

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 946

By: Jett

AS INTRODUCED

An Act relating to school district boards of education; requiring each school district board of education to adopt certain policy; providing contents of policy; clarifying ability to submit certain complaint to the State Department of Education; allowing the Department to take certain actions regarding a complaint; providing for promulgation of rules; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-107C of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Each school district board of education in this state shall adopt a policy to receive, investigate, and resolve complaints that a school district board of education member has violated Section 5-113 or 5-124 of Title 70 of the Oklahoma Statutes or any other provision of state law. The policy shall include:

1. A mechanism for a school district employee, the parent or legal guardian of a student enrolled in the school district, or a

1 resident of the school district who in good faith reasonably
2 believes a school district board of education member has violated
3 state law to file a complaint;

4 2. A requirement that the complaint be submitted in writing,
5 signed, and dated by the individual making the complaint and include
6 information relevant to the alleged violation of state law
7 including, but not limited to, the date the alleged violation
8 occurred and the names of individuals who may have knowledge of the
9 alleged violation;

10 3. The method for investigating complaints, which may include
11 the designation of a board of education investigative committee or
12 the designation of a combination of board of education members and
13 school district employees to conduct an investigation; and

14 4. A requirement that the complaint, the findings of the
15 investigation, and any resulting action toward the board of
16 education member be submitted in a report to the State Department of
17 Education.

18 B. Nothing in this section shall prohibit a school district
19 employee, the parent or legal guardian of a student enrolled in the
20 school district, or a resident of the school district who in good
21 faith reasonably believes a school district board of education
22 member has violated state law pursuant to this section from filing a
23 complaint directly with the State Department of Education.

24 C. 1. The State Department of Education may:

- a. conduct an additional investigation into a complaint based on a report filed pursuant to paragraph 4 of subsection A of this section,
- b. conduct an investigation into a complaint filed pursuant to subsection B of this section, or
- c. refer a complaint received pursuant to subparagraph a or b of this paragraph to law enforcement.

2. Findings of investigations conducted pursuant to this subsection shall be presented to the State Board of Education. If the State Department of Education recommends to the Board the removal of a school district board of education member based on an investigation conducted pursuant to this subsection, the Board shall:

- a. mail a copy of the recommendation to the school district board of education member by certified mail, restricted delivery, return receipt requested, by personal delivery with a signed acknowledgement of receipt, or by delivery by a process server. The recommendation shall specify the statutory grounds upon which the recommendation is based,
- b. the Board shall notify the board of education member of the opportunity to appear before the Board, and
- c. only after due consideration of the evidence presented shall the Board vote in an open meeting to recommend

1 removal of the board of education member. The seat of
2 the member shall be declared vacant, and the vacancy
3 shall be filled as provided for in Section 13A-110 of
4 Title 26 of the Oklahoma Statutes. A board of
5 education member who is required to vacate a seat
6 pursuant to this section shall be ineligible to hold
7 or run for a school district board of education seat
8 for two (2) years.

9 D. The State Board of Education shall promulgate rules to
10 implement the provisions of this section.

11 SECTION 2. This act shall become effective July 1, 2023.

12 SECTION 3. It being immediately necessary for the preservation
13 of the public peace, health, or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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