

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 394

By: Stanislawski of the
Senate

3
4 and

Sullivan of the House
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8 (schools - teacher contracts - discipline of
9 children -

10 effective date)
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13 AUTHOR: Add the following House Coauthor: Duncan

14 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert
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16 "An Act relating to schools; amending 70 O.S. 2001,
17 Section 6-101, as last amended by Section 1, Chapter
18 185, O.S.L. 2005 (70 O.S. Supp. 2008, Section 6-
19 101), which relates to teacher contracts; modifying
date by which certain notifications regarding
contracts must occur; and providing an effective
date.
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22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
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1 SECTION 1. AMENDATORY 70 O.S. 2001, Section 6-101, as
2 last amended by Section 1, Chapter 185, O.S.L. 2005 (70 O.S. Supp.
3 2008, Section 6-101), is amended to read as follows:

4 Section 6-101. A. Except as provided in subsection E of this
5 section, no person shall be permitted to teach in any school
6 district of the state without a written contract, except as provided
7 herein for substitute teachers and except teachers of classes in
8 adult education. Except as provided in subsection J of this
9 section, the board of education of each school district, wherein
10 school is expected to be conducted for the ensuing year, shall
11 employ and contract in writing with qualified teachers for and in
12 the name of the district. One copy of the contract shall be filed
13 with the clerk of the board of education and one copy shall be
14 retained by the teacher.

15 B. Except as otherwise provided by subsection J of this section
16 and any other law, no board of education shall have authority to
17 enter into any written contract with a teacher who does not hold a
18 valid certificate issued or recognized by the State Board of
19 Education authorizing said teacher to teach the grades or subject
20 matter for which the teacher is employed. Any board of education
21 paying or authorizing the payment of the salary of any teacher not
22 holding a certificate, as required herein, shall be adjudged to be
23 guilty of a fraudulent expenditure of public funds and members
24 voting for such payment shall be held jointly responsible for the

1 return of the amount of any public monies thus expended, upon suit
2 brought by the district attorney or by any interested citizen in the
3 district where such funds have been expended.

4 C. It shall be the duty of the superintendent of schools under
5 whose supervision teachers have been contracted to teach to certify
6 to the treasurer of the contracting district the names of the
7 teachers holding valid certificates with whom contracts have been
8 made and the names of substitute teachers employed in accordance
9 with law. The treasurer shall not register any warrant issued in
10 payment of salary to any teacher whose name is not included in such
11 list and shall be liable on the official bond for the treasurer for
12 the amount of any warrant registered in violation of the provisions
13 of this section.

14 D. Whenever any person shall enter into a contract with any
15 school district in Oklahoma to teach in such school district the
16 contract shall be binding on the teacher and on the board of
17 education until the teacher legally has been discharged from the
18 teaching position or released by the board of education from the
19 contract. Except as provided in Section 5-106A of this title, until
20 such teacher has been thus discharged or released, the teacher shall
21 not have authority to enter into a contract with any other board of
22 education in Oklahoma for the same time covered by the original
23 contract. If upon written complaint by the board of education in a
24 district any teacher is reported to have failed to obey the terms of

1 the contract previously made and to have entered into a contract
2 with another board of education without having been released from
3 the former contract except as provided in Section 5-106A of this
4 title, the teacher, upon being found guilty of such charge at a
5 hearing held before the State Board of Education, shall have such
6 teacher's certificate suspended for the remainder of the term for
7 which the contract was made.

8 E. A board of education shall have authority to enter into
9 written contracts with teachers for the ensuing fiscal year prior to
10 the beginning of such year. If, prior to ~~April 10~~ the first Monday
11 in June, a board of education has not entered into a written
12 contract with a regularly employed teacher or notified the teacher
13 in writing by registered or certified mail that a recommendation has
14 been made not to reemploy the teacher for the ensuing fiscal year,
15 and if, by ~~April 25~~ fifteen (15) days after the first Monday in
16 June, such teacher has not notified the board of education in
17 writing by registered or certified mail that such teacher does not
18 desire to be reemployed in such school district for the ensuing
19 year, such teacher shall be considered as employed on a continuing
20 contract basis and on the same salary schedule used for other
21 teachers in the school district for the ensuing fiscal year, and
22 such employment and continuing contract shall be binding on the
23 teacher and on the school district.

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1 F. Whenever a school district is engaged in contract
2 negotiations with teachers employed by that school district after
3 the school year has begun and the teachers are employed on a
4 continuing contract basis, the school district shall, beginning at
5 the first of the school year, pay the teachers any state-mandated
6 salary increases and salary schedule increases to which each teacher
7 is otherwise entitled.

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

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

1 for such closing has been issued by a health officer authorized by
2 law to issue the order.

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

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

17 SECTION 2. This act shall become effective November 1, 2009.”
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1 Passed the House of Representatives the 15th day of April, 2009.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2009.

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9 Presiding Officer of the Senate