

ENROLLED SENATE  
BILL NO. 130

By: Brown of the Senate

and

Larason, Paulk and Coleman  
of the House

An Act relating to schools; amending 70 O.S. 1991, Sections 5-141, 6-101.40, 6-101.43 and 6-101.46, which relate to minimum salary schedules and disciplinary proceedings for school support employees; deleting obsolete language; prohibiting payment of certain leave benefits under certain conditions; requiring district boards of education to prepare schedules of certain salaries and certain fringe benefits; designating certain schedules as public records; requiring filing of certain schedules with State Department of Education; defining certain term; providing for nonreemployment of support employees only for cause; modifying definition of certain term; requiring modification of certain policy statement; providing right to hearing prior to nonreemployment; updating statutory reference; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 5-141, is amended to read as follows:

Section 5-141. A. Each school district of this state shall adopt a minimum salary schedule and shall transmit a copy of it to the State Board of Education within thirty (30) days after adoption. A school district shall not calculate teacher's salaries solely as a proportion of the salaries of that district's administrators. Districts shall be encouraged to provide compensation schedules to reflect district policies and circumstances, including differential pay for different subject areas and special incentives for teachers in districts with specific geographical attributes. The State Department of Education shall compile a report of the minimum salary schedules for every school district in the state and shall provide such information to the Governor, Speaker of the House of Representatives, and President Pro Tempore of the Senate no later than December 15 of each year.

B. ~~Beginning with the 1990-1991 school year, each~~ Each school district shall file within fifteen (15) days of signing the contract, the employment contract of the superintendent of the school district with the State Department of Education. The Department shall keep all such contracts available for inspection by the public. The school district shall not be authorized to pay any salary, benefits or other compensation to a superintendent which are not specified in the contract on file and shall not pay administrators any amounts for accumulated sick leave that are not calculated on the same formula used for determining payment for

accumulated sick leave benefits for other full-time employees of that school district and shall not pay administrators any amounts for accumulated vacation leave benefits that are not calculated on the same formula used for determining payment for accumulated vacation leave benefits for other twelve-month full-time employees of that school district.

C. By October 1 of each year each district board of education shall prepare a schedule of salaries and fringe benefits paid administrators employed by the district, including a description of the fringe benefits. The schedule shall be a public record and shall be disclosed as required by the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes. The district board shall file a copy of the schedule with the State Department of Education within one week of completion.

D. For purposes of this section the term "administrator" shall include employees who are employed and certified as superintendents, assistant superintendents, principals, and assistant principals and who have responsibilities for supervising classroom teachers.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 6-101.40, is amended to read as follows:

Section 6-101.40 A support employee who has been employed by a local board of education for more than one (1) year shall be subject to suspension, demotion ~~or~~, termination or nonreemployment only for cause, as designated by the policy of the local board of education, adopted as provided in Section ~~24-134~~ 6-101.43 of this title. This section shall not be construed to prevent layoffs for lack of funds or work. For purposes of this act, "support employee" means a full-time employee of a school district as determined by the standard period of labor which is customarily understood to constitute full-time employment for the type of services performed by the employee who is employed a minimum of one hundred seventy-five (175) days and who provides those services, not performed by professional educators or licensed teachers, which are necessary for the efficient and satisfactory functioning of a school district and shall not include adult education instructors or adult coordinators employed by area vocational-technical school districts.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 6-101.43, is amended to read as follows:

Section 6-101.43 ~~On or before January 1, 1982, each~~ Each local board of education shall adopt a policy statement defining the causes and procedures for suspension, demotion ~~or~~, termination or nonreemployment of support personnel. Upon adoption of such policy, a copy thereof shall be furnished to each support employee.

SECTION 4. AMENDATORY 70 O.S. 1991, Section 6-101.46, is amended to read as follows:

Section 6-101.46 A. After any suspension or prior to any demotion ~~or~~, termination or nonreemployment, a support employee shall receive notice of the right to a hearing. The hearing shall be conducted by the local board of education. All notices shall be by certified mail, with the postmark used to determine the timeliness of the notice. Failure of the employee to request a hearing within ten (10) working days of such notice shall be considered a waiver of the employee's right to a hearing.

B. Nonreemployment shall mean nonrenewal of a support employee's contract upon expiration of the contract.

C. If an employee is to be suspended for a period to exceed ten (10) days, the superintendent of the district shall initiate proceedings for termination and shall follow the procedures set forth in subsection A of this section. However, in a case involving a criminal charge or indictment, the suspension may be delayed until

the employee's case is adjudicated at the trial. Nothing in this act shall prevent the school board from proceeding against the employee during or after the suspension for termination as provided in this act.

SECTION 5. 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 Senate the 11th day of May, 1993.

President of the Senate

Passed the House of Representatives the 21st day of May, 1993.

Speaker of the House of Representatives