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February 27, 2024

SENATE BILL NO. 1395

By: Pugh of the Senate

and

West (Tammy) of the House

An Act relating to the State Board of Education; amending 70 O.S. 2021, Section 3-101, as amended by Section 1, Chapter 182, O.S.L. 2023 (70 O.S. Supp. 2023, Section 3-101), which relates to membership of the State Board of Education; expanding membership; updating statutory language; updating statutory reference; providing for appointment of certain members; removing language; directing members to serve at the pleasure of the Governor; providing for filling of certain vacancies; providing for removal of member for certain cause; providing for appointment of certain members within certain time period; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 3-101, as amended by Section 1, Chapter 182, O.S.L. 2023 (70 O.S. Supp. 2023, Section 3-101), is amended to read as follows:

Section 3-101. A. The State Board of Education shall consist of ~~seven (7)~~ eleven (11) members. The State Superintendent of Public Instruction shall be a member and the chairperson of the Board. ~~The remaining six~~ Six members shall be appointed by the

1 Governor by and with the advice and consent of the Senate. Except
2 as otherwise provided for in subsection ~~B~~ C of this section, upon
3 assuming office each Governor shall appoint one member from each
4 congressional district and one member from the state at large. Two
5 members shall be appointed by the President Pro Tempore of the
6 Senate, and two members shall be appointed by the Speaker of the
7 House of Representatives from the state at large. Each appointment
8 shall be made to take effect on April 2. The term of each appointed
9 member shall be four (4) years. Appointed members shall serve until
10 a successor is appointed. ~~Appointed members shall serve at the~~
11 ~~pleasure of the Governor.~~ Upon the occurrence of a vacancy in a
12 gubernatorially appointed position, the same shall be filled by the
13 Governor, subject to confirmation by the Senate at the next session
14 of the Legislature. ~~The appointment~~ Upon the occurrence of a
15 vacancy in a position appointed by the President Pro Tempore of the
16 Senate or the Speaker of the House of Representatives, the vacancy
17 shall be filled by the appointing authority. Appointments to fill a
18 ~~vacancy~~ vacancies shall be made for the unexpired term.

19 B. ~~On the effective date of this act, all appointed positions~~
20 ~~of the current State Board of Education shall be deemed vacant and~~
21 ~~the terms of persons serving on the Board shall be deemed~~
22 ~~terminated.~~ ~~The Governor shall make initial appointments pursuant~~
23 ~~to the provisions of this subsection within thirty (30) days of the~~
24 ~~effective date of this act, with one member appointed from each~~

1 ~~congressional district and one member appointed from the state at~~
2 ~~large. The appointments shall be subject to confirmation by the~~
3 ~~Senate at the next session of the Legislature. The terms for~~
4 ~~members appointed pursuant to this subsection shall terminate on~~
5 ~~April 2, 2015~~ A member may be removed from the Board by the
6 appointing authority for cause which shall include, but not be
7 limited to:

8 1. Being found guilty by a court of competent jurisdiction of a
9 felony or any offense involving moral turpitude;

10 2. Being found guilty of malfeasance, misfeasance, or
11 nonfeasance in relation to Board duties;

12 3. Being found mentally incompetent by a court of competent
13 jurisdiction; or

14 4. Failing to attend three successive meetings of the Board
15 without just cause, as determined by the appointing authority.

16 C. Within thirty (30) days of the effective date of this act,
17 the President Pro Tempore of the Senate and the Speaker of the House
18 of Representatives shall make initial appointments pursuant to the
19 provisions of subsection A of this section. Thereafter, members
20 shall be appointed as provided for in subsection A of this section.

21 ~~C.~~ D. No person shall be eligible to be appointed to serve on
22 the Board unless the person has been awarded a high school diploma
23 or certificate of high school equivalency. No person shall be
24 appointed to serve on the Board if the person serves on a board of

1 education of a school district which is supervised by the Board
2 pursuant to Section 3-104 of this title. Any member appointed to
3 the Board shall complete the workshop requirements of a new school
4 board member pursuant to Section 5-110 of this title within thirteen
5 (13) months following or preceding the appointment of the member.
6 Notwithstanding any provision of law to the contrary, the State
7 Department of Education shall not charge any member of the State
8 Board of Education a fee for any workshop provided by the Department
9 for board members pursuant to Section 5-110 of this title and shall
10 not pay a fee to any organization or institution of higher education
11 on behalf of a member of the State Board of Education, or reimburse
12 any member of the Board for a fee paid to any organization or
13 institution of higher education, for attendance at a workshop or
14 courses to satisfy the requirements of Section 5-110 of this title.

15 ~~D.~~ E. Members of the Board shall receive necessary traveling
16 expenses while in the performance of their duties in accordance with
17 the State Travel Reimbursement Act.

18 SECTION 2. It being immediately necessary for the preservation
19 of the public peace, health, or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

22 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
23 February 27, 2024 - DO PASS
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