EHB 1435

THE STATE SENATE
Tuesday, April 12, 2005

ENGROSSED

House Bill No. 1435

As Amended

ENGROSSED HOUSE BILL NO. 1435 - By: HILLIARD, STAGGS, McPEAK, SHERRER, AUFFET, BRANNON, KIESEL, LINDLEY, McMULLEN and SMITHSON of the House and CRUTCHFIELD and GARRISON of the Senate.

[State Department of Rehabilitation Services – amending 10 O.S., Section 1419 – administration and personnel – effective date – emergency]

SECTION 1. AMENDATORY 10 O.S. 2001, Section 1419, as amended by Section 1, Chapter 93, O.S.L. 2003 (10 O.S. Supp. 2004, Section 1419), is amended to read as follows:

Section 1419. A. The Commission for Rehabilitation Services shall establish and maintain such methods of administration, including methods relating to the establishment and maintenance of personnel standards, as are necessary for the proper and efficient administration of the Oklahoma School for the Blind and the Oklahoma School for the Deaf, and programs thereat; shall maintain records and reports, shall provide a uniform accounting system; and shall incur such expenses and make such expenditures as it deems necessary to maintain and operate such schools.

(Bold face denotes Committee Amendments)

B. 1. Instructional Personnel. The Director of the State Department of Rehabilitation Services shall employ or contract with such qualified instructional personnel including, but not limited to, teachers, and such other persons serving in an instructional capacity, as the director deems necessary for the proper operation of each school and shall fix their duties and compensation. The superintendent, teachers and other employees shall be eligible for membership or participation in the Teachers' Retirement System of Oklahoma to the same extent and on the same basis as teachers and other employees of other state educational institutions and public schools. The Director shall not employ or contract with a person as instructional personnel unless the superintendent of the school has recommended that person. If there is a vacancy in the superintendent position or if the superintendent is unable to make a recommendation within thirty (30) days after a request for a recommendation is made, the Director is authorized to employ or contract with any person without a recommendation from the superintendent.

2. Career Teacher. A career teacher is a member of the instructional staff who has served in an instructional capacity for three (3) or more consecutive years in either school, or who has served in a public school district in such a way so as to meet the definition of a career teacher as provided for in Section 6-101.3 of

Title 70 of the Oklahoma Statutes. Career teacher shall not include a school nurse.

3. Probationary Teacher. A probationary teacher is a member of the instructional staff who has served in an instructional capacity for less than three (3) consecutive years in either school, or who has served in a public school district in such a way so as to meet the definition of a probationary teacher as provided for in Section 6-101.3 of Title 70 of the Oklahoma Statutes.

C. Administrative Personnel.

1. The Director of the State Department of Rehabilitation Services shall employ or appoint the superintendent of each school and shall fix their duties and compensation. The superintendents shall be in the unclassified service.

2. The Director of the State Department of Rehabilitation Services shall employ or contract with such other administrative personnel as the Director deems necessary for the proper operation of each school and shall fix their duties and compensation. The administrative personnel may include, but is not limited to, assistant superintendents, principals, vice-principals and other persons who devote a majority of their time to service in a supervisory or administrative capacity.

D. An orientation and mobility specialist employed by the State Department of Rehabilitation Services to serve at the Oklahoma

School for the Blind shall be accorded the same protection of laws and all other benefits accorded instructional personnel, including but not limited to, the minimum salary level for instructional personnel.

E. 1. The Commission shall, pursuant to the Administrative Procedures Act, adopt personnel policies for instructional and administrative personnel, except for superintendents, that are consistent with the law applicable to public school district employees, including, but not limited to, leave and employment policies, evaluation policy, grievance procedures, professional development, and a minimum salary schedule. The Commission shall initiate a rulemaking process for the personnel policies for instructional and administrative personnel no later than October 1, 2003. The minimum salary level for qualified instructional personnel shall meet or exceed the minimum salary level provided for public school teachers in Section ~~18-114.7~~ 18-114.12 of Title 70 of the Oklahoma Statutes or any additional minimum salary schedule enacted by the Legislature and the Commission shall meet or exceed any other legislatively mandated pay raises for teachers that are not part of the minimum salary schedule. The Department shall notify teachers and other personnel on or before April 10 of each year concerning the renewal of contracts consistent with the requirements for public school teachers as provided for in Section

6-101 of Title 70 of the Oklahoma Statutes. The policy for professional development programs for instructional and administrative personnel shall be consistent with the requirements for professional development programs for public school teachers as provided in Section 6-194 of Title 70 of the Oklahoma Statutes.

2. Final disciplinary action taken against a member of the instructional or administrative staff, except superintendents, including termination or the nonrenewal of a contract, shall be subject to the administrative hearing procedures as set forth in Article II of the Oklahoma Administrative Procedures Act. If the final decision of the Director is to terminate or to not renew the contract of a career teacher or administrator, the career teacher or administrator, except superintendent, shall not have a right to judicial review pursuant to Article II of the Oklahoma Administrative Procedures Act, but shall have a right to a trial de novo as provided for in Section 2 of this act. Disciplinary action against a probationary teacher shall be final unless otherwise provided for by law.

F. The State Department of Education shall insure that any funds which have been received in Oklahoma by the State Department of Education because of students who are enrolled and attending the Oklahoma School for the Blind and the Oklahoma School for the Deaf are transferred to the State Department of Rehabilitation Services

for use by these schools in proportion to the number of students enrolled and attending who were the basis for the receipt of these federal funds.

G. School personnel who have entered into contracts with the schools on or before July 1, 1995, shall be entitled to longevity pay as provided in Section 840-2.18 of Title 74 of the Oklahoma Statutes.

SECTION 2. This act shall become effective July 1, 2005.

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.

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-6-05 - DO PASS, As Amended.