

1 ENGROSSED HOUSE
2 BILL NO. 1491

By: Johns, Moore, Provenzano,
Munson, and Waldron of the
House

3
4 and

Reinhardt of the Senate

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7 An Act relating to education; amending 70 O.S. 2021,
8 Section 3-102, which relates to meetings of the State
9 Board of Education; authorizing members to add items
10 to agendas; providing procedure for adding requested
11 item to an agenda; amending 70 O.S. 2021, Sections 5-
107B and 5-118, which relate to school district
boards of education; authorizing members to add items
to agendas; providing procedure for adding requested
item to an agenda; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 70 O.S. 2021, Section 3-102, is
16 amended to read as follows:

17 Section 3-102. A. The State Board of Education shall meet in
18 regular session once each month. Special meetings may be called by
19 the president or by a majority of the members of the Board.

20 B. Upon written request by at least two members of the Board,
21 any member of the Board shall be authorized to place an item on a
22 Board agenda. The item shall be placed on the agenda for the next
23 meeting or a subsequent meeting, as decided by the requesting
24 members, in accordance with the Oklahoma Open Meeting Act.

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

3 Section 5-107B. A. The board of education of a district with
4 an average daily membership (ADM) of more than thirty thousand
5 (30,000) students may be expanded to add a member who shall be
6 elected at large for a term of four (4) years and who shall serve as
7 chair of the board. The chair of the board position may be added
8 upon a majority vote of the district board of education to add the
9 position. If the board opts to add the chair of the board position,
10 the chair of the board shall be elected at the next regular election
11 of board members, held pursuant to Section 13A-103 of Title 26 of
12 the Oklahoma Statutes, following the decision of the board.

13 B. The chair of the board of education shall possess the same
14 qualifications as required for other board members, shall assume
15 office as provided for other members of the board of education,
16 shall be a full, voting member of the board, and shall count for
17 purposes of a quorum or a majority, or other requirements based on
18 number of members on the board. The chair shall preside at all
19 meetings of the board of education in accordance with rules of
20 parliamentary procedure which have been adopted by a majority vote
21 of the board, provided that, in the absence of rules adopted by the
22 board, the chair shall determine and set forth the rules of
23 parliamentary procedure that shall apply at board meetings; assemble
24 and control the agenda for board meetings, ~~provided that, upon~~

1 ~~approval of a majority of the members of the board, an item shall be~~
2 ~~placed on the agenda for the same or a subsequent meeting, in~~
3 ~~accordance with the Oklahoma Open Meeting Act~~ except as provided by
4 subsection B of Section 5-118 of this title; appoint all committees
5 whose appointment is not otherwise provided for by law; and shall
6 sign all warrants ordered by the board of education to be drawn upon
7 the treasurer for school money. The chair of the board shall
8 possess all powers otherwise provided by law for a member of a board
9 of education, all powers provided by law for the president of a
10 board of education, and such other lawful powers as may be conferred
11 upon the chair by majority vote of the board. The chair shall
12 receive compensation and benefits as conferred upon other members of
13 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 who shall serve a one-year term and until a successor is
18 elected and qualified. The vice-chair shall perform all duties of
19 the chair of the board in case of the chair's absence or disability.
20 The board shall also elect clerks and deputies as provided in
21 Section 5-119 of this title. The board shall not elect a president
22 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 5-118, is
13 amended to read as follows:

14 Section 5-118. A. Regular meetings of the board of education
15 of each school district shall be held upon the first Monday of each
16 month, or upon such day as may be fixed by the board. Special
17 meetings may be held from time to time as circumstances may demand.

18 B. Upon written request by at least two members for boards of
19 five or more members and one member of boards with four or fewer
20 members, any member of the board shall be authorized to place an
21 item on a board agenda. The item shall be placed on the agenda for
22 the next meeting or a subsequent meeting, as decided by the
23 requesting member or members, in accordance with the Oklahoma Open
24 Meeting Act. For the purposes of this subsection, the calculation

1 of the number of members of a board shall exclude any vacant
2 positions.

3 C. All meetings of the boards of education shall be public
4 meetings, and in all such meetings the vote of each member must be
5 publicly cast and recorded. Executive sessions will be permitted
6 only for the purpose of discussing the employment, hiring,
7 appointment, promotion, demotion, disciplining, or resignations of
8 any or all of the employees or volunteers of the school district,
9 and for the purpose of discussing negotiations concerning employees
10 and representatives of employee groups, and for the purpose of
11 hearing evidence and discussing the expulsion or suspension of a
12 student or students only when requested by the student involved or
13 his or her parent, attorney, or legal guardian; provided, however,
14 that any vote or action thereon must be taken in a public meeting
15 with the vote of each member publicly cast and recorded. It is
16 required that the board of education shall provide notice to the
17 student, his or her parent, attorney or legal guardian that said
18 student is entitled to an executive session regarding the discussion
19 of expulsion or suspension of said student.

20 D. Any action taken in violation of the provisions of this act
21 shall be invalid.

22 E. Each member of the board of education of a school district
23 with an average daily attendance exceeding fifteen thousand (15,000)
24 or a school district where boundaries encompass a total population

