

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 HOUSE BILL 3117

 By: Newton

7 AS INTRODUCED

8 An Act relating to boards of education; amending 70
9 O.S. 2011, Sections 5-110 and 5-110.1, as last
10 amended by Sections 2 and 3, Chapter 356, O.S.L. 2016
11 and 5-110.2, as amended by Section 4, Chapter 356,
12 O.S.L. 2016 (70 O.S. Supp. 2017, Sections 5-110, 5-
13 110.1 and 5-110.2), which relate to instruction and
14 continuing education for board members; specifying
15 entity to send notice about failure to complete
16 requirements; providing statutory reference;
17 modifying time period for certain board seat
18 eligibility moratorium; specifying entity to send
19 certain notice; providing for determination by State
20 Board of Education; modifying time period for certain
21 board seat eligibility moratorium; requiring notice
22 by certified mail to certain school board member;
23 providing appeal process for board member in
24 violation of the continuing education requirements;
 requiring hearing; declaring decision as final;
 directing Board to send certain notice to school
 board and superintendent; and providing an effective
 date.

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

22 SECTION 1. AMENDATORY 70 O.S. 2011, Section 5-110, as
23 last amended by Section 2, Chapter 356, O.S.L. 2016 (70 O.S. Supp.
24 2017, Section 5-110), is amended to read as follows:

1 Section 5-110. A. A school district elector who is elected or
2 appointed to be a member of a school district board of education
3 prior to January 1, 2014, shall obtain instruction on education
4 issues in accordance with rules promulgated by the State Board of
5 Education. Except as provided in subsection B of this section, at
6 the time a school district elector files a notification and
7 declaration of candidacy for the office of school district board of
8 education membership or is appointed to be a member of a school
9 district board of education on or after January 1, 2014, the elector
10 shall agree and pledge in writing that, within fifteen (15) months
11 of election or appointment as a member of the district board of
12 education, the member will complete at least twelve (12) hours of
13 instruction on education issues in the following areas: school
14 finance; legal issues, which include but are not limited to
15 employment, due process, new laws, the Oklahoma Open Records Act and
16 the Oklahoma Open Meeting Act; and duties and responsibilities,
17 which include but are not limited to special education and ethics,
18 of district board of education members. Each elector shall agree
19 and pledge in writing to complete at least one (1) hour of
20 instruction in school finance, one (1) hour of instruction in the
21 Oklahoma Open Records Act and the Oklahoma Open Meeting Act and one
22 (1) hour of instruction in ethics. The remaining hours may be
23 satisfied by attending a two-day workshop to be held within the
24 state by the State Department of Education, by the Oklahoma

1 Department of Career and Technology Education, or by attending
2 workshops, seminars or classes which address the above-mentioned
3 subject matter, and which are sponsored by any organization approved
4 by the State Board of Education, including but not limited to
5 institutions of higher education. The State Board of Education
6 shall promulgate rules by which an organization or particular
7 courses offered by an organization may be approved for purposes of
8 fulfilling the instructional requirements set out in this section.

9 B. When an incumbent of a district board of education files a
10 notification and declaration of candidacy for reelection to the
11 district board of education, the member shall be required to agree
12 and pledge in writing that upon reelection the member will complete
13 six (6) hours of instruction, within fifteen (15) months of
14 election, including one (1) hour of instruction in school finance,
15 one (1) hour of instruction in the Oklahoma Open Records Act and the
16 Oklahoma Open Meeting Act and one (1) hour of instruction in ethics.
17 The remaining hours may be satisfied by attending a workshop, class
18 or seminar addressing the education issues set forth in subsection A
19 of this section.

20 C. The State Department of Education shall, immediately after
21 the annual elections of various district board of education members,
22 determine the members of the district boards of education pledged to
23 complete the instructional requirements established in subsections A
24 and B of this section, and shall notify the members of the time and

1 place where workshops, classes and seminars are to be conducted.
2 Upon completion of the instructional requirements, the certificate
3 of completion shall be included in the public records of the school
4 board's minutes. Each school board member, except for an incumbent
5 member, shall be required within fifteen (15) months following or
6 preceding election to complete the workshop established by
7 subsection A of this section or to attend twelve (12) hours of other
8 state workshops, classes or seminars conducted as instruction on the
9 subjects of school finance, legal issues, and the ethics, duties and
10 responsibilities of district board of education members, including
11 at least one (1) hour of instruction in school finance, one (1) hour
12 of instruction in the Oklahoma Open Records Act and the Oklahoma
13 Open Meeting Act and one (1) hour of instruction in ethics.

14 D. If a school board member, including an incumbent member, has
15 not satisfied the instructional requirements as set forth in this
16 section within fifteen (15) months of election, reelection or
17 appointment, the district board of education shall declare the seat
18 of the member vacant within thirty (30) days of the date of receipt
19 of notice from the State Board of Education that the member has not
20 completed the requirements as provided for pursuant to Section 5-
21 110.2 of this title and shall fill the vacancy according to law. A
22 school board member who is required to vacate a school board seat
23 pursuant to this subsection and Section 5-110.2 of this title shall
24 be ineligible to be reappointed to, to run for reelection to or to

1 hold that respective board seat on the school district board of
2 education or to run for election to or to hold any other board seat
3 on the board of education for a ~~three-year~~ two-year period ~~for~~
4 ~~three-member boards, for a four-year period for seven-member boards~~
5 ~~or for a five-year period for five-member boards.~~

6 E. All government departments, agencies and institutions of
7 this state are directed to lend assistance as may be required by the
8 State Department of Education for the proper conduct and
9 administration of the workshops as authorized in subsection A of
10 this section. The State Department of Education shall maintain a
11 permanent record of the instructional hours and continuing education
12 hours earned for each district board of education member.

13 F. The State Department of Education, the Oklahoma Department
14 of Career and Technology Education, and, upon approval of the State
15 Board of Education, any organization or association representing
16 district boards of education in this state are authorized to charge
17 persons pledged to attend a workshop, class or seminar for purposes
18 of meeting the instructional requirements of this section, a
19 registration fee sufficient to defray the estimated costs of
20 presenting the workshop, class or seminar and to collect the fees at
21 the time of registration.

22 G. Any member of a district board of education or any
23 individual elected, certified as the elected member by the county
24 election board, but not sworn in and seated as a member of a

1 district board of education at the time of a workshop, class or
2 seminar presented by the State Board of Education, the Oklahoma
3 Department of Career and Technology Education, or an organization or
4 association representing district boards of education within the
5 state who attends and successfully completes a workshop, class or
6 seminar as required by subsection A or B of this section shall be
7 reimbursed by the school district in accordance with the travel
8 reimbursement policy of the district.

9 SECTION 2. AMENDATORY 70 O.S. 2011, Section 5-110.1, as
10 last amended by Section 3, Chapter 356, O.S.L. 2016 (70 O.S. Supp.
11 2017, Section 5-110.1), is amended to read as follows:

12 Section 5-110.1 A. In addition to the requirements of Section
13 5-110 of this title, every member of a school district board of
14 education elected to a full term of office of five (5) years or more
15 shall be required to attend a minimum of fifteen (15) hours of
16 continuing education, each member elected to a full four-year term
17 of office shall be required to attend a minimum of twelve (12) hours
18 of continuing education, and each member elected to a full three-
19 year term of office shall be required to attend a minimum of nine
20 (9) hours of continuing education, prior to the date set for filing
21 for reelection to that respective board seat. The continuing
22 education courses, workshops, seminars, conferences, and conventions
23 which shall satisfy the continuing education requirement shall be
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1 approved jointly by the State Department of Education and the
2 Oklahoma Department of Career and Technology Education.

3 B. Local and state continuing education programs conducted
4 pursuant to the provisions of this section shall be held in all
5 regions of the state at institutions of higher learning, area
6 technology centers or other approved sites. Notice of such courses
7 and seminars shall be provided to all school board members and to
8 the public schools.

9 C. This section shall not apply to those school board members
10 who file for reelection prior to July 1, 1991.

11 D. If a school board member has not satisfied the continuing
12 education requirements of this section, the school district board of
13 education shall declare the seat of the member vacant within thirty
14 (30) days of the date of receipt of notice from the State Board of
15 Education that the member has not completed the requirements as
16 provided for pursuant to Section 5-110.2 of this title and shall
17 fill the vacancy according to law. ~~Failure~~ As determined by the
18 State Board of Education pursuant to Section 5-110.2 of this title,
19 failure by a board member to satisfy the continuing education
20 requirements of this section shall result in the ineligibility of
21 the member to be reappointed to, run for reelection to or to hold
22 that respective board seat on the school district board of education
23 or to run for election to or to hold any other board seat on the
24 board of education for a ~~three-year~~ two-year period ~~for three-member~~

1 ~~boards, for a four-year period for seven-member boards or for a~~
2 ~~five-year period for five-member boards.~~

3 E. The State Department of Education, the Oklahoma Department
4 of Career and Technology Education, and any organization approved by
5 the State Board of Education, including but not limited to
6 institutions of higher education, may charge persons attending
7 continuing education courses a registration fee sufficient to defray
8 the estimated costs of presenting the course. The registration fees
9 for each course shall be announced prior to the date of such course.

10 F. Any member of a school district board of education who
11 attends and completes a course which satisfies in part or in full
12 the requirements of this section shall be reimbursed by the school
13 district for expenses incurred. In addition, a school district
14 board of education may reimburse members of the board of education
15 for expenses incurred in registering and attending board member
16 training programs or activities approved by the board which are in
17 addition to the minimum school board training requirements
18 established by law.

19 SECTION 3. AMENDATORY 70 O.S. 2011, Section 5-110.2, as
20 amended by Section 4, Chapter 356, O.S.L. 2016 (70 O.S. Supp. 2017,
21 Section 5-110.2), is amended to read as follows:

22 Section 5-110.2 The State Board of Education shall maintain
23 records of attendance by school board members at continuing
24 education events required pursuant to Sections 5-110 and 5-110.1 of

1 this title and prior to the final opportunity for each school board
2 member who has not completed the continuing education requirements
3 to complete the same, shall notify the school board member by mail
4 before March 1 of each year of any final opportunity to complete
5 these requirements. Upon determining that a school board member did
6 not complete the continuing education requirements of Sections 5-110
7 or 5-110.1 within the respective period of time, the Board shall
8 immediately notify by certified mail the school board member and
9 inform the member of the violation of the continuing education
10 requirements. The member shall have ten (10) days after receipt of
11 the notice to file a written appeal with the State Board of
12 Education requesting a hearing to show why the member should not be
13 found in violation of the requirements. A hearing with the school
14 board member and the State Board of Education or a hearing official
15 appointed by the Board shall be conducted within thirty (30) days of
16 the date of receipt of the written appeal. The decision of the
17 State Board of Education or hearing official appointed by the Board
18 shall be final, and if the board member is found in violation of the
19 requirements, the Board shall immediately notify by certified mail
20 the school district board of education and the school district
21 superintendent that the school board member did not complete the
22 requirements, the school board member was notified of the right to
23 appeal and either did not appeal or was found in violation of the
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1 requirements at a hearing and that the school district board of
2 education is required to declare the seat of that member vacant.

3 SECTION 4. This act shall become effective November 1, 2018.
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5 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/27/2018
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