

ENGROSSED HOUSE
BILL NO. 1369

BY: HAGER, BASTIN, BATES and
NIEMI of the HOUSE

and

HOOPER of the SENATE

AN ACT RELATING TO SCHOOLS; AMENDING 70 O.S. 1981,
SECTION 6-105, AS AMENDED BY SECTION 1, CHAPTER 71,
O.S.L. 1987 (70 O.S. SUPP. 1990, SECTION 6-105),
WHICH RELATES TO SUBSTITUTE TEACHERS; AUTHORIZING
SUBSTITUTE TEACHING IN EXCESS OF THIRTY-FIVE DAYS
IN CERTAIN SUBJECT AREAS; PROVIDING CERTAIN
REQUIREMENTS; PROVIDING AN EFFECTIVE DATE; AND
DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 70 O.S. 1981, Section 6-105, as amended by Section 1, Chapter 71, O.S.L. 1987 (70 O.S. Supp. 1990, Section 6-105), is amended to read as follows:

Section 6-105. A. If, because of sickness or other reason, a teacher is temporarily unable to perform his or her regular duties, a substitute teacher for his or her position may be employed for the time of such absence. A substitute teacher shall be paid in an amount and under such terms as may be agreed upon in advance by the substitute teacher and the board of education or according to regulations of the board. A teacher absent for reason of personal

business shall have deducted from his salary by the school district only the amount necessary to pay the substitute.

No substitute teacher shall be employed for a total period of time in excess of thirty-five (35) school days during a school year unless he or she is the holder of a valid certificate. Provided, a substitute teacher who does not hold a valid certificate may be employed by a school district for no more than eighty-nine (89) school days during a school year if the substitute teacher has been certified to teach in Oklahoma or another state within the prior three (3) years and the substitute teaching beyond thirty-five (35) days is limited to the subject area in which the teacher was previously certified. Substitute teachers who do not hold a valid certificate and who are employed to teach special education for physically handicapped students or mentally retarded students may be employed for a total period of time in excess of thirty-five (35) school days during a school year if no certified teachers are available to teach such students and the students would be denied instruction in special education if the substitute teacher were not employed. Availability of certified teachers shall be determined after the school has consulted the State Board of Education and any other resources for filling the vacant position with a certified teacher. Payment of salary to a substitute shall have no effect on the amount of salary to which the absent regular teacher is entitled under the applicable leave plan.

B. Any substitute or cadet teacher employed in any school system on a monthly or annual basis shall hold a certificate and have a written contract in the manner and under the same conditions as for regular teachers.

C. Teachers who are members of the Reserve Forces of the Army, the Navy, the Marine Corps, the Coast Guard, the Air Force, or any other component of the Armed Forces of the United States, including members of the Air or Army National Guard, shall, when ordered by

the proper authority to active duty or service, be entitled to a leave of absence from such civil employment for the period of such active service without loss of status or efficiency rating and without loss of pay during the first thirty (30) days of such leave of absence. SECTION 2. This act shall become effective July 1, 1991.

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

Passed the House of Representatives the 11th day of March, 1991.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate