

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 4349

By: McCall

7
8 COMMITTEE SUBSTITUTE

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

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

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

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

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

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

15 C. The prohibitions set forth in this section shall not apply
16 if:

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

23 2. The school district has an ADM of less than ~~four hundred~~
24 ~~(400)~~ six hundred (600), the board of education has adopted a policy

1 providing for such candidate eligibility and the board member who is
2 related within the second degree by affinity or consanguinity to any
3 employee of the school district governed by the board of education
4 complies with the provisions of subsection E of Section 5-113.1 of
5 this title.

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

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15 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/16/2022 - DO PASS,
16 As Amended.

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