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April 2, 2018

ENGROSSED HOUSE
BILL NO. 3152

By: Coody of the House

and

Scott of the Senate

An Act relating to school boards; amending 70 O.S. 2011, Sections 5-113 and 5-113.1, which relate to prohibition of certain relationships; providing exception for certain district; providing exception for certain employment; 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 school district governed by that board of education or is related within the second degree by affinity or consanguinity to any other member of the board of education or to any employee of the school district governed by the board of education. The purpose of this section is both to prohibit persons who are related within the second degree by affinity or consanguinity from serving

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

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

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

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

22 2. The school district has an ADM of less than four hundred
23 (400), the board of education has adopted a policy providing for
24 such candidate eligibility and the board member who is related

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

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

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

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

23 B. The provisions of this section shall not prevent a board
24 member from serving successive terms of office if otherwise eligible

1 under the provision of Section 5-113 of this title. No member of
2 the board of education who has resigned from the board before the
3 term of the person has expired may be reappointed to the board to
4 complete the remainder of the term if a teacher or employee related
5 to the resigned member of the board within the second degree of
6 consanguinity or affinity was put under contract or otherwise
7 employed by the school district after the board member resigned.

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

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

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

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

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

15 SECTION 3. 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.

19 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
20 April 2, 2018 - DO PASS
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