

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 1026

By: Jett

AS INTRODUCED

An Act relating to school district boards of education; amending 70 O.S. 2021, Section 5-107A, which relates to board membership and election procedures; updating statutory references; modifying term of office of board of education members; limiting the number of terms a board of education member may serve as a member or chair; providing for nonconsecutive service, service on other boards, and partial terms; providing exception for less than a full term to fill a vacancy in office; prohibiting a member who has completed the maximum number of terms from serving a partial term as a member or a chair; amending 70 O.S. 2021, Section 5-107B, which relates to the election of board of education chair; modifying term of office of board of education chair; limiting the number of terms a board of education chair may serve as chair or as a member; providing for nonconsecutive service, service on other boards, and partial terms; providing exception for less than a full term to fill a vacancy in office; prohibiting a chair who has completed the maximum number of terms from serving a partial term as chair or as a member; 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. 2021, Section 5-107A, is amended to read as follows:

1 Section 5-107A. The following provisions and the provisions of  
2 Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes shall  
3 govern the election of members of the board of education for a  
4 school district:

5 A. For purposes of this section, temporary positions added to a  
6 board of education pursuant to Section 7-101 or 7-105 of this title  
7 and the chair of the board of education elected pursuant to ~~Section~~  
8 Section 5-107B of this ~~act~~ title shall not be considered in  
9 determining the size of the board. The number and term of each  
10 board of education shall be as follows:

District	Members	Term (Years)
Elementary	3	<del>3</del> <u>2</u>
Independent		
1. Districts having a five-member board	5	<del>5</del> <u>2</u>
2. Districts having a seven- member board unless an election is conducted pursuant to subsection C of this section	7	<del>4</del> <u>2</u>

21 The term of office of a board of education member elected  
22 pursuant to the provisions of this section after the effective date  
23 of this act shall be two (2) years.

1 B. In all school districts, the members of the board of  
2 education shall be elected as follows:

3 1. a. Between August 1 and December 31 of the year following  
4 the submission by the United States Department of  
5 Commerce to the President of the United States of the  
6 official Federal Decennial Census, the board of  
7 education shall reapportion the territory of the  
8 school district into board districts. Beginning with  
9 the reapportionment following the 1990 Federal  
10 Decennial Census, all boundaries of board districts  
11 shall follow clearly visible, definable, and  
12 observable physical boundaries which are based upon  
13 criteria established and recognized by the Bureau of  
14 the Census of the United States Department of Commerce  
15 for purposes of defining census blocks for its  
16 decennial census and shall follow, as much as is  
17 possible, precinct boundaries. Board districts shall  
18 be compact, contiguous and shall be as equal in  
19 population as practical with not more than a ten  
20 percent (10%) variance between the most populous and  
21 least populous board districts.

22 b. School districts having fewer than one thousand eight  
23 hundred (1,800) students in average daily membership  
24 during the preceding school year may choose not to

1 establish board districts and may nominate and elect  
2 all board members at large.

3 c. Elementary school districts shall have board members  
4 elected at large.

5 d. A city located in an independent school district  
6 having four or more wards and an outlying area with  
7 such outlying area comprising no more than twenty  
8 percent (20%) of the population of such independent  
9 school district, then such independent school district  
10 may adopt such wards and outlying area in lieu of the  
11 board districts provided for in subparagraph a of this  
12 paragraph, and at least one member of the board of  
13 education of such independent school district shall be  
14 a member of each ward; and

15 2. One member of the board of education shall be elected by the  
16 electors of the school district to represent each ~~such~~ board  
17 district. Provided, however, that in any school district where the  
18 electors of each board district, rather than the electors of the  
19 entire school district, elect board members to represent that board  
20 district, that district shall elect board members in that manner.

21 If during the term of office to which a person was elected, that  
22 member ceases to be a resident of the board district for which the  
23 person was elected, the office shall become vacant and ~~such~~ the

1 vacancy shall be filled as provided in Section 13A-110 of Title 26  
2 of the Oklahoma Statutes; and

3 3. In a school district having more than ten thousand (10,000)  
4 children in average daily membership, the following provision and  
5 the provisions of Section 13A-101 et seq. of Title 26 of the  
6 Oklahoma Statutes shall control as to election of the members of the  
7 school district's board of education:

8 a. There shall be held an election in which the electors  
9 of each board district in which a term is expiring or  
10 in which a vacancy exists shall select two candidates  
11 from among the candidates for board member to  
12 represent the board district,

13 b. If, in the election, one candidate has a majority of  
14 all votes cast, then a run-off election is not  
15 required. If no candidate receives a majority of all  
16 votes cast, then the two candidates receiving the  
17 greatest number of votes shall become the candidates  
18 for the board district in the general election, and

19 c. At the run-off election, all of the electors of the  
20 board district shall select one of the two candidates  
21 as the member of the board of education representing  
22 the board district.

23 C. Any seven-member board shall have the option of reducing its  
24 board to a five-member board either after approval of a board

1 resolution or a vote of the electors of the school district to take  
2 such action pursuant to Section 13A-109 of Title 26 of the Oklahoma  
3 Statutes. The election pursuant to a vote of the electors of the  
4 school district shall be called upon the submission of a petition  
5 requesting the election signed by ten percent (10%) of the school  
6 district electors in the school district, the percentage being  
7 applied to the highest number of voters voting in a regular school  
8 district election in the district in the preceding five (5) years as  
9 determined by the secretary of the county election board, who shall  
10 certify the adequacy of the number of signatures on the petition.  
11 If the question is put before the voters of the district, ~~such~~ the  
12 election shall be held along with and at the same time and place as  
13 the next school election if all requirements of Section 13A-101 et  
14 seq. of Title 26 of the Oklahoma Statutes for such election are met.

15 After ~~such~~ the resolution or election, the board shall  
16 reapportion the district, determining by resolution or by lot which  
17 board member offices shall be abolished at the end of the current  
18 board member's term and which shall become one of the offices of the  
19 new board.

20 Election of the resulting board members shall be carried out  
21 according to procedures stated in this section and Section 13A-101  
22 et seq. of Title 26 of the Oklahoma Statutes.

23  
24  
25

1 School board members currently serving in offices abolished  
2 pursuant to this subsection shall continue serving until the end of  
3 their current terms as at-large members.

4 D. Except for the chair of the board of education elected  
5 pursuant to ~~Section 4~~ Section 5-107B of this ~~act~~ title, offices of  
6 members of the board of education shall be designated by consecutive  
7 numbers and shall correspond with board districts when applicable.

8 E. Except for those members elected prior to July 1, 1992, the  
9 terms of office of the members of a five-member board of education  
10 shall commence on the first regular, special, or emergency school  
11 board meeting after the date of the annual school election and after  
12 the member has been certified as elected:

13	Office No. 1	1991
14	Office No. 2	1992
15	Office No. 3	1993
16	Office No. 4	1994
17	Office No. 5	1995

18 The terms of office of the members of a seven-member board of  
19 education shall be staggered, with one member being elected in 1991,  
20 two members being elected in 1992, two members being elected in  
21 1993, and two members being elected in 1994 and shall commence on  
22 the first regular, special, or emergency school board meeting after  
23 the date of the annual school election and after the member has been  
24 certified as elected; provided, in districts needing to elect two

1 members in 1991 to maintain a full complement of board members, two  
2 members shall be elected in 1991, one for a full term and one for a  
3 one-year term, as determined by the ~~local~~ board. If a seven-member  
4 board is formed upon consolidation pursuant to Section 7-105 of this  
5 title, or upon annexation pursuant to Section 7-101 of this title,  
6 the formation agreement shall specify initial short terms as  
7 necessary to extend until the beginning of the regular terms for  
8 seven-member boards established herein.

9       Upon reduction of a seven-member board pursuant to subsection C  
10 of this section, the terms of the five-member board shall be  
11 staggered pursuant to this subsection.

12       One member of a three-member board of education shall be elected  
13 each year, and the terms of office shall commence on the first  
14 regular, special, or emergency school board meeting after the member  
15 has been certified as elected.

16       F. The term of office of each board member elected after July  
17 1, 1992, shall commence on the first regular, special, or emergency  
18 school board meeting after the date of the annual school election  
19 and after the member has been certified as elected. Board members  
20 elected prior to July 1, 1992, may remain in office until their  
21 successor is elected and seated pursuant to Sections 13A-101 through  
22 13A-111 of Title 26 of the Oklahoma Statutes. The remaining term of  
23 any member who completes the term for which the member was elected  
24 but not wishing to serve until the successor of the member takes

1 office on the first regular, special, or emergency school board  
2 meeting after the successor has been certified as elected, shall be  
3 filled by appointment by the remaining members of the board of  
4 education.

5 G. A member of a board of education elected to office pursuant  
6 to the provisions of this section after the effective date of this  
7 act shall be eligible to serve no more than five (5) terms on one  
8 board of education as a member or as a chair of the board of  
9 education elected pursuant to the provisions of Section 5-107B of  
10 this title. Terms of office on one board of education need not be  
11 consecutive in determining the total number of terms in office. The  
12 terms served by a member of a board of education as a member or as a  
13 chair on a separate board of education shall not be included in the  
14 five-term limitation. A member shall not be eligible to serve an  
15 additional term of office if, by serving that full additional term,  
16 it would result in the member serving more than a total of five (5)  
17 terms as a member or as a chair of the same board of education;  
18 provided, however, the terms served by any member elected or  
19 appointed to serve less than a full term to fill a vacancy in  
20 office, as provided for in Section 13A-110 of Title 26 of the  
21 Oklahoma Statutes, shall not be included in the five-term  
22 limitation. A member who has completed five (5) terms in office  
23 shall thereafter not be eligible to serve a partial term as a member  
24 or as a chair of the same board of education.

1 SECTION 2. AMENDATORY 70 O.S. 2021, Section 5-107B, is  
2 amended to read as follows:

3 Section 5-107B. A. The board of education of a district with  
4 an average daily membership (ADM) of more than thirty thousand  
5 (30,000) students may be expanded to add a member who shall be  
6 elected at large for a term of ~~four (4)~~ two (2) years and who shall  
7 serve as chair of the board. The term of office of a board chair  
8 elected pursuant to the provisions of this subsection after the  
9 effective date of this act shall be two (2) years. The chair of the  
10 board position may be added upon a majority vote of the district  
11 board of education to add the position. If the board opts to add  
12 the chair of the board position, the chair of the board shall be  
13 elected at the next regular election of board members, held pursuant  
14 to Section 13A-103 of Title 26 of the Oklahoma Statutes, following  
15 the decision of the board.

16 B. The chair of the board of education shall possess the same  
17 qualifications as required for other board members, shall assume  
18 office as provided for other members of the board of education,  
19 shall be a full, voting member of the board, and shall count for  
20 purposes of a quorum or a majority, or other requirements based on  
21 number of members on the board. The chair shall preside at all  
22 meetings of the board of education in accordance with rules of  
23 parliamentary procedure which have been adopted by a majority vote  
24 of the board, provided that, in the absence of rules adopted by the

1 board, the chair shall determine and set forth the rules of  
2 parliamentary procedure that shall apply at board meetings; assemble  
3 and control the agenda for board meetings, provided that, upon  
4 approval of a majority of the members of the board, an item shall be  
5 placed on the agenda for the same or a subsequent meeting, in  
6 accordance with the Oklahoma Open Meeting Act; appoint all  
7 committees whose appointment is not otherwise provided for by law;  
8 and shall sign all warrants ordered by the board of education to be  
9 drawn upon the treasurer for school money. The chair of the board  
10 shall possess all powers otherwise provided by law for a member of a  
11 board of education, all powers provided by law for the president of  
12 a board of education, and ~~such~~ other lawful powers as may be  
13 conferred upon the chair by majority vote of the board. The chair  
14 shall receive compensation and benefits as conferred upon other  
15 members of the district board of education.

16 C. For a district in which a chair of the board has been  
17 elected, the district board of education, during the meeting at  
18 which the chair of the board assumes office, shall elect a ~~vice-~~  
19 ~~chair~~ vice chair who shall serve a one-year term and until a  
20 successor is elected and qualified. The ~~vice-chair~~ vice chair shall  
21 perform all duties of the chair of the board in case of the chair's  
22 absence or disability. The board shall also elect clerks and  
23 deputies as provided in Section 5-119 of this title. The board  
24 shall not elect a president or vice president.

1 D. If a district board of education is expanded to include the  
2 chair of the board position, the chair of the board position shall  
3 not be abolished except by a majority vote of the voters of the  
4 school district voting on ~~such~~ the question at a special election  
5 called for that purpose. The question may be presented only upon a  
6 resolution adopted by three-fourths (3/4) of the board membership or  
7 upon petition for an election on the question, that complies with  
8 the requirements for petition and election set forth in Section 7-  
9 101 of this title. If the question is approved, the chair of the  
10 board position shall be abolished at the end of the term of the  
11 chair who holds the office when the election is held or upon the  
12 chair's resignation or vacancy of the office following the election  
13 on the question.

14 E. The chair of a board of education elected to office pursuant  
15 to the provisions of this section after the effective date of this  
16 act shall be eligible to serve no more than five (5) terms on one  
17 board of education as chair or as a member of the board of education  
18 elected pursuant to the provisions of Section 5-107A of this title.  
19 Terms of office on one board of education need not be consecutive in  
20 determining the total number of terms in office. The terms served  
21 by the chair of a board of education as a chair or as a member on a  
22 separate board of education shall not be included in the five-term  
23 limitation. A chair shall not be eligible to serve an additional  
24 term of office if, by serving the full additional term, it would

1 result in the chair serving more than a total of five (5) terms as  
2 chair or as a member of the same board of education; provided,  
3 however, the terms served by any chair elected or appointed to serve  
4 less than a full term to fill a vacancy in office, as provided for  
5 in Section 13A-110 of Title 26 of the Oklahoma Statutes, shall not  
6 be included in the five-term limitation. A chair who has completed  
7 five (5) terms in office shall thereafter not be eligible to serve a  
8 partial term as a chair or as a member of the same board of  
9 education.

10 SECTION 3. This act shall become effective July 1, 2023.

11 SECTION 4. It being immediately necessary for the preservation  
12 of the public peace, health, or safety, an emergency is hereby  
13 declared to exist, by reason whereof this act shall take effect and  
14 be in full force from and after its passage and approval.

15  
16 59-1-1399 EB 1/19/2023 12:43:36 PM  
17  
18  
19  
20  
21  
22  
23  
24  
25