

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1562

By: Merrick

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5
6 AS INTRODUCED

7 An Act relating to school district boards of
8 education; amending 70 O.S. 2021, Section 5-107A,
9 which relates to board membership and election
10 procedures; updating statutory references; modifying
11 term of office of board of education members;
12 limiting the number of terms a board of education
13 member may serve as a member or chair; providing for
14 nonconsecutive service, service on other boards, and
15 partial terms; providing exception for less than a
16 full term to fill a vacancy in office; prohibiting a
17 member who has completed the maximum number of terms
18 from serving a partial term as a member or a chair;
19 amending 70 O.S. 2021, Section 5-107B, which relates
20 to the election of board of education chair;
21 modifying term of office of board of education chair;
22 limiting the number of terms a board of education
23 chair may serve as chair or as a member; providing
24 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.

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

22 SECTION 1. AMENDATORY 70 O.S. 2021, Section 5-107A, is
23 amended to read as follows:
24

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	3
Independent		
1. Districts having a five-member board	5	5 <u>3</u>
2. Districts having a seven- member board unless an election is conducted pursuant to subsection C of this section	7	4 <u>3</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 three (3) 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 vacancy
24

1 shall be filled as provided in Section 13A-110 of Title 26 of the
2 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
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 resolution or election, the board shall reapportion
16 the district, determining by resolution or by lot which board member
17 offices shall be abolished at the end of the current board member's
18 term and which shall become one of the offices of the new board.

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

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

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

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

10	Office No. 1	1991
11	Office No. 2	1992
12	Office No. 3	1993
13	Office No. 4	1994
14	Office No. 5	1995

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

1 board is formed upon consolidation pursuant to Section 7-105 of this
2 title, or upon annexation pursuant to Section 7-101 of this title,
3 the formation agreement shall specify initial short terms as
4 necessary to extend until the beginning of the regular terms for
5 seven-member boards established herein.

6 Upon reduction of a seven-member board pursuant to subsection C
7 of this section, the terms of the five-member board shall be
8 staggered pursuant to this subsection.

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

13 F. The term of office of each board member elected after July
14 1, 1992, shall commence on the first regular, special, or emergency
15 school board meeting after the date of the annual school election
16 and after the member has been certified as elected. Board members
17 elected prior to July 1, 1992, may remain in office until their
18 successor is elected and seated pursuant to Sections 13A-101 through
19 13A-111 of Title 26 of the Oklahoma Statutes. The remaining term of
20 any member who completes the term for which the member was elected
21 but not wishing to serve until the successor of the member takes
22 office on the first regular, special, or emergency school board
23 meeting after the successor has been certified as elected, shall be
24

1 filled by appointment by the remaining members of the board of
2 education.

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

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

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

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

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

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

23 D. If a district board of education is expanded to include the
24 chair of the board position, the chair of the board position shall

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

12 E. The chair of a board of education elected to office pursuant
13 to the provisions of this section after the effective date of this
14 act shall be eligible to serve no more than three (3) terms on one
15 board of education as chair or as a member of the board of education
16 elected pursuant to the provisions of Section 5-107A of this title.
17 Terms of office on one board of education need not be consecutive in
18 determining the total number of terms in office. The terms served
19 by the chair of a board of education as a chair or as a member on a
20 separate board of education shall not be included in the three-term
21 limitation. A chair shall not be eligible to serve an additional
22 term of office if, by serving that full additional term, it would
23 result in the chair serving more than a total of three (3) terms as
24 chair or as a member of the same board of education; provided,

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

8 SECTION 3. This act shall become effective July 1, 2022.

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

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