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April 12, 2022

ENGROSSED HOUSE
BILL NO. 4349

By: McCall and Randleman of the
House

and

Bullard of the Senate

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

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

SECTION 1. AMENDATORY 70 O.S. 2021, 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 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 simultaneously on the same board of education of any school district

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

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

13 C. The prohibitions set forth in this section shall not apply
14 if:

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

21 2. The school district has an ADM of less than ~~four hundred~~
22 ~~(400)~~ six hundred (600), the board of education has adopted a policy
23 providing for such candidate eligibility and the board member who is
24 related within the second degree by affinity or consanguinity to any

1 employee of the school district governed by the board of education
2 complies with the provisions of subsection E of Section 5-113.1 of
3 this title.

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

8 SECTION 2. 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 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
13 April 12, 2022 - DO PASS
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