

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1440

By: Caldwell

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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 a partial term;  
16 allowing members with the maximum number of years to  
17 complete the current term; providing an effective  
18 date; and declaring an emergency.

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

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

22 Section 5-107A. The following provisions and the provisions of  
23 Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes shall  
24 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 ~~4~~ 5-107B of this ~~act~~ title shall not be considered in determining  
2 the size of the board. The number and term of each board of  
3 education shall be as follows:

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

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

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

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

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

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

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

1 paragraph, and at least one member of the board of  
2 education of such independent school district shall be  
3 a member of each ward; and

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

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

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

20 a. There shall be held an election in which the electors  
21 of each board district in which a term is expiring or  
22 in which a vacancy exists shall select two candidates  
23 from among the candidates for board member to  
24 represent the board district,

- 1           b. If, in the election, one candidate has a majority of  
2 all votes cast, then a run-off election is not  
3 required. If no candidate receives a majority of all  
4 votes cast, then the two candidates receiving the  
5 greatest number of votes shall become the candidates  
6 for the board district in the general election, and
- 7           c. At the run-off election, all of the electors of the  
8 board district shall select one of the two candidates  
9 as the member of the board of education representing  
10 the board district.

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

1 the next school election if all requirements of Section 13A-101 et  
2 seq. of Title 26 of the Oklahoma Statutes for such election are met.

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

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

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

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

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

22	Office No. 1	1991
23	Office No. 2	1992
24	Office No. 3	1993

1 Office No. 4 1994

2 Office No. 5 1995

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

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

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

1 F. The term of office of each board member elected after July  
2 1, 1992, shall commence on the first regular, special or emergency  
3 school board meeting after the date of the annual school election  
4 and after the member has been certified as elected. Board members  
5 elected prior to July 1, 1992, may remain in office until their  
6 successor is elected and seated pursuant to Sections 13A-101 through  
7 13A-111 of Title 26 of the Oklahoma Statutes. The remaining term of  
8 any member who completes the term for which the member was elected  
9 but not wishing to serve until the successor of the member takes  
10 office on the first regular, special or emergency school board  
11 meeting after the successor has been certified as elected, shall be  
12 filled by appointment by the remaining members of the board of  
13 education.

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



1 sixteen-year limitation. A member who has completed sixteen (16)  
2 years in office shall thereafter not be eligible to serve a partial  
3 term. Any member who is serving a term in office or who has been  
4 elected or appointed to serve a term in office on the effective date  
5 of this act and has already served for sixteen (16) years shall be  
6 entitled to complete the term but shall not be eligible to serve any  
7 additional years thereafter.

8 SECTION 2. This act shall become effective July 1, 2015.

9 SECTION 3. It being immediately necessary for the preservation  
10 of the public peace, health and 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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