

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2681

By: Sears

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,
8 Section 6-101, as last amended by Section 1, Chapter
9 185, O.S.L. 2005 (70 O.S. Supp. 2007, Section 6-101),
10 which relates to the employment of teachers by
11 written contract; extending certain dates relating to
12 the written contract; and providing an effective
13 date.

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

15 SECTION 1. AMENDATORY 70 O.S. 2001, Section 6-101, as
16 last amended by Section 1, Chapter 185, O.S.L. 2005 (70 O.S. Supp.
17 2007, Section 6-101), is amended to read as follows:

18 Section 6-101. A. Except as provided in subsection E of this
19 section, no person shall be permitted to teach in any school
20 district of the state without a written contract, except as provided
21 herein for substitute teachers and except teachers of classes in
22 adult education. Except as provided in subsection J of this
23 section, the board of education of each school district, wherein
24 school is expected to be conducted for the ensuing year, shall

1 employ and contract in writing with qualified teachers for and in
2 the name of the district. One copy of the contract shall be filed
3 with the clerk of the board of education and one copy shall be
4 retained by the teacher.

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

18 C. It shall be the duty of the superintendent of schools under
19 whose supervision teachers have been contracted to teach to certify
20 to the treasurer of the contracting district the names of the
21 teachers holding valid certificates with whom contracts have been
22 made and the names of substitute teachers employed in accordance
23 with law. The treasurer shall not register any warrant issued in
24 payment of salary to any teacher whose name is not included in such

1 list and shall be liable on the official bond for the treasurer for
2 the amount of any warrant registered in violation of the provisions
3 of this section.

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

22 E. A board of education shall have authority to enter into
23 written contracts with teachers for the ensuing fiscal year prior to
24 the beginning of such year. If, prior to ~~April~~ June 10, a board of

1 education has not entered into a written contract with a regularly
2 employed teacher or notified the teacher in writing by registered or
3 certified mail that a recommendation has been made not to reemploy
4 the teacher for the ensuing fiscal year, and if, by ~~April~~ June 25,
5 such teacher has not notified the board of education in writing by
6 registered or certified mail that such teacher does not desire to be
7 reemployed in such school district for the ensuing year, such
8 teacher shall be considered as employed on a continuing contract
9 basis and on the same salary schedule used for other teachers in the
10 school district for the ensuing fiscal year, and such employment and
11 continuing contract shall be binding on the teacher and on the
12 school district.

13 F. Whenever a school district is engaged in contract
14 negotiations with teachers employed by that school district after
15 the school year has begun and the teachers are employed on a
16 continuing contract basis, the school district shall, beginning at
17 the first of the school year, pay the teachers any state-mandated
18 salary increases and salary schedule increases to which each teacher
19 is otherwise entitled.

20 G. No school district or any member of the board of education
21 of a district shall be liable for the payment of compensation to a
22 teacher or administrator under the provisions of any contract for
23 the ensuing year, if it becomes necessary to close the school
24 because of insufficient attendance, disorganization, annexation,

1 consolidation, or by dispensing with the school according to law,
2 provided, such cause is known or action is taken prior to July 1 of
3 such ensuing year.

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

15 I. A teacher may contract with more than one school district
16 for the same school year as provided in Section 5-106A of this
17 title.

18 J. A board of education shall have authority to enter into
19 written contracts for the ensuing fiscal year prior to the beginning
20 of the year with persons who are not certified or licensed to teach
21 by the State Board of Education as long as the person is actively in
22 the process of securing certification or licensure. The person
23 shall not be allowed to teach in a classroom until the person has
24 met or completed all of the requirements for licensure or

1 certification as provided for in Section 6-190 of this title. If
2 the person has not obtained valid certification or licensure by the
3 first day of the ensuing school year, the contract shall be
4 terminated.

5 SECTION 2. This act shall become effective November 1, 2008.

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