

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1736

By: Russ

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 5-107A, which relates to the membership and
9 election procedures for boards of education of school
10 districts; limiting the number of years a member of
11 certain boards of education can serve; providing an
12 exception for certain chair position; providing for
13 nonconsecutive service, service on other boards and
14 partial terms; prohibiting a member who has completed
15 the maximum number of years to serve an additional or
16 partial term; allowing members with the maximum
17 number of years to complete the current term;
18 providing an effective date; and declaring an
19 emergency.

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

21 SECTION 1. AMENDATORY 70 O.S. 2011, Section 5-107A, is
22 amended to read as follows:

23 Section 5-107A. The following provisions and the provisions of
24 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

1 and the chair of the board of education elected pursuant to Section
2 ~~4~~ 5-107B of this ~~act~~ title shall not be considered in determining
3 the size of the board. The number and term of each board of
4 education shall be as follows:

5	District	Members	Term (Years)
6	Elementary	3	3
7	Independent		
8	1. Districts having a five-member		
9	board	5	5
10	2. Districts having a seven-		
11	member board unless an		
12	election is conducted		
13	pursuant to subsection C of		
14	this section	7	4

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

17 1. a. Between August 1 and December 31 of the year following
18 the submission by the United States Department of
19 Commerce to the President of the United States of the
20 official Federal Decennial Census, the board of
21 education shall reapportion the territory of the
22 school district into board districts. Beginning with
23 the reapportionment following the 1990 Federal
24 Decennial Census, all boundaries of board districts

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

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

17 c. Elementary school districts shall have board members
18 elected at large.

19 d. A city located in an independent school district
20 having four or more wards and an outlying area with
21 such outlying area comprising no more than twenty
22 percent (20%) of the population of such independent
23 school district, then such independent school district
24 may adopt such wards and outlying area in lieu of the

1 board districts provided for in subparagraph a of this
2 paragraph, and at least one member of the board of
3 education of such independent school district shall be
4 a member of each ward; and

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

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

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

21 a. There shall be held an election in which the electors
22 of each board district in which a term is expiring or
23 in which a vacancy exists shall select two candidates
24

1 from among the candidates for board member to
2 represent the board district,

3 b. If, in the election, one candidate has a majority of
4 all votes cast, then a run-off election is not
5 required. If no candidate receives a majority of all
6 votes cast, then the two candidates receiving the
7 greatest number of votes shall become the candidates
8 for the board district in the general election, and

9 c. At the run-off election, all of the electors of the
10 board district shall select one of the two candidates
11 as the member of the board of education representing
12 the board district.

13 C. Any seven-member board shall have the option of reducing its
14 board to a five-member board either after approval of a board
15 resolution or a vote of the electors of the school district to take
16 such action pursuant to Section 13A-109 of Title 26 of the Oklahoma
17 Statutes. The election pursuant to a vote of the electors of the
18 school district shall be called upon the submission of a petition
19 requesting the election signed by ten percent (10%) of the school
20 district electors in the school district, the percentage being
21 applied to the highest number of voters voting in a regular school
22 district election in the district in the preceding five (5) years as
23 determined by the secretary of the county election board, who shall
24 certify the adequacy of the number of signatures on the petition.

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

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

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

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

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

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

24 Office No. 1 1991

1	Office No. 2	1992
2	Office No. 3	1993
3	Office No. 4	1994
4	Office No. 5	1995

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

20 Upon reduction of a seven-member board pursuant to subsection C
21 of this section, the terms of the five-member board shall be
22 staggered pursuant to this subsection.

23 One member of a three-member board of education shall be elected
24 each year, and the terms of office shall commence on the first

1 regular, special or emergency school board meeting after the member
2 has been certified as elected.

3 F. The term of office of each board member elected after July
4 1, 1992, shall commence on the first regular, special or emergency
5 school board meeting after the date of the annual school election
6 and after the member has been certified as elected. Board members
7 elected prior to July 1, 1992, may remain in office until their
8 successor is elected and seated pursuant to Sections 13A-101 through
9 13A-111 of Title 26 of the Oklahoma Statutes. The remaining term of
10 any member who completes the term for which the member was elected
11 but not wishing to serve until the successor of the member takes
12 office on the first regular, special or emergency school board
13 meeting after the successor has been certified as elected, shall be
14 filled by appointment by the remaining members of the board of
15 education.

16 G. Except for the chair of the board of education elected
17 pursuant to Section 5-107B of this title, any member of a five-
18 member or seven-member board of education elected to office after
19 the effective date of this act shall be eligible to serve no more
20 than sixteen (16) cumulative years on one board of education. Years
21 in office on one board of education need not be consecutive in
22 determining the total number of years in office. The years served
23 by any member of a board of education on a separate board of
24 education shall not be included in the sixteen-year limitation. A

1 member shall not be eligible to serve an additional term of office
2 if, by serving that full additional term, it would result in the
3 member serving more than a total of sixteen (16) cumulative years.
4 The years served by any member elected or appointed to serve less
5 than a full term to fill a vacancy in office shall not be included
6 in the sixteen-year limitation. A member who has completed sixteen
7 (16) years in office shall thereafter not be eligible to serve a
8 partial term. Any member who is serving a term in office or who has
9 been elected or appointed to serve a term in office on the effective
10 date of this act and has already served for sixteen (16) years shall
11 be entitled to complete the term but shall not be eligible to serve
12 any additional years thereafter.

13 SECTION 2. This act shall become effective July 1, 2017.

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

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