

1 **SENATE FLOOR VERSION**

2 April 4, 2018

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 3117

6 By: Newton of the House

7 and

8 Bice of the Senate

9 **[boards of education - instruction and continuing
10 education for board members - declaring vacancies for
11 failure to complete requirements - effective date]**

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

13 SECTION 1. AMENDATORY 70 O.S. 2011, Section 5-110, as
14 last amended by Section 2, Chapter 356, O.S.L. 2016 (70 O.S. Supp.
15 2017, Section 5-110), is amended to read as follows:

16 Section 5-110. A. A school district elector who is elected or
17 appointed to be a member of a school district board of education
18 prior to January 1, 2014, shall obtain instruction on education
19 issues in accordance with rules promulgated by the State Board of
20 Education. Except as provided in subsection B of this section, at
21 the time a school district elector files a notification and
22 declaration of candidacy for the office of school district board of
23 education membership or is appointed to be a member of a school
24 district board of education on or after January 1, 2014, the elector

1 shall agree and pledge in writing that, within fifteen (15) months
2 of election or appointment as a member of the district board of
3 education, the member will complete at least twelve (12) hours of
4 instruction on education issues in the following areas: school
5 finance; legal issues, which include but are not limited to
6 employment, due process, new laws, the Oklahoma Open Records Act and
7 the Oklahoma Open Meeting Act; and duties and responsibilities,
8 which include but are not limited to special education and ethics,
9 of district board of education members. Each elector shall agree
10 and pledge in writing to complete at least one (1) hour of
11 instruction in school finance, one (1) hour of instruction in the
12 Oklahoma Open Records Act and the Oklahoma Open Meeting Act and one
13 (1) hour of instruction in ethics. The remaining hours may be
14 satisfied by attending a two-day workshop to be held within the
15 state by the State Department of Education, by the Oklahoma
16 Department of Career and Technology Education, or by attending
17 workshops, seminars or classes which address the above-mentioned
18 subject matter, and which are sponsored by any organization approved
19 by the State Board of Education, including but not limited to
20 institutions of higher education. The State Board of Education
21 shall promulgate rules by which an organization or particular
22 courses offered by an organization may be approved for purposes of
23 fulfilling the instructional requirements set out in this section.

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

12 C. The State Department of Education shall, immediately after
13 the annual elections of various district board of education members,
14 determine the members of the district boards of education pledged to
15 complete the instructional requirements established in subsections A
16 and B of this section, and shall notify the members of the time and
17 place where workshops, classes and seminars are to be conducted.
18 Upon completion of the instructional requirements, the certificate
19 of completion shall be included in the public records of the school
20 board's minutes. Each school board member, except for an incumbent
21 member, shall be required within fifteen (15) months following or
22 preceding election to complete the workshop established by
23 subsection A of this section or to attend twelve (12) hours of other
24 state workshops, classes or seminars conducted as instruction on the

1 subjects of school finance, legal issues, and the ethics, duties and
2 responsibilities of district board of education members, including
3 at least one (1) hour of instruction in school finance, one (1) hour
4 of instruction in the Oklahoma Open Records Act and the Oklahoma
5 Open Meeting Act and one (1) hour of instruction in ethics.

6 D. If a school board member, including an incumbent member, has
7 not satisfied the instructional requirements as set forth in this
8 section within fifteen (15) months of election, reelection or
9 appointment, the district board of education shall declare the seat
10 of the member vacant within ~~thirty (30)~~ sixty (60) days of the final
11 date of receipt of that the member has to complete the requirements
12 as indicated by receipt of the certified notice that the member has
13 not completed the requirements from the State Board of Education as
14 provided for pursuant to Section 5-110.2 of this title and shall
15 fill the vacancy according to law. A school board member who is
16 required to vacate a school board seat pursuant to this subsection
17 and Section 5-110.2 of this title shall be ineligible to be
18 reappointed to, to run for reelection to or to hold that respective
19 board seat on the school district board of education or to run for
20 election to or to hold any other board seat on the board of
21 education for a ~~three-year~~ two-year period ~~for three-member boards,~~
22 ~~for a four-year period for seven-member boards or for a five-year~~
23 ~~period for five-member boards.~~

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

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

17 G. Any member of a district board of education or any
18 individual elected, certified as the elected member by the county
19 election board, but not sworn in and seated as a member of a
20 district board of education at the time of a workshop, class or
21 seminar presented by the State Board of Education, the Oklahoma
22 Department of Career and Technology Education, or an organization or
23 association representing district boards of education within the
24 state who attends and successfully completes a workshop, class or

1 seminar as required by subsection A or B of this section shall be
2 reimbursed by the school district in accordance with the travel
3 reimbursement policy of the district.

4 SECTION 2. AMENDATORY 70 O.S. 2011, Section 5-110.1, as
5 last amended by Section 3, Chapter 356, O.S.L. 2016 (70 O.S. Supp.
6 2017, Section 5-110.1), is amended to read as follows:

7 Section 5-110.1. A. In addition to the requirements of Section
8 5-110 of this title, every member of a school district board of
9 education elected to a full term of office of five (5) years or more
10 shall be required to attend a minimum of fifteen (15) hours of
11 continuing education, each member elected to a full four-year term
12 of office shall be required to attend a minimum of twelve (12) hours
13 of continuing education, and each member elected to a full three-
14 year term of office shall be required to attend a minimum of nine
15 (9) hours of continuing education, prior to the date set for filing
16 for reelection to that respective board seat. The continuing
17 education courses, workshops, seminars, conferences, and conventions
18 which shall satisfy the continuing education requirement shall be
19 approved jointly by the State Department of Education and the
20 Oklahoma Department of Career and Technology Education.

21 B. Local and state continuing education programs conducted
22 pursuant to the provisions of this section shall be held in all
23 regions of the state at institutions of higher learning, area
24 technology centers or other approved sites. Notice of such courses

1 and seminars shall be provided to all school board members and to
2 the public schools.

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

5 D. If a school board member has not satisfied the continuing
6 education requirements of this section, the school district board of
7 education shall declare the seat of the member vacant within ~~thirty~~
8 ~~(30)~~ sixty (60) days of the final date ~~of receipt of that the member~~
9 has to complete the requirements as indicated by receipt of the
10 certified notice that the member has not completed the requirements
11 from the State Board of Education as provided for pursuant to
12 Section 5-110.2 of this title and shall fill the vacancy according
13 to law. ~~Failure~~ As determined by the State Board of Education
14 pursuant to Section 5-110.2 of this title, failure by a board member
15 to satisfy the continuing education requirements of this section
16 shall result in the ineligibility of the member to be reappointed
17 to, run for reelection to or to hold that respective board seat on
18 the school district board of education or to run for election to or
19 to hold any other board seat on the board of education for a ~~three-~~
20 ~~year~~ two-year period ~~for three-member boards, for a four-year period~~
21 ~~for seven-member boards or for a five-year period for five-member~~
22 ~~boards.~~

23 E. The State Department of Education, the Oklahoma Department
24 of Career and Technology Education, and any organization approved by

1 the State Board of Education, including but not limited to
2 institutions of higher education, may charge persons attending
3 continuing education courses a registration fee sufficient to defray
4 the estimated costs of presenting the course. The registration fees
5 for each course shall be announced prior to the date of such course.

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

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

18 Section 5-110.2. The State Board of Education shall maintain
19 records of attendance by school board members at continuing
20 education events required pursuant to Sections 5-110 and 5-110.1 of
21 this title ~~and prior.~~ Prior to the final opportunity for each
22 school board member who has not completed the continuing education
23 requirements to complete the same, the Board shall notify the school
24 board member and the school district superintendent by mail before

1 March 1 of each year of any final opportunity to complete these
2 requirements and the consequences of not completing the
3 requirements. Upon determining that a school board member did not
4 complete the continuing education requirements of Sections 5-110 or
5 5-110.1 within the respective period of time, the Board shall
6 immediately notify by certified mail the school ~~district~~ board of
7 ~~education~~ member and the school district superintendent ~~that~~ and
8 inform the member of the violation of the continuing education
9 requirements. The school board member shall have sixty (60) days
10 after the date of receipt of the certified notice to complete the
11 requirements. If the school board member ~~did~~ does not complete the
12 requirements ~~and that~~ by the end of the sixty-day time period, the
13 school district board of education is required to declare the seat
14 of that member vacant.

15 SECTION 4. This act shall become effective November 1, 2018.

16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
17 April 4, 2018 - DO PASS AS AMENDED
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