

ENROLLED HOUSE  
BILL NO. 1433

By: Staggs of the House

and

Crutchfield of the Senate

An Act relating to schools; exempting certain school districts from certain reporting requirements; providing a list of exempted report requirements; requiring regional accreditation officers to review certain reports; prohibiting the State Board of Education from requiring written paper copies of documents filed electronically in a certain format; allowing certain correspondence to be filed electronically; authorizing use of facsimile signatures for certain electronically filed documents; allowing school districts to file reports in a written paper format; amending 70 O.S. 1991, Section 6-101, as amended by Section 28, Chapter 239, O.S.L. 1993 (70 O.S. Supp. 2000, Section 6-101), which relates to teacher contracts; requiring school districts to pay state-mandated salary increases and salary schedule increases to certain teachers engaged in contract negotiations; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-153 of Title 70, unless there is created a duplication in numbering, reads as follows:

Except for school districts with one or more school sites which are identified as low performing or high challenged, all school districts shall be exempt from reporting to the State Board of Education the following plans:

1. The Comprehensive Local Education Plan as required in Section 3-104.2 of Title 70 of the Oklahoma Statutes;
2. The school improvement plan as required in Section 5-117.4 of Title 70 of the Oklahoma Statutes;
3. The professional development plan as required in subsection G of Section 6-194 of Title 70 of the Oklahoma Statutes;
4. The capital improvement plan as required in Section 18-153 of Title 70 of the Oklahoma Statutes; and

5. The reading sufficiency plan as required in paragraph 1 of subsection D of Section 1210.508C of Title 70 of the Oklahoma Statutes; provided the last reading sufficiency plan submitted by the school district was approved by the State Department of Education and expenditures for the program include only expenses relating to individual and small group tutoring, assessment, summer school programs, and Saturday school programs. Prior approval from the State Department of Education shall be required for other types of expenditures.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-154 of Title 70, unless there is created a duplication in numbering, reads as follows:

Each plan listed in Section 1 of this act and which is not required to be submitted to the State Department of Education shall be reviewed by a regional accreditation officer at the time of the annual visit to the school district by an officer.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-128.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Education shall not require school districts to submit a written paper copy of any documents that are filed electronically with the Board in a format that is compatible with the State Department of Education computer system.

Any correspondence between the State Department of Education and a school district concerning an electronically filed report, plan or grant, may also be conducted by electronic transmission. If a signature is required on any electronically filed document, a facsimile signature shall be submitted with the document.

B. Nothing in this section shall prohibit a school district from filing any reports with the State Department of Education in a written paper format.

SECTION 4. AMENDATORY 70 O.S. 1991, Section 6-101, as amended by Section 28, Chapter 239, O.S.L. 1993 (70 O.S. Supp. 2000, Section 6-101), is amended to read as follows:

Section 6-101. A. Except as provided in subsection E of this section, no person shall be permitted to teach in any school district of the state without a written contract, except as provided herein for substitute teachers and except teachers of classes in adult education. The board of education of each school district, wherein school is expected to be conducted for the ensuing year, shall employ and contract in writing with qualified teachers for and in the name of the district. One copy of the contract shall be filed with the clerk of the board of education and one copy shall be retained by the teacher.

B. Except as otherwise provided by law, no board of education shall have authority to enter into any written contract with a teacher who does not hold a valid certificate issued or recognized by the State Board of Education authorizing said teacher to teach the grades or subject matter for which the teacher is employed. Any board of education paying or authorizing the payment of the salary of any teacher not holding a certificate, as required herein, shall

be adjudged to be guilty of a fraudulent expenditure of public funds and members voting for such payment shall be held jointly responsible for the return of the amount of any public monies thus expended, upon suit brought by the district attorney or by any interested citizen in the district where such funds have been expended.

C. It shall be the duty of the superintendent of schools under whose supervision teachers have been contracted to teach to certify to the treasurer of the contracting district the names of the teachers holding valid certificates with whom contracts have been made and the names of substitute teachers employed in accordance with law. Said treasurer shall not register any warrant issued in payment of salary to any teacher whose name is not included in such list and shall be liable on ~~his~~ the official bond for the treasurer for the amount of any warrant registered in violation of the provisions of this section.

D. Whenever any person shall enter into a contract with any school district in Oklahoma to teach in such school district the contract shall be binding on the teacher and on the board of education until the teacher legally has been discharged from ~~his~~ the teaching position or released by the board of education from ~~his~~ the contract. Until such teacher has been thus discharged or released, the teacher shall not have authority to enter into a contract with any other board of education in Oklahoma for the same time covered by his original contract. If upon written complaint by the board of education in a district any teacher is reported to have failed to obey the terms of the contract previously made and to have entered into a contract with another board of education without having been released from the former contract, the teacher, upon being found guilty of said charge at a hearing held before the State Board of Education, shall have such teacher's certificate suspended for the remainder of the term for which said contract was made.

E. A board of education shall have authority to enter into written contracts with teachers for the ensuing fiscal year prior to the beginning of such year. If, prior to April 10, a board of education has not entered into a written contract with a regularly employed teacher or notified the teacher in writing by registered or certified mail that a recommendation has been made not to reemploy the teacher for the ensuing fiscal year, and if, by April 25, such teacher has not notified the board of education in writing by registered or certified mail that such teacher does not desire to be reemployed in such school district for the ensuing year, such teacher shall be considered as employed on a continuing contract basis and on the same salary schedule used for other teachers in the school district for the ensuing fiscal year, and such employment and continuing contract shall be binding on the teacher and on the school district.

F. Whenever a school district is engaged in contract negotiations with teachers employed by that school district after the school year has begun and the teachers are employed on a continuing contract basis, the school district shall, beginning at the first of the school year, pay the teachers any state-mandated salary increases and salary schedule increases to which each teacher is otherwise entitled.

G. No school district or any member of the board of education of a district shall be liable for the payment of compensation to a teacher or administrator under the provisions of any contract for the ensuing year, if it becomes necessary to close the school because of insufficient attendance, disorganization, annexation, consolidation, or by dispensing with the school according to law, provided, such cause is known or action is taken prior to July 1 of such ensuing year.

~~G.~~ H. No school district or any member of a board of education shall be liable for the payment of compensation to any teacher or administrator for the unexpired term of any contract if the school building to which the teacher or administrator has been assigned is destroyed by accident, storm, fire, or otherwise and it becomes necessary to close the school because of inability to secure a suitable building or buildings for continuation of school. Teachers and administrators shall be entitled to pay for any time lost when school is closed on account of epidemics or otherwise when an order for such closing has been issued by a health officer authorized by law to issue the order.

SECTION 5. This act shall become effective July 1, 2001.

SECTION 6. 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 14th day of May, 2001.

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Presiding Officer of the House of  
Representatives

Passed the Senate the 16th day of May, 2001.

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Presiding Officer of the Senate