

1 ENGROSSED SENATE
2 BILL NO. 1098

By: Stanislawski of the Senate

3 and

4 Bush of the House

5
6 An Act relating to school boards; amending 70 O.S.
7 2011, Sections 5-113 and 5-113.1, as amended by
8 Sections 1 and 2, Chapter 65, O.S.L. 2018 (70 O.S.
9 Supp. 2019, Section 5-113), which relate to
10 prohibition of certain relationships between board
11 members and certain employees; making prohibition
12 applicable to certain board members and certain
13 employees of charter schools; updating statutory
14 language; providing an effective date; and declaring
15 an emergency.

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

17 SECTION 1. AMENDATORY 70 O.S. 2011, Section 5-113, as
18 amended by Section 1, Chapter 65, O.S.L. 2018 (70 O.S. Supp. 2019,
19 Section 5-113), is amended to read as follows:

20 Section 5-113. A. Except as otherwise provided in this
21 section, no person shall be eligible to be a candidate for or serve
22 on a board of education if the person is currently employed by the
23 school district or a charter school governed by, sponsored by or
24 authorized 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 or
charter school governed by ~~the~~, sponsored by or authorized by that

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

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

18 C. The prohibitions set forth in this section shall not apply
19 if:

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

1 has an Average Daily Membership (ADM) of less than five thousand
2 (5,000); or

3 2. The school district or charter school has an ADM of less
4 than four hundred (400), the board of education has adopted a policy
5 providing for such candidate eligibility and the board member who is
6 related within the second degree by affinity or consanguinity to any
7 employee of the school district or charter school governed by,
8 sponsored by or authorized by the board of education complies with
9 the provisions of subsection E of Section 5-113.1 of this title.

10 D. 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 2. AMENDATORY 70 O.S. 2011, Section 5-113.1, as
15 amended by Section 2, Chapter 65, O.S.L. 2018 (70 O.S. Supp. 2019,
16 Section 5-113.1), is amended to read as follows:

17 Section 5-113.1. A. Except as otherwise provided in this
18 section, no person may be employed or put under contract by a school
19 district or a charter school if that person is related to a member
20 of the board of education ~~of~~ that governs, sponsors or authorizes
21 that school district or charter school within the second degree of
22 consanguinity or affinity. A teacher or employee already under
23 contract to or otherwise employed by the school district or charter
24 school at the time the relationship is established may continue in

1 ~~said~~ the employment. Except as otherwise provided, a board member
2 already serving at the time the relationship is established may
3 serve out the term for which the member was elected but shall not be
4 eligible to be a candidate for or serve successive terms of office
5 for which the member may be elected.

6 B. The provisions of this section shall not prevent a board
7 member from serving successive terms of office if otherwise eligible
8 under the provision of Section 5-113 of this title. No member of
9 the board of education who has resigned from the board before the
10 term of the person has expired may be reappointed to the board to
11 complete the remainder of the term if a teacher or employee of a
12 school district or a charter school related to the resigned member
13 of the board that governs, sponsors or authorizes the school
14 district or charter school within the second degree of consanguinity
15 or affinity was put under contract or otherwise employed by the
16 school district or charter school after the board member resigned.

17 C. The provisions of this section shall not prevent a person
18 who is related to a member of the board of education that governs,
19 sponsors or authorizes the school district or charter school within
20 the second degree of consanguinity or affinity from being employed
21 by the school district or charter school as a substitute teacher
22 pursuant to the provisions of Section 6-105 of this title or as a
23 temporary substitute support employee if the school district or

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1 charter school has an Average Daily Membership (ADM) of less than
2 five thousand (5,000).

3 D. The provisions of this section shall not prevent a person
4 who is related to a member of the board of education that governs,
5 sponsors or authorizes the school district or charter school within
6 the second degree of consanguinity or affinity from being employed
7 by the school district or charter school if the school district or
8 charter school has an Average Daily Membership (ADM) of less than
9 four hundred (400) and the board of education has adopted a policy
10 providing for such employment.

11 E. Any member of a board of education that governs, sponsors or
12 authorizes the school district or charter school who is related to a
13 teacher or other employee of the district or charter school within
14 the second degree of consanguinity or affinity shall not attend or
15 participate in any regular or executive session of the board held to
16 consider any personnel matter or litigation relating to ~~said~~ the
17 teacher or employee. The member may vote on collective bargaining
18 agreements or the renewal of contracts as a group if the vote is
19 necessary to form a quorum of the board of education members. If
20 more than one member of the board of education is related to a
21 teacher or employee, only the minimum number of those members which
22 is necessary to form a quorum shall be allowed to vote. Each board
23 of education so affected shall adopt a written policy establishing

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1 procedures on when such a member may vote on the renewal of
2 contracts or collective bargaining agreements.

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

7 SECTION 3. This act shall become effective July 1, 2020.

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

12 Passed the Senate the 26th day of February, 2020.

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Presiding Officer of the Senate

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16 Passed the House of Representatives the ____ day of _____,
17 2020.

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Presiding Officer of the House
of Representatives

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