

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1366

By: Thompson (Kristen)

AS INTRODUCED

An Act relating to school district boards of education; amending 70 O.S. 2021, Section 5-107A, which relates to election of board of education members; updating statutory references; modifying terms of office for board members elected after certain date; establishing limit on terms of office a board of education member elected after certain date may serve; amending 70 O.S. 2021, Section 5-107B, which relates to election of a board of education chair; removing restriction on boards of education to elect chair; reducing term of office for board chairs elected after certain date; updating statutory language; establishing limit on terms of office a board of education chair elected after certain date may serve; 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:

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

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

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

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

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

1. a. Between August 1 and December 31 of the year following the submission by the United States Department of Commerce to the President of the United States of the

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

- 17 b. School districts having fewer than one thousand eight
18 hundred (1,800) students in average daily membership
19 during the preceding school year may choose not to
20 establish board districts and may nominate and elect
21 all board members at large.
- 22 c. Elementary school districts shall have board members
23 elected at large.
- 24

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

11 2. One member of the board of education shall be elected by the
12 electors of the school district to represent each such board
13 district. Provided, however, that in any school district where the
14 electors of each board district, rather than the electors of the
15 entire school district, elect board members to represent that board
16 district, that district shall elect board members in that manner.

17 If during the term of office to which a person was elected, that
18 member ceases to be a resident of the board district for which the
19 person was elected, the office shall become vacant and such vacancy
20 shall be filled as provided in Section 13A-110 of Title 26 of the
21 Oklahoma Statutes; and

22 3. In a school district having more than ten thousand (10,000)
23 children in average daily membership, the following provision and
24 the provisions of Section 13A-101 et seq. of Title 26 of the

1 Oklahoma Statutes shall control ~~as to~~ the election of the members of
2 the school district's board of education:

3 a. There shall be held an election in which the electors
4 of each board district in which a term is expiring or
5 in which a vacancy exists shall select two candidates
6 from among the candidates for board member to
7 represent the board district,

8 b. If, in the election, one candidate has a majority of
9 all votes cast, then a run-off election is not
10 required. If no candidate receives a majority of all
11 votes cast, then the two candidates receiving the
12 greatest number of votes shall become the candidates

13 for the board district in the general election, and

14 c. At the run-off election, all of the electors of the
15 board district shall select one of the two candidates
16 as the member of the board of education representing
17 the board district.

18 C. Any seven-member board shall have the option of reducing its
19 board to a five-member board either after approval of a board
20 resolution or a vote of the electors of the school district to take
21 such action pursuant to Section 13A-109 of Title 26 of the Oklahoma
22 Statutes. The election pursuant to a vote of the electors of the
23 school district shall be called upon the submission of a petition
24 requesting the election signed by ten percent (10%) of the school

1 district electors in the school district, the percentage being
2 applied to the highest number of voters voting in a regular school
3 district election in the district in the preceding five (5) years as
4 determined by the secretary of the county election board, who shall
5 certify the adequacy of the number of signatures on the petition.

6 If the question is put before the voters of the district, such
7 election shall be held along with and at the same time and place as
8 the next school election if all requirements of Section 13A-101 et
9 seq. of Title 26 of the Oklahoma Statutes for such election are met.

10 After such resolution or election, the board shall reapportion
11 the district, determining by resolution or by lot which board member
12 offices shall be abolished at the end of the current board member's
13 term and which shall become one of the offices of the new board.

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

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

20 D. Except for the chair of the board of education elected
21 pursuant to ~~Section 1~~ Section 5-107B of this ~~act~~ title, offices of
22 members of the board of education shall be designated by consecutive
23 numbers and shall correspond with board districts when applicable.

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

6 Office No. 1	1991
7 Office No. 2	1992
8 Office No. 3	1993
9 Office No. 4	1994
10 Office No. 5	1995

11 The terms of office of the members of a seven-member board of
12 education shall be staggered, with one member being elected in 1991,
13 two members being elected in 1992, two members being elected in
14 1993, and two members being elected in 1994 and shall commence on
15 the first regular, special, or emergency school board meeting after
16 the date of the annual school election and after the member has been
17 certified as elected; provided, in districts needing to elect two
18 members in 1991 to maintain a full complement of board members, two
19 members shall be elected in 1991, one for a full term and one for a
20 one-year term, as determined by the local board. If a seven-member
21 board is formed upon consolidation pursuant to Section 7-105 of this
22 title, or upon annexation pursuant to Section 7-101 of this title,
23 the formation agreement shall specify initial short terms as
24

1 necessary to extend until the beginning of the regular terms for
2 seven-member boards established herein.

3 Upon reduction of a seven-member board pursuant to subsection C
4 of this section, the terms of the five-member board shall be
5 staggered pursuant to this subsection.

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

10 F. The term of office of each board member elected after July
11 1, 1992, shall commence on the first regular, special, or emergency
12 school board meeting after the date of the annual school election
13 and after the member has been certified as elected. Board members
14 elected prior to July 1, 1992, may remain in office until their
15 successor is elected and seated pursuant to Sections 13A-101 through
16 13A-111 of Title 26 of the Oklahoma Statutes. The remaining term of
17 any member who completes the term for which the member was elected
18 but not wishing to serve until the successor of the member takes
19 office on the first regular, special, or emergency school board
20 meeting after the successor has been certified as elected, shall be
21 filled by appointment by the remaining members of the board of
22 education.

23 G. A member of a board of education elected to office pursuant
24 to the provisions of this section after the effective date of this

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

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

21 Section 5-107B. A. The board of education of a district ~~with~~
22 ~~an average daily membership (ADM) of more than thirty thousand~~
23 ~~(30,000) students~~ may be expanded to add a member who shall be
24 elected at large for a term of ~~four (4)~~ two (2) years and who shall

1 serve as chair of the board. The term of office of a board chair
2 elected pursuant to the provisions of this subsection after the
3 effective date of this act shall be two (2) years. The chair of the
4 board position may be added upon a majority vote of the district
5 board of education to add the position. If the board opts to add
6 the chair of the board position, the chair of the board shall be
7 elected at the next regular election of board members, held pursuant
8 to Section 13A-103 of Title 26 of the Oklahoma Statutes, following
9 the decision of the board.

10 B. The chair of the board of education shall possess the same
11 qualifications as required for other board members, shall assume
12 office as provided for other members of the board of education,
13 shall be a full, voting member of the board, and shall count for
14 purposes of a quorum or a majority, or other requirements based on
15 number of members on the board. The chair shall preside at all
16 meetings of the board of education in accordance with rules of
17 parliamentary procedure which have been adopted by a majority vote
18 of the board, provided that, in the absence of rules adopted by the
19 board, the chair shall determine and set forth the rules of
20 parliamentary procedure that shall apply at board meetings; assemble
21 and control the agenda for board meetings, provided that, upon
22 approval of a majority of the members of the board, an item shall be
23 placed on the agenda for the same or a subsequent meeting, in
24 accordance with the Oklahoma Open Meeting Act; appoint all

1 committees whose appointment is not otherwise provided for by law;
2 and shall sign all warrants ordered by the board of education to be
3 drawn upon the treasurer for school money. The chair of the board
4 shall possess all powers otherwise provided by law for a member of a
5 board of education, all powers provided by law for the president of
6 a board of education, and ~~such~~ other lawful powers as may be
7 conferred upon the chair by majority vote of the board. The chair
8 shall receive compensation and benefits as conferred upon other
9 members of the district board of education.

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

19 D. If a district board of education is expanded to include the
20 chair of the board position, the chair of the board position shall
21 not be abolished except by a majority vote of the voters of the
22 school district voting on such question at a special election called
23 for that purpose. The question may be presented only upon a
24 resolution adopted by three-fourths (3/4) of the board membership or

1 upon petition for an election on the question, that complies with
2 the requirements for petition and election set forth in Section 7-
3 101 of this title. If the question is approved, the chair of the
4 board position shall be abolished at the end of the term of the
5 chair who holds the office when the election is held or upon the
6 chair's resignation or vacancy of the office following the election
7 on the question.

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

1 six (6) terms in office shall thereafter not be eligible to serve a
2 partial term as a chair or as a member of the same board of
3 education.

4 SECTION 3. This act shall become effective July 1, 2024.

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

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