

CS for EHB 1837

THE STATE SENATE
Wednesday, April 13, 2005

Committee Substitute for
ENGROSSED
House Bill No. 1837

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1837 - By: JETT and AUFFET of the House and LASTER of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 6-101, as amended by Section 3, Chapter 455, O.S.L. 2003 (70 O.S. Supp. 2004, Section 6-101), which relates to teacher contracts; allowing a board of education to contract with persons obtaining certification or licensure; prohibiting such persons from teaching in the classroom; providing for termination of contract under certain condition; amending 70 O.S. 2001, Sections 6-107, as amended by Section 9, Chapter 204, O.S.L. 2003 and 6-108 (70 O.S. Supp. 2004, Section 6-107), which relate to contracts with school employees; amending 70 O.S. 2001, Section 6-190, as last amended by Section 1, Chapter 438, O.S.L. 2004 (70 O.S. Supp. 2004, Section 6-190), which relates to teacher employment, certification, and licensure; providing certain exception; 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, as amended by Section 3, Chapter 455, O.S.L. 2003 (70 O.S. Supp. 2004, 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 Except as provided in subsection J of this

1 section, the board of education of each school district, wherein
2 school is expected to be conducted for the ensuing year, shall
3 employ and contract in writing with qualified teachers for and in
4 the name of the district. One copy of the contract shall be filed
5 with the clerk of the board of education and one copy shall be
6 retained by the teacher.

7 B. Except as otherwise provided by subsection J of this section
8 and any other law, no board of education shall have authority to
9 enter into any written contract with a teacher who does not hold a
10 valid certificate issued or recognized by the State Board of
11 Education authorizing said teacher to teach the grades or subject
12 matter for which the teacher is employed. Any board of education
13 paying or authorizing the payment of the salary of any teacher not
14 holding a certificate, as required herein, shall be adjudged to be
15 guilty of a fraudulent expenditure of public funds and members
16 voting for such payment shall be held jointly responsible for the
17 return of the amount of any public monies thus expended, upon suit
18 brought by the district attorney or by any interested citizen in the
19 district where such funds have been expended.

20 C. It shall be the duty of the superintendent of schools under
21 whose supervision teachers have been contracted to teach to certify
22 to the treasurer of the contracting district the names of the
23 teachers holding valid certificates with whom contracts have been

1 made and the names of substitute teachers employed in accordance
2 with law. The treasurer shall not register any warrant issued in
3 payment of salary to any teacher whose name is not included in such
4 list and shall be liable on the official bond for the treasurer for
5 the amount of any warrant registered in violation of the provisions
6 of this section.

7 D. Whenever any person shall enter into a contract with any
8 school district in Oklahoma to teach in such school district the
9 contract shall be binding on the teacher and on the board of
10 education until the teacher legally has been discharged from the
11 teaching position or released by the board of education from the
12 contract. Except as provided in ~~this act~~ Section 5-106A of this
13 title, until such teacher has been thus discharged or released, the
14 teacher shall not have authority to enter into a contract with any
15 other board of education in Oklahoma for the same time covered by
16 the original contract. If upon written complaint by the board of
17 education in a district any teacher is reported to have failed to
18 obey the terms of the contract previously made and to have entered
19 into a contract with another board of education without having been
20 released from the former contract except as provided in ~~this act~~
21 Section 5-106A of this title, the teacher, upon being found guilty
22 of such charge at a hearing held before the State Board of

1 Education, shall have such teacher's certificate suspended for the
2 remainder of the term for which the contract was made.

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

18 F. Whenever a school district is engaged in contract
19 negotiations with teachers employed by that school district after
20 the school year has begun and the teachers are employed on a
21 continuing contract basis, the school district shall, beginning at
22 the first of the school year, pay the teachers any state-mandated

1 salary increases and salary schedule increases to which each teacher
2 is otherwise entitled.

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

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

1 I. A teacher may contract with more than one school district
2 for the same school year as provided in Section 4 5-106A of this ~~act~~
3 title.

4 J. A board of education shall have authority to enter into
5 written contracts for the ensuing fiscal year prior to the beginning
6 of the year with persons who are not certified or licensed to teach
7 by the State Board of Education as long as the person is actively in
8 the process of securing certification or licensure. The person
9 shall not be allowed to teach in a classroom until the person has
10 met or completed all of the requirements for licensure or
11 certification as provided for in Section 6-190 of this title. If
12 the person has not obtained valid certification or licensure by the
13 first day of the ensuing school year, the contract shall be
14 terminated.

15 SECTION 2. AMENDATORY 70 O.S. 2001, Section 6-107, as
16 amended by Section 9, Chapter 204, O.S.L. 2003 (70 O.S. Supp. 2004,
17 Section 6-107), is amended to read as follows:

18 Section 6-107. A. Except for employment of a director of a
19 public developmental research school as authorized in Section
20 1210.577 of this title and except as provided for in Section 6-101
21 of this title, it shall be unlawful for a member of the board of
22 education of a school district to employ, approve or vote for the
23 employment of any person to perform services for ~~such~~ the district

1 unless the person employed holds a valid certificate of
2 qualification issued in accordance with the rules of the State Board
3 of Education to perform the services the person is employed to
4 perform.

5 B. The State Department of Education shall require each person
6 offered a position within the agency that requires working directly
7 with children to furnish fingerprints to be used for a state and
8 national criminal history record check as defined by Section 150.9
9 of Title 74 of the Oklahoma Statutes.

10 SECTION 3. AMENDATORY 70 O.S. 2001, Section 6-108, is
11 amended to read as follows:

12 Section 6-108. Except for service as a director of a public
13 developmental research school and service by a faculty member of a
14 higher education institution affiliated with a public developmental
15 research school as specifically authorized in this act and except as
16 provided for in Section 6-101 of this title, it shall be unlawful
17 for any person to serve, or to contract or agree to serve, as
18 superintendent, elementary superintendent, principal, supervisor,
19 librarian, school nurse, classroom teacher or other instructional,
20 supervisory or administrative employee of a school district unless
21 ~~such~~ the person holds a valid certificate of qualification issued in
22 accordance with the rules of the State Board of Education to perform
23 the services the person performs or contracts or agrees to perform.

1 The State Board of Education shall provide for the certification of
2 elementary superintendents.

3 SECTION 4. AMENDATORY 70 O.S. 2001, Section 6-190, as
4 last amended by Section 1, Chapter 438, O.S.L. 2004 (70 O.S. Supp.
5 2004, Section 6-190), is amended to read as follows:

6 Section 6-190. A. The board of education of each school
7 district shall employ and contract in writing, as required in
8 Section 6-101 of this title, only with persons certified or licensed
9 to teach by the State Board of Education in accordance with the
10 Oklahoma Teacher Preparation Act, except as otherwise provided for
11 by Section 6-101 of this title and by other law.

12 B. The Board shall issue a license to teach to any person who:

13 1. Has successfully completed the teacher education program
14 required by the State Board of Education prior to July 1, 1997, and
15 the Oklahoma Commission for Teacher Preparation beginning July 1,
16 1997;

17 2. Has graduated from an accredited institution of higher
18 education that has approval or accreditation for teacher education;

19 3. Has met all other requirements as may be established by the
20 Board;

21 4. Has made the necessary application and paid the competency
22 examination fee in an amount and as prescribed by the Commission;

1 5. Has successfully completed the competency examination
2 required in Section 6-187 of this title; and

3 6. Beginning November 1, 2001, has on file with the Board a
4 current Oklahoma criminal history record from the Oklahoma State
5 Bureau of Investigation as well as a national criminal history
6 record check as defined in Section 150.9 of Title 74 of the Oklahoma
7 Statutes. Upon receipt of the Oklahoma criminal history record, the
8 Board may issue a temporary license which shall be effective until
9 receipt of the national fingerprint-based criminal history record.
10 The person applying for a license shall be responsible for the cost
11 of the criminal history records.

12 C. The Board shall issue a certificate to teach to any person
13 who:

14 1. a. holds a license to teach in accordance with the
15 Oklahoma Teacher Preparation Act,

16 b. has served a minimum of one (1) school year as a
17 resident teacher,

18 c. has made the necessary application and paid the
19 certification fee as prescribed by the Board, and

20 d. has been recommended for certification by the
21 residency committee;

22 2. Holds an out-of-state certificate and meets standards set by
23 the Board; or

1 3. Holds certification from the National Board for Professional
2 Teaching Standards.

3 D. Beginning July 1, 2004, any person applying for initial
4 Oklahoma certification who has not applied for and received an
5 Oklahoma teacher license shall have on file with the Board a current
6 Oklahoma criminal history record from the Oklahoma State Bureau of
7 Investigation as well as a national criminal history record check as
8 defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Upon
9 receipt of the Oklahoma criminal history record, the Board may issue
10 a temporary certificate which shall be effective until receipt of
11 the national fingerprint-based criminal history record. The person
12 applying for a certificate shall be responsible for the cost of the
13 criminal history records.

14 E. If a resident teacher is a graduate of an out-of-state
15 institution of higher education, the recommendation of the residency
16 committee shall be made to the State Board of Education.

17 F. Any person holding a valid certificate, issued prior to
18 January 1, 1997, shall be a certified teacher for purposes of the
19 Oklahoma Teacher Preparation Act, subject to any professional
20 development requirements prescribed by the Oklahoma Teacher
21 Preparation Act or by the State Board of Education.

22 SECTION 5. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
3 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 4-4-05 - DO PASS,
4 As Amended.