

1 ENGROSSED HOUSE
2 BILL NO. 2854

By: Inman, Kern, Proctor,
Hoskin and Hilliard of the
House

3
4 and

Laster of the Senate

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8 An Act relating to schools; amending 70 O.S. 2001,
9 Section 6-105, as amended by Section 2, Chapter 278,
10 O.S.L. 2006 (70 O.S. Supp. 2009, Section 6-105),
11 which relates to substitute teachers; modifying the
12 number of school days a substitute teacher may be
13 employed during a school year; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 70 O.S. 2001, Section 6-105, as
17 amended by Section 2, Chapter 278, O.S.L. 2006 (70 O.S. Supp. 2009,
18 Section 6-105), is amended to read as follows:

19 Section 6-105. A. If, because of sickness or other reason, a
20 teacher is temporarily unable to perform regular duties, a
21 substitute teacher may be employed for the position for the time of
22 the absence. A substitute teacher shall be paid in an amount and
23 under such terms as may be agreed upon in advance by the substitute
24 teacher and the board of education or according to regulations of
the board. If a teacher is absent for reason of personal business

1 the school district shall deduct from the salary of the teacher only
2 the amount necessary to pay the substitute.

3 B. No substitute teacher shall be employed for a total period of
4 time in excess of ~~seventy (70)~~ ninety (90) school days during a
5 school year; or one hundred (100) school days during the school year
6 if the substitute teacher holds a lapsed or expired certificate or
7 has a bachelors level college degree; or no limit of school days
8 during the school year if the substitute teacher holds a valid
9 certificate. Except as provided in this section, a substitute
10 teacher may not be employed for the same assignment for more than
11 twenty (20) school days during a school year unless the substitute
12 teacher holds a valid certificate.

13 C. Substitute teachers who do not hold a valid certificate and
14 who are employed to teach special education for students with
15 physical disabilities or students with mental retardation shall not
16 be subject to the restrictions on total time a substitute teacher may
17 be employed or the restrictions on time in the same assignment if no
18 certified teachers are available to teach such students and the
19 students would be denied instruction in special education if the
20 substitute teacher were not employed. Beginning with the 2007-08
21 school year, any substitute teacher employed to teach special
22 education for the same assignment for more than fifteen (15)
23 consecutive or thirty (30) total school days during a school year who
24 does not hold a valid certificate to teach special education shall be

1 required to complete in-service training as prescribed by the State
2 Board of Education. The training shall be provided at no cost to the
3 substitute teacher. Availability of certified teachers shall be
4 determined after the school has consulted the State Board of
5 Education and any other resources for filling the vacant position
6 with a certified teacher.

7 D. A school district may request a waiver of the restrictions on
8 total time a substitute teacher may be employed or the restrictions
9 on time in the same assignment from the State Board of Education for
10 a substitute teacher who does not hold a valid certificate. The
11 school district shall submit evidence on the availability of
12 certified substitute teachers and the qualifications of the
13 substitute teacher. The Board shall develop procedures for the
14 filing and processing of substitute teacher waivers pursuant to this
15 subsection.

16 E. Payment of salary to a substitute shall have no effect on the
17 amount of salary to which the absent regular teacher is entitled
18 under the applicable leave plan.

19 F. Any substitute or cadet teacher employed in any school system
20 on a monthly or annual basis shall hold a certificate and have a
21 written contract in the manner and under the same conditions as for
22 regular teachers.

23 G. Teachers who are members of the Reserve Forces of the Army,
24 the Navy, the Marine Corps, the Coast Guard, the Air Force, or any

