

SHORT TITLE: Schools; providing for nonreemployment of support employees only for cause; emergency.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 536

By: Hobson

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 1991, Sections 6-101.40, 6-101.43, and 6-101.46, which relate to disciplinary proceedings for school support employees; providing for nonreemployment of support employees only for cause; requiring certain policy statements; providing right to hearing for 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 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.

SECTION 2. 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 3. 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. 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 4. 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.

44-1-0455

SB