

3 Senate Bill No. 366  
4 As Amended

5 SENATE BILL NO. 366 - By: MONSON of the Senate and DEUTSCHENDORF of  
6 the House.

7 [ schools - special education substitute teachers - training  
8 - effective date -  
9 emergency ]

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

11 SECTION 1. AMENDATORY 70 O.S. 2001, Section 6-105, is  
12 amended to read as follows:

13 Section 6-105. A. If, because of sickness or other reason, a  
14 teacher is temporarily unable to perform regular duties, a  
15 substitute teacher may be employed for the position for the time of  
16 the absence. A substitute teacher shall be paid in an amount and  
17 under such terms as may be agreed upon in advance by the substitute  
18 teacher and the board of education or according to regulations of  
19 the board. If a teacher is absent for reason of personal business  
20 the school district shall deduct from the salary of the teacher only  
21 the amount necessary to pay the substitute.

22 B. No substitute teacher shall be employed for a total period  
23 of time in excess of seventy (70) school days during a school year;  
24 or one hundred (100) school days during the school year if the  
25 substitute teacher holds a lapsed or expired certificate or has a

1 bachelors level college degree; or no limit of school days during  
2 the school year if the substitute teacher holds a valid certificate.  
3 Except as provided in this section, a substitute teacher may not be  
4 employed for the same assignment for more than twenty (20) school  
5 days during a school year unless the substitute teacher holds a  
6 valid certificate.

7 C. Substitute teachers who do not hold a valid certificate and  
8 who are employed to teach special education for students with  
9 physical disabilities or students with mental retardation shall not  
10 be subject to the restrictions on total time a substitute teacher  
11 may be employed or the restrictions on time in the same assignment  
12 if no certified teachers are available to teach such students and  
13 the students would be denied instruction in special education if the  
14 substitute teacher were not employed. Any substitute teacher  
15 employed to teach special education for the same assignment for more  
16 than twenty (20) school days during a school year who does not hold  
17 a valid certificate to teach special education shall be required to  
18 have specialized training as prescribed by the State Board of  
19 Education. Availability of certified teachers shall be determined  
20 after the school has consulted the State Board of Education and any  
21 other resources for filling the vacant position with a certified  
22 teacher.

1        D. Payment of salary to a substitute shall have no effect on  
2 the amount of salary to which the absent regular teacher is entitled  
3 under the applicable leave plan.

4        ~~B.~~ E. Any substitute or cadet teacher employed in any school  
5 system on a monthly or annual basis shall hold a certificate and  
6 have a written contract in the manner and under the same conditions  
7 as for regular teachers.

8        ~~C.~~ F. Teachers who are members of the Reserve Forces of the  
9 Army, the Navy, the Marine Corps, the Coast Guard, the Air Force, or  
10 any other component of the Armed Forces of the United States,  
11 including members of the Air or Army National Guard, shall, when  
12 ordered by the proper authority to active duty or service, be  
13 entitled to a leave of absence from such civil employment for the  
14 period of such active service without loss of status or efficiency  
15 rating and without loss of pay during the first thirty (30) days of  
16 such leave of absence.

17        ~~D.~~ G. School districts in this state may contract with outside  
18 providers for the training and employment of substitute teachers.  
19 The State Board of Education shall promulgate guidelines to assist  
20 school districts in the sanctioning and approval of an outside  
21 provider in accordance with this section.

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

1           SECTION 3. It being immediately necessary for the preservation  
2 of the public peace, health and safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 2-14-05 - DO  
6 PASS, As Amended and Coauthored.