

**EHB 1455**

**THE STATE SENATE**  
**Tuesday, April 1, 2003**

**ENGROSSED**

**House Bill No. 1455**

**As Amended**

ENGROSSED HOUSE BILL NO. 1455 - By: ADAIR, FERGUSON, STEELE and DeWITT of the House and ROZELL and LAWLER of the Senate.

[ schools - amending 70 O.S., Sections 6-101.3 and 18-124 - expenditures for administrative services - salary levels - codification - effective date - emergency ]

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;

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

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

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

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

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

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

3 Section 18-124. A. Any school district with an average daily  
4 attendance (ADA) of more than one thousand five hundred (1,500)  
5 students for the preceding year which, ~~in school year 1987-88 or any~~  
6 ~~school year thereafter,~~ expends for administrative services, less  
7 expenditures for legal services, more than ~~six percent (6%)~~  
8 \_\_\_\_\_ of the amount it expends for total expenditures, less  
9 expenditures for legal services, shall have the amount which exceeds  
10 the six percent (6%) withheld ~~from~~ the following ~~year's~~ year from  
11 the Foundation and Salary Incentive Aid for the school district.

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

22 C. Any school district with an average daily attendance (ADA)  
23 of five hundred (500) or fewer students for the preceding year

1 which, ~~in school year 1987-88 or any school year thereafter,~~ expends  
2 for administrative services, less expenditures for legal services,  
3 more than ~~ten percent (10%)~~ \_\_\_\_\_ of the amount it expends  
4 for total expenditures, less expenditures for legal services, shall  
5 have the amount which exceeds the ten percent (10%) withheld ~~from~~  
6 the following ~~year's~~ year from the Foundation and Salary Incentive  
7 Aid for the school district.

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

- 10 1. Staff for the board of education, ~~the;~~
- 11 2. The secretary/clerk for the board of education, ~~and staff;~~
- 12 3. Staff relations, ~~negotiations;~~
- 13 4. Negotiations staff, ~~the superintendent, and staff;~~
- 14 5. Staff for the superintendent;
- 15 6. Any administrator as defined in Section 6-101.3 of this  
16 title;
- 17 7. Any employee of a school district employed as a director,  
18 coordinator, supervisor, or who has responsibility for  
19 administrative functions of a school district; and
- 20 8. Any consultant hired by the school district.

21 E. If an employee of a school district is employed in a  
22 position where part of the time is spent as an administrator and  
23 part of the time is spent in nonadministrative functions, the

1 percentage of time spent as an administrator shall be included as  
2 administrative services. Except for a superintendent who spends  
3 part of the time teaching in the classroom, if a superintendent of a  
4 school district spends part of the time performing other  
5 nonadministrative service functions, all of the time of the  
6 superintendent shall be included as administrative services.

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

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

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

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

1       A. If a teacher, as defined in Section 6-101.3 of Title 70 of  
2 the Oklahoma Statutes, is employed by the same school district for  
3 the next school year as the preceding school year, the salary and  
4 fringe benefit level of the teacher shall not be decreased during  
5 the next school year unless the hours or the duties of the teacher  
6 are reduced proportionately, except by a majority vote of the  
7 locally elected school board.

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

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

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

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

7           SECTION 5. It being immediately necessary for the preservation  
8 of the public peace, health and safety, an emergency is hereby  
9 declared to exist, by reason whereof this act shall take effect and  
10 be in full force from and after its passage and approval.

11 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-26-03 - DO  
12 PASS, As Amended and Coauthored.