

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 237

By: Prieto

AS INTRODUCED

An Act relating to boards of education; amending 70 O.S. 2021, Sections 5-107A and 5-107B, which relate to board membership and election procedures; updating statutory references; modifying term of office of board of education members and chair; clarifying applicability to current board members and chair; amending 70 O.S. 2021, Section 14-110, which relates to technology center school district boards of education; modifying term of office of board members; clarifying applicability to current board members; 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~~

1 ~~±~~ Section 5-107B of this ~~act~~ title shall not be considered in
2 determining the size of the board. The number and term of each
3 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>

14 The term of office of a board of education member elected
15 pursuant to the provisions of this section after the effective date
16 of this act shall be three (3) years. Persons currently serving as
17 a board of education member on the effective date of this act may
18 complete the term for which they were previously elected.

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

- 21 1. a. Between August 1 and December 31 of the year following
22 the submission by the United States Department of
23 Commerce to the President of the United States of the
24 official Federal Decennial Census, the board of

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

16 b. School districts having fewer than one thousand eight
17 hundred (1,800) students in average daily membership
18 during the preceding school year may choose not to
19 establish board districts and may nominate and elect
20 all board members at large.

21 c. Elementary school districts shall have board members
22 elected at large.

23 d. A city located in an independent school district
24 having four or more wards and an outlying area with

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

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

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

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

- 1 a. There shall be held an election in which the electors
2 of each board district in which a term is expiring or
3 in which a vacancy exists shall select two candidates
4 from among the candidates for board member to
5 represent the board district,
- 6 b. If, in the election, one candidate has a majority of
7 all votes cast, then a run-off election is not
8 required. If no candidate receives a majority of all
9 votes cast, then the two candidates receiving the
10 greatest number of votes shall become the candidates
11 for the board district in the general election, and
- 12 c. At the run-off election, all of the electors of the
13 board district shall select one of the two candidates
14 as the member of the board of education representing
15 the board district.

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

1 district election in the district in the preceding five (5) years as
2 determined by the secretary of the county election board, who shall
3 certify the adequacy of the number of signatures on the petition.

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

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

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

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

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

22 E. Except for those members elected prior to July 1, 1992, the
23 terms of office of the members of a five-member board of education
24 shall commence on the first regular, special, or emergency school
25

1 board meeting after the date of the annual school election and after
2 the member has been certified as elected:

- 3 Office No. 1 1991
- 4 Office No. 2 1992
- 5 Office No. 3 1993
- 6 Office No. 4 1994
- 7 Office No. 5 1995

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

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

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

8 F. The term of office of each board member elected after July
9 1, 1992, shall commence on the first regular, special, or emergency
10 school board meeting after the date of the annual school election
11 and after the member has been certified as elected. Board members
12 elected prior to July 1, 1992, may remain in office until their
13 successor is elected and seated pursuant to Sections 13A-101 through
14 13A-111 of Title 26 of the Oklahoma Statutes. The remaining term of
15 any member who completes the term for which the member was elected
16 but not wishing to serve until the successor of the member takes
17 office on the first regular, special, or emergency school board
18 meeting after the successor has been certified as elected, shall be
19 filled by appointment by the remaining members of the board of
20 education.

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

23 Section 5-107B. A. The board of education of a district with
24 an average daily membership (ADM) of more than thirty thousand
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1 (30,000) students may be expanded to add a member who shall be
2 elected at large for a term of ~~four (4)~~ three (3) years and who
3 shall serve as chair of the board. The term of office of a board
4 chair elected pursuant to the provisions of this subsection after
5 the effective date of this act shall be three (3) years. Persons
6 currently serving as a board chair on the effective date of this act
7 may complete the term for which they were previously elected. The
8 chair 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 SECTION 3. AMENDATORY 70 O.S. 2021, Section 14-110, is
13 amended to read as follows:

14 Section 14-110. A. If the territory comprising an independent
15 school district has been established by the State Board of Career
16 and Technology Education as a technology center school district, and
17 the boundaries of each are coterminous, the board of education of
18 the technology center school district shall be separate from the
19 board of education of the independent school district and no member
20 of either board shall be eligible to serve on the other.

21 B. Existing boards of education of technology center school
22 districts which are comprised of members of the board of education
23 of an independent school district with coterminous boundaries shall
24 be dissolved by the State Board of Career and Technology Education,

1 and the offices of the members of such boards shall become vacant on
2 the first Monday in June, 1982. The State Board of Career and
3 Technology Education shall establish election districts for ~~such a~~
4 the technology center school district which shall have boundaries
5 coterminous with the election districts of the independent school
6 district and which shall be numbered identically to the election
7 districts of the independent school district.

8 C. A separate board of education shall be created for ~~such a~~
9 the technology center school district and its members elected in the
10 manner prescribed by the rules of the State Board of Career and
11 Technology Education except as hereafter provided:

12 1. The Governor shall appoint members to those offices of the
13 board of education of ~~such a~~ technology center school district which
14 will become vacant on the first Monday in June, 1982, to staggered
15 terms as follows:

16 a. two members shall be appointed to a term of one (1)
17 year. Each of these offices shall become vacant on
18 the first Monday in June, 1983,

19 b. two members shall be appointed to a term of two (2)
20 years. Each of these offices shall become vacant on
21 the first Monday in June, 1984,

22 c. two members shall be appointed to a term of three (3)
23 years. Each of these offices shall become vacant on
24 the first Monday in June, 1985, and

1 d. one member shall be appointed to a term of four (4)
2 years. This office shall become vacant on the first
3 Monday in June~~7~~ 1986;

4 2. Upon the expiration of the term of an office of the board of
5 education of a technology center school district prior to the
6 expiration of the term of an office of the board of education of the
7 independent school district in a coterminous election district, the
8 Governor shall appoint a board member to the office of the
9 technology center school district for the number of years necessary
10 to establish a coterminous term between the board members of the
11 technology center school board and the independent school district
12 in the coterminous election district;

13 3. Thereafter, as the office of each member appointed to the
14 board of education of the technology center school district becomes
15 vacant, it shall be filled by a member elected as prescribed by the
16 rules of the State Board of Career and Technology Education except
17 as herein provided;

18 4. Elections of members to the board of education of the
19 technology center school district shall be held on the same day as
20 elections are held for election of members to the independent school
21 district;

22 5. One member shall be elected from each election district by
23 the voters of that election district; and
24

1 6. The term of office of each member elected to the board of
2 education of the technology center school district shall be ~~four (4)~~
3 three (3) years. The term of office of a technology center school
4 district board of education member elected pursuant to the
5 provisions of this section after the effective date of this act
6 shall be three (3) years. Persons currently serving as a technology
7 center school district board of education member on the effective
8 date of this act may complete the term for which they were
9 previously elected.

10 SECTION 4. This act shall become effective July 1, 2023.

11 SECTION 5. 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.

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