

ENROLLED HOUSE
BILL NO. 1871

By: Bastin, Smith (Dale) and
Stites of the House

and

Brown of the Senate

An Act relating to schools; amending 70 O.S. 1991, Sections 6-105 and 11-103.7, which relate to substitute teachers and early childhood education; modifying time limitation on substitute teaching; limiting time in a particular classroom; deleting time limitation exception on substitute teaching without a valid certificate; modifying time limitation for substitute teaching for special education; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 1991, 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)~~ seventy (70) 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. Except as provided in this section, a substitute teacher may not be employed for the same assignment for more than twenty (20) school days during a school year unless he or she is the holder of a valid certificate. 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 shall not be subject to the restrictions on total time a substitute teacher may be employed or the restrictions on time in the same assignment 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. AMENDATORY 70 O.S. 1991, Section 11-103.7, is amended to read as follows:

Section 11-103.7 A. ~~By July 1, 1990, the~~ The State Department of Education shall develop standards for early childhood education programs for children who are at least four (4) years of age on or before September 1 of the ensuing school year. ~~Beginning with the 1990-91 school year, each~~ Each school district may offer to four-year-old children the opportunity to participate in an early childhood education program.

B. Such program shall:

1. Be directed toward developmentally appropriate objectives for such children, rather than toward academic objectives suitable for older children;
2. Be offered in addition to, rather than supplant, federally sponsored Head Start classes; and
3. Accommodate the needs of all children and families regardless of socio-economic circumstances.

C. The program shall require that any teacher employed by a public school to teach in such early childhood education program shall be certified in early childhood education.

D. A school district may offer such early childhood education program within the district, in cooperation with other districts, through the use of transfers as specified by law, or by contracting with a private or public provider of early childhood education programs. If the program is provided through contract with a private or public provider other than a school district, the contract may only be continued if each teacher serving the school on and after January 1, 1993 is certified in Early Childhood Education, except that all teachers, without such certification, hired by such provider prior to January 1, 1993, and serving in the school as an early childhood education teacher shall be required to obtain certification on or before the beginning of the 1996-97 school year. Any person who has been employed as an early childhood educator with the Head Start Program, has a child development associate degree (CDA) and has at least five (5) years of experience in such employment shall be certified in early childhood education for purposes of employment in the public schools of this state to teach in early childhood education for children four (4) years of age and younger; if such person is recertified in child development by the Council for Early Childhood Professional Recognition within five (5) years prior to the expiration of the person's early childhood certificate that was issued by the State Board of Education, such

person shall be granted a renewal certificate in early childhood education by the State Board of Education upon expiration of the early childhood certificate. Provided, private or public providers shall meet such other standards required by law and by the State Board of Education.

E. The State Board of Education shall promulgate rules and regulations to provide for the implementation of such program.

F. On and after the effective date of this section, the term "pre-kindergarten" shall mean early childhood education for purposes of ~~Title 70 of the Oklahoma Statutes~~ this title.

SECTION 3. This act shall become effective September 1, 1994.

Passed the House of Representatives the 10th day of May, 1994.

Speaker of the House of
Representatives

Passed the Senate the 12th day of May, 1994.

President of the Senate