

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3246

By: Lamons

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,
8 Section 6-101.23, which relates to the Teacher Due
9 Process Act of 1990; expanding application of the act
10 to certain teachers; expanding application of
11 evaluation provisions to certain teachers; and
12 declaring an emergency.

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

14 SECTION 1. AMENDATORY 70 O.S. 2001, Section 6-101.23, is
15 amended to read as follows:

16 Section 6-101.23 A. The dismissal, suspension and
17 nonreemployment provisions of the Teacher Due Process Act of 1990
18 shall not apply to:

- 19 1. Substitute teachers;
- 20 2. Adult education teachers; and
- 21 3. Teachers who are employed on temporary contracts.

22 B. The dismissal and suspension provisions of the Teacher Due
23 Process Act of 1990 shall apply to teachers who are employed on
24 temporary contracts for a complete school year and to teachers who
are employed in positions fully funded by federal or private

1 categorical grants or by educational services contracts with a state
2 agency or private entity, except that such teachers shall be
3 employed only for the duration of the temporary contract ~~or~~, the
4 grant, or the educational services contract.

5 C. The evaluation provisions in Sections 6-101.10 and 6-101.11
6 of this title and in the Teacher Due Process Act of 1990 shall apply
7 to teachers who are employed on temporary contracts for a complete
8 school year and to teachers who are employed in positions fully
9 funded by federal or private categorical grants or by educational
10 services contracts with a state agency or private entity, except
11 that such teachers shall be employed only for the duration of the
12 temporary contract ~~or~~, the grant, or the educational services
13 contract.

14 D. Teachers other than those specifically excepted in
15 subsection A of this section who are employed on contracts shall be
16 afforded all substantive and procedural rights set forth in the
17 Teacher Due Process Act of 1990 including the dismissal, suspension,
18 and nonreemployment provisions applicable to probationary or career
19 teachers as defined in Section 6-101.3 of this title.

20 E. ~~On and after the effective date of this act any~~ Any teacher
21 who has worked a complete school year under a temporary contract in
22 a school district shall be granted a year of service credit toward
23 career status in that district.

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1 F. No teacher shall be hired on a temporary contract by a
2 school district for more than three semesters, except for a:

3 1. Teacher hired to replace a teacher who is on an approved
4 leave of absence and who is expected to return to employment with
5 the school district; or

6 2. Teacher who is a retired member of the Teachers' Retirement
7 System of Oklahoma.

8 G. No teacher shall be offered a temporary contract with a
9 school district without a full written disclosure at the time a
10 position is offered by the administration of the school district
11 which sets forth the terms and conditions of the temporary contract.
12 In the event the school district fails to provide such written
13 disclosure, the teacher shall be considered as employed on a
14 continuing contract basis.

15 H. ~~On and after the effective date of this act no~~ No teacher
16 who is employed on a continuing contract basis by a school district
17 shall be reemployed on a temporary contract in that school district.

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

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