the school district if the school district has an Average Daily  
18 Membership (ADM) of less than four hundred (400) and the board of  
19 education has adopted a policy providing for such employment.

20 E. Any member of a board of education who is related to a  
21 teacher or other employee of the district within the second degree  
22 of consanguinity or affinity shall not attend or participate in any  
23 regular or executive session of the board held to consider any  
24 personnel matter or litigation relating to said teacher or employee.

1 The member may vote on collective bargaining agreements or the  
2 renewal of contracts as a group if the vote is necessary to form a  
3 quorum of the board of education members. If more than one member  
4 of the board of education is related to a teacher or employee, only  
5 the minimum number of those members which is necessary to form a  
6 quorum shall be allowed to vote. Each board of education so  
7 affected shall adopt a written policy establishing procedures on  
8 when such a member may vote on the renewal of contracts or  
9 collective bargaining agreements.

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

14 SECTION 3. It being immediately necessary for the preservation  
15 of the public peace, health or safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.  
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1 Passed the House of Representatives the 14th day of March, 2018.

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4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2018.

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8 Presiding Officer of the Senate