

ENROLLED SENATE
BILL NO. 35

By: Long of the Senate

and

Ostrander, Staggs, Boyd,
Gilbert, Ross, McCarter,
Benge, Thornbrugh and
Phillips of the House

An Act relating to schools; amending 70 O.S. 1991, Section 6-101.23, which relates to application of the Teacher Due Process Act of 1990; affording rights under Teacher Due Process Act to certain teachers; affording certain evaluation rights to certain teachers; affording certain due process rights to teachers employed on contracts; providing for certain service credit; restricting use of temporary contract; requiring written disclosure of terms and conditions of a temporary contract upon hiring; providing for continuing contract employment in certain cases; prohibiting temporary reemployment of certain teachers; 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. 1991, Section 6-101.23, is amended to read as follows:

Section 6-101.23 A. The dismissal, suspension and nonreemployment provisions of the Teacher Due Process Act of 1990 shall not apply to:

1. Substitute teachers;
2. Adult education teachers; and
3. Teachers who are employed on temporary contracts.

B. The dismissal and suspension provisions of the Teacher Due Process Act of 1990 shall apply to teachers who are employed on temporary contracts for a complete school year and to teachers who are employed in positions fully funded by federal or private categorical grants, except that such teachers shall be employed only for the duration of the temporary contract or the grant.

C. The evaluation provisions in Sections 6-101.10 and 6-101.11 of this title and in the Teacher Due Process Act of 1990 shall apply

to teachers who are employed on temporary contracts for a complete school year and to teachers who are employed in positions fully funded by federal or private categorical grants, except that such teachers shall be employed only for the duration of the temporary contract or the grant.

D. Teachers other than those specifically excepted in subsection A of this section who are employed on contracts shall be afforded all substantive and procedural rights set forth in the Teacher Due Process Act of 1990 including the dismissal, suspension, and nonreemployment provisions applicable to probationary or career teachers as defined in Section 6-101.3 of this title.

E. On and after the effective date of this act any teacher who has worked a complete school year under a temporary contract in a school district shall be granted a year of service credit toward career status in that district.

F. No teacher shall be hired on a temporary contract by a school district for more than three semesters, except a teacher hired to replace a teacher who is on an approved leave of absence and who is expected to return to employment with the school district.

G. No teacher shall be offered a temporary contract with a school district without a full written disclosure at the time a position is offered by the administration of the school district which sets forth the terms and conditions of the temporary contract. In the event the school district fails to provide such written disclosure, the teacher shall be considered as employed on a continuing contract basis.

H. On and after the effective date of this act no teacher who is employed on a continuing contract basis by a school district shall be reemployed on a temporary contract in that school district.

SECTION 2. This act shall become effective July 1, 1999.

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 Senate the 19th day of April, 1999.

President of the Senate

Passed the House of Representatives the 30th day of March, 1999.

Speaker of the House of
Representatives