

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 843

By: Murdock

AS INTRODUCED

An Act relating to school district boards of education; amending 70 O.S. 2021, Sections 5-113 and 5-113.1, which relate to a prohibition on certain relationships between board members and school district employees; modifying statutory language; modifying exception to certain prohibition; updating statutory language; 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 5-113, 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~~ average daily
20 membership (ADM) of less than five thousand (5,000); or

21 2. The school district has an ADM of less than ~~four hundred~~
22 ~~(400)~~ five hundred fifty (550), the board of education has adopted a
23 policy providing for such candidate eligibility and the board member
24 who is related within the second degree by affinity or consanguinity

1 to any employee of the school district governed by the board of
2 education complies with the provisions of subsection E of Section 5-
3 113.1 of 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. AMENDATORY 70 O.S. 2021, Section 5-113.1, is
9 amended to read as follows:

10 Section 5-113.1. A. Except as otherwise provided in this
11 section, no person may be employed or put under contract by a school
12 district if that person is related to a member of the board of
13 education of that school district within the second degree of
14 consanguinity or affinity. A teacher or employee already under
15 contract to or otherwise employed by the school district at the time
16 the relationship is established may continue in ~~said~~ such
17 employment. Except as otherwise provided, a board member already
18 serving at the time the relationship is established may serve out
19 the term for which the member was elected but shall not be eligible
20 to be a candidate for or serve successive terms of office for which
21 the member may be elected.

22 B. The provisions of this section shall not prevent a board
23 member from serving successive terms of office if otherwise eligible
24 under the provision of Section 5-113 of this title. No member of
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1 the board of education who has resigned from the board before the
2 term of the person has expired may be reappointed to the board to
3 complete the remainder of the term if a teacher or employee related
4 to the resigned member of the board within the second degree of
5 consanguinity or affinity was put under contract or otherwise
6 employed by the school district after the board member resigned.

7 C. The provisions of this section shall not prevent a person
8 who is related to a member of the board of education within the
9 second degree of consanguinity or affinity from being employed by
10 the school district as a substitute teacher pursuant to the
11 provisions of Section 6-105 of this title or as a temporary
12 substitute support employee if the school district has an ~~Average~~
13 ~~Daily Membership~~ average daily membership (ADM) of less than five
14 thousand (5,000).

15 D. The provisions of this section shall not prevent a person
16 who is related to a member of the board of education within the
17 second degree of consanguinity or affinity from being employed by
18 the school district if the school district has an ~~Average Daily~~
19 ~~Membership~~ average daily membership (ADM) of less than ~~four hundred~~
20 ~~(400)~~ five hundred fifty (550) and the board of education has
21 adopted a policy providing for such employment.

22 E. Any member of a board of education who is related to a
23 teacher or other employee of the district within the second degree
24 of consanguinity or affinity shall not attend or participate in any

1 regular or executive session of the board held to consider any
2 personnel matter or litigation relating to ~~said~~ such teacher or
3 employee. The member may vote on collective bargaining agreements
4 or the renewal of contracts as a group if the vote is necessary to
5 form a quorum of the board of education members. If more than one
6 member of the board of education is related to a teacher or
7 employee, only the minimum number of those members which is
8 necessary to form a quorum shall be allowed to vote. Each board of
9 education so affected shall adopt a written policy establishing
10 procedures on when such a member may vote on the renewal of
11 contracts or collective bargaining agreements.

12 F. Any member of a board of education who violates the
13 provisions of this section shall be subject to the penalties
14 prescribed by Sections 485 and 486 of Title 21 of the Oklahoma
15 Statutes.

16 SECTION 3. This act shall become effective July 1, 2025.

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

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22 60-1-151

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