

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1098

By: Stanislawski

AS INTRODUCED

An Act relating to school boards; amending 70 O.S. 2011, Sections 5-113 and 5-113.1, as amended by Sections 1 and 2, Chapter 65, O.S.L. 2018 (70 O.S. Supp. 2019, Section 5-113), which relate to prohibition of certain relationships between board members and certain employees; making prohibition applicable to certain board members and certain employees of charter schools; updating statutory language; providing an 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, as amended by Section 1, Chapter 65, O.S.L. 2018 (70 O.S. Supp. 2019, Section 5-113), is amended to read as follows:

Section 5-113. A. 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 or a charter school governed by, sponsored by or 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

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

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:

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 or charter school pursuant to the
24 provisions of Section 6-105 of this title or as a temporary

1 substitute support employee if the school district or charter school
2 has an Average Daily Membership (ADM) of less than five thousand
3 (5,000); or

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

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

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

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

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

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

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.

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