

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3152

By: Coody

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to school boards; amending 70 O.S.
10 2011, Sections 5-113 and 5-113.1, which relate to
11 prohibition of certain relationships; providing
12 exception for certain district; providing exception
13 for certain employment; and declaring an emergency.

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

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

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

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

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

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

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

23 2. The school district has an ADM of less than five hundred
24 (500), the board of education has adopted a policy providing for

1 such candidate eligibility and the board member who is related
2 within the second degree by affinity or consanguinity to any
3 employee of the school district governed by the board of education
4 complies with the provisions of subsection E of Section 5-113.1 of
5 this title.

6 D. Any member of a board of education who violates the
7 provisions of this section shall be subject to the penalties
8 prescribed by Sections 485 and 486 of Title 21 of the Oklahoma
9 Statutes.

10 SECTION 2. AMENDATORY 70 O.S. 2011, Section 5-113.1, is
11 amended to read as follows:

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

1 B. The provisions of this section shall not prevent a board
2 member from serving successive terms of office if otherwise eligible
3 under the provision of Section 5-113 of this title. No member of
4 the board of education who has resigned from the board before the
5 term of the person has expired may be reappointed to the board to
6 complete the remainder of the term if a teacher or employee related
7 to the resigned member of the board within the second degree of
8 consanguinity or affinity was put under contract or otherwise
9 employed by the school district after the board member resigned.

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

17 D. The provisions of this section shall not prevent a person
18 who is related to a member of the board of education within the
19 second degree of consanguinity or affinity from being employed by
20 the school district if the school district has an Average Daily
21 Membership (ADM) of less than five hundred (500) and the board of
22 education has adopted a policy providing for such employment.

23 E. Any member of a board of education who is related to a
24 teacher or other employee of the district within the second degree

1 of consanguinity or affinity shall not attend or participate in any
2 regular or executive session of the board held to consider any
3 personnel matter or litigation relating to said teacher or employee.
4 The member may vote on collective bargaining agreements or the
5 renewal of contracts as a group if the vote is necessary to form a
6 quorum of the board of education members. If more than one member
7 of the board of education is related to a teacher or employee, only
8 the minimum number of those members which is necessary to form a
9 quorum shall be allowed to vote. Each board of education so
10 affected shall adopt a written policy establishing procedures on
11 when such a member may vote on the renewal of contracts or
12 collective bargaining agreements.

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

17 SECTION 3. It being immediately necessary for the preservation
18 of the public peace, health or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.
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22 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/15/2018
23 - DO PASS, As Amended.
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