

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 ENGROSSED SENATE
5 BILL NO. 210

By: Fields of the Senate

and

Casey of the House

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9 An Act relating to school employees; amending 70 O.S.
10 2011, Section 5-113, which relates to a prohibition
11 on relation by affinity or consanguinity; modifying
12 exemption to certain prohibition by removing the
13 maximum average daily membership; allowing a person
14 related within the second degree of affinity or
15 consanguinity to a board of education member to be
16 employed as a teacher; amending 70 O.S. 2011, Section
17 5-113.1, which relates to relation by affinity or
18 consanguinity and a prohibition on certain actions;
19 modifying exemption to certain prohibition by
20 removing the maximum average daily membership;
21 allowing a person related within the second degree of
22 affinity or consanguinity to a board of education
23 member to be employed as a teacher; providing an
24 effective date; and declaring an emergency.

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

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

Section 5-113. A. ~~No~~ Except as otherwise provided in this
section, no person shall be eligible to be a candidate for or serve
on a board of education if the person is currently employed by the

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

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

19 C. The prohibitions set forth in this section shall not apply
20 if ~~the~~ he:

21 1. The person related to the board member within the second
22 degree of affinity or consanguinity is employed as a substitute
23 teacher by the school district pursuant to the provisions of Section
24 6-105 of this title or as a temporary substitute support employee ~~if~~

1 ~~the school district has an Average Daily Membership (ADM) of less~~
2 ~~than five thousand (5,000);~~

3 2. The person related to the board member within the second
4 degree of affinity or consanguinity is employed as a teacher by the
5 school district.

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~~:

11 1. Prevent a person who is related to a member of the board of
12 education within the second degree of consanguinity or affinity from
13 being employed by the school district as a substitute teacher
14 pursuant to the provisions of Section 6-105 of this title or as a
15 temporary substitute support employee if the school district has an
16 Average Daily Membership (ADM) of less than five thousand (5,000);

17 2. Prevent a person who is related to a member of the board of
18 education within the second degree of consanguinity or affinity from
19 being employed by the school district as a teacher.

20 D. 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~~ the teacher or

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

10 E. 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. This act shall become effective July 1, 2017.

15 SECTION 4. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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20 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04/11/2017
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