

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1455

By: Adair

COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2001, Section 6-101.3, which relates to definitions; modifying definition of administrators; amending 70 O.S. 2001, Section 18-124, which relates to expenditures for administrative services; updating statutory language; changing percentage of amount allowed for administrative services; modifying definition of administrative services; providing for allocation of functions; requiring the State Board of Education to submit an annual report of administrative service costs; prohibiting the reduction of salary levels of teachers except under certain conditions; providing a penalty for underpayment to a teacher; providing for deduction of penalty from State Aid; allowing the State Department of Education to withhold State Aid for payment of unpaid salary; directing the State Board of Education to promulgate rules; providing for codification; 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. 2001, Section 6-101.3, is amended to read as follows:

Section 6-101.3 As used in Section 6-101 et seq. of ~~Title 70 of the Oklahoma Statutes~~ this title:

1. "Administrator" means a duly certified person who devotes a majority of time to service as a superintendent, elementary superintendent, assistant superintendent, principal, supervisor, vice or assistant principal or in any other administrative or supervisory capacity in the school district;

2. "Dismissal" means the discontinuance of the teaching service of an administrator or teacher during the term of a written contract, as provided by law;

3. "Nonreemployment" means the nonrenewal of an administrator's or teacher's contract upon expiration of the contract;

4. "Career teacher" means a teacher who has completed three (3) or more consecutive complete school years in such capacity in one school district under a written teaching contract;

5. "Hearing" means the hearing before a local board of education after a recommendation for dismissal or nonreemployment of a teacher has been made but before any final action is taken on said recommendation, held for the purpose of affording such teacher all rights guaranteed by the United States Constitution and the Constitution of Oklahoma under such circumstances and for enabling the board to determine whether to approve or disapprove the recommendation;

6. "Probationary teacher" means a teacher who has completed fewer than three (3) consecutive complete school years in such capacity in one school district under a written teaching contract;

7. "Suspension" or "suspended" means the temporary discontinuance of an administrator's or teacher's services, as provided by law; and

8. "Teacher" means a duly certified or licensed person who is employed to serve as a counselor, librarian or school nurse or in any instructional capacity; an administrator shall be considered a teacher only with regard to service in an instructional, nonadministrative capacity.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 18-124, is amended to read as follows:

Section 18-124. A. Any school district with an average daily attendance (ADA) of more than one thousand five hundred (1,500) students for the preceding year which, ~~in school year 1987-88 or any school year thereafter,~~ expends for administrative services, less expenditures for legal services, more than ~~six percent (6%)~~ _____ of the amount it expends for total expenditures, less

expenditures for legal services, shall have the amount which exceeds the six percent (6%) withheld ~~from~~ the following ~~year's~~ year from the Foundation and Salary Incentive Aid for the school district.

B. Any school district with an average daily attendance (ADA) of more than five hundred (500) students but not more than one thousand five hundred (1,500) students for the preceding year which, ~~in school year 1987-88 or any school year thereafter,~~ expends for administrative services, less expenditures for legal services, more than ~~eight percent (8%)~~ _____ of the amount it expends for total expenditures, less expenditures for legal services, shall have the amount which exceeds the eight percent (8%) withheld ~~from~~ the following ~~year's~~ year from the Foundation and Salary Incentive Aid for the school district.

C. Any school district with an average daily attendance (ADA) of five hundred (500) or fewer students for the preceding year which, ~~in school year 1987-88 or any school year thereafter,~~ expends for administrative services, less expenditures for legal services, more than ~~ten percent (10%)~~ _____ of the amount it expends for total expenditures, less expenditures for legal services, shall have the amount which exceeds the ten percent (10%) withheld ~~from~~ the following ~~year's~~ year from the Foundation and Salary Incentive Aid for the school district.

D. For purposes of ~~subsections A, B and C of~~ this section, "administrative services" means costs associated with ~~staff:~~ staff:

1. Staff for the board of education, ~~the;~~
2. The secretary/clerk for the board of education, ~~and staff;~~
3. Staff relations, ~~negotiations;~~
4. Negotiations staff, ~~the superintendent, and staff;~~
5. Staff for the superintendent;
6. Any administrator as defined in Section 6-101.3 of this

title;

7. Any employee of a school district employed as a director, coordinator, supervisor, or who has responsibility for administrative functions of a school district; and

8. Any consultant hired by the school district.

E. If an employee of a school district is employed in a position where part of the time is spent as an administrator and part of the time is spent in nonadministrative functions, the percentage of time spent as an administrator shall be included as administrative services. Except for a superintendent who spends part of the time teaching in the classroom, if a superintendent of a school district spends part of the time performing other nonadministrative service functions, all of the time of the superintendent shall be included as administrative services.

F. Each school site within a school district shall take steps to ensure that the administrative costs for the school comply with the expenditure limits established for school districts in this section.

~~F.~~ G. Funds withheld pursuant to the provisions of this section shall be distributed through the State Aid formula to the districts not so penalized.

H. The State Board of Education shall annually issue a report to the Governor, Speaker of the Oklahoma House of Representatives, and President Pro Tempore of the State Senate listing the total amount expended by each school district in the state and the percentage expended as compared to total expenditures by each school district for administrative services for the preceding school year.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-114.9 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. If a teacher, as defined in Section 6-101.3 of Title 70 of the Oklahoma Statutes, is employed by the same school district for the next school year as the preceding school year, the salary and

fringe benefit level of the teacher shall not be decreased during the next school year unless the hours or the duties of the teacher are reduced proportionately.

B. Any school district that willfully reduces the salary of a teacher in violation of subsection A of this section shall forfeit a portion of its State Aid equal to the total amount that the teacher was underpaid. If the teacher was underpaid for more than one (1) school year the amount forfeited shall equal the cumulative amount that the teacher was underpaid. The amount to be forfeited shall be deducted from the State Aid payment following confirmation of the underpayment by the State Department of Education.

C. In addition to the amount of State Aid forfeited as a penalty pursuant to subsection B of this section, in order to ensure that the teacher receives the full amount of unpaid salary the State Department of Education shall withhold an amount which is equal to the total amount that the teacher was underpaid from the State Aid payment of the school district and pay the amount directly to the teacher.

D. The State Board of Education shall promulgate rules necessary to implement the provisions of this section. The rules shall include, but not be limited to, procedures for a teacher to file a complaint for violation of this section and the Department to investigate the complaint.

SECTION 4. This act shall become effective July 1, 2003.

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.

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