

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB394 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Daniel Sullivan \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 394

By: Stanislawski of the Senate  
and  
Sullivan of the House

7  
8  
9 PROPOSED COMMITTEE SUBSTITUTE

10 An Act relating to schools; amending 70 O.S. 2001,  
11 Section 6-101, as last amended by Section 1, Chapter  
12 185, O.S.L. 2005 (70 O.S. Supp. 2008, Section 6-101),  
13 which relates to teacher contracts; modifying date by  
14 which certain notifications regarding contracts must  
15 occur; and providing an effective date.

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

17 SECTION 1. AMENDATORY 70 O.S. 2001, Section 6-101, as last  
18 amended by Section 1, Chapter 185, O.S.L. 2005 (70 O.S. Supp. 2008,  
19 Section 6-101), is amended to read as follows:

20 Section 6-101. A. Except as provided in subsection E of this  
21 section, no person shall be permitted to teach in any school  
22 district of the state without a written contract, except as provided  
23 herein for substitute teachers and except teachers of classes in  
24 adult education. 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  
24 made and the names of substitute teachers employed in accordance

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

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

24

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

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

24

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

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

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

23 J. A board of education shall have authority to enter into  
24 written contracts for the ensuing fiscal year prior to the beginning

1 of the year with persons who are not certified or licensed to teach  
2 by the State Board of Education as long as the person is actively in  
3 the process of securing certification or licensure. The person  
4 shall not be allowed to teach in a classroom until the person has  
5 met or completed all of the requirements for licensure or  
6 certification as provided for in Section 6-190 of this title. If  
7 the person has not obtained valid certification or licensure by the  
8 first day of the ensuing school year, the contract shall be  
9 terminated.

10 SECTION 2. This act shall become effective November 1, 2009.

11

12 52-1-7468 KB 03/26/09

13

14

15

16

17

18

19

20

21

22

23

24