

1 ENGROSSED HOUSE
2 BILL NO. 4349

By: McCall and Randleman of the
House

3 and

4 Bullard of the Senate

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8 An Act relating to schools; amending 70 O.S. 2021,
9 Section 5-113, which relates to boards of education;
10 modifying size of school district for exemption from
prohibition on certain relatives; and declaring an
emergency.

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

14 SECTION 1. AMENDATORY 70 O.S. 2021, Section 5-113, is
15 amended to read as follows:

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

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)~~ six hundred (600), the board of education has adopted a policy
24 providing for such candidate eligibility and the board member who is

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

13 Passed the House of Representatives the 9th day of March, 2022.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2022.

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Presiding Officer of the Senate

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