

1 ENGROSSED SENATE
2 BILL NO. 394

By: Stanislawski of the Senate

3 and

4 Sullivan of the House

5
6 [schools - teacher contracts - discipline of
7 children -

8 effective date]
9

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

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

14 Section 6-101. A. Except as provided in subsection E of this
15 section, no person shall be permitted to teach in any school
16 district of the state without a written contract, except as provided
17 herein for substitute teachers and except teachers of classes in
18 adult education. Except as provided in subsection J of this
19 section, the board of education of each school district, wherein
20 school is expected to be conducted for the ensuing year, shall
21 employ and contract in writing with qualified teachers for and in
22 the name of the district. One copy of the contract shall be filed
23 with the clerk of the board of education and one copy shall be
24 retained by the teacher.

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

14 C. It shall be the duty of the superintendent of schools under
15 whose supervision teachers have been contracted to teach to certify
16 to the treasurer of the contracting district the names of the
17 teachers holding valid certificates with whom contracts have been
18 made and the names of substitute teachers employed in accordance
19 with law. The treasurer shall not register any warrant issued in
20 payment of salary to any teacher whose name is not included in such
21 list and shall be liable on the official bond for the treasurer for
22 the amount of any warrant registered in violation of the provisions
23 of this section.

24

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

19 E. A board of education shall have authority to enter into
20 written contracts with teachers for the ensuing fiscal year prior to
21 the beginning of such year. If, prior to ~~April 10~~ the last
22 instructional day of the school year, a board of education has not
23 entered into a written contract with a regularly employed teacher or
24 notified the teacher in writing by registered or certified mail that

1 a recommendation has been made not to reemploy the teacher for the
2 ensuing fiscal year, and if, by ~~April 25~~ fifteen (15) days after the
3 last day of instruction of the school year, such teacher has not
4 notified the board of education in writing by registered or
5 certified mail that such teacher does not desire to be reemployed in
6 such school district for the ensuing year, such teacher shall be
7 considered as employed on a continuing contract basis and on the
8 same salary schedule used for other teachers in the school district
9 for the ensuing fiscal year, and such employment and continuing
10 contract shall be binding on the teacher and on the school district.

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

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

24

1 provided, such cause is known or action is taken prior to July 1 of
2 such ensuing year.

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

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

17 J. A board of education shall have authority to enter into
18 written contracts for the ensuing fiscal year prior to the beginning
19 of the year with persons who are not certified or licensed to teach
20 by the State Board of Education as long as the person is actively in
21 the process of securing certification or licensure. The person
22 shall not be allowed to teach in a classroom until the person has
23 met or completed all of the requirements for licensure or
24 certification as provided for in Section 6-190 of this title. If

1 the person has not obtained valid certification or licensure by the
2 first day of the ensuing school year, the contract shall be
3 terminated.

4 SECTION 2. AMENDATORY 70 O.S. 2001, Section 24-100.4, as
5 last amended by Section 6, Chapter 216, O.S.L. 2008 (70 O.S. Supp.
6 2008, Section 24-100.4), is amended to read as follows:

7 Section 24-100.4 A. Each district board of education shall
8 adopt a policy for the control and discipline of all children
9 attending public school in that district, and for the investigation
10 of reported incidents of harassment, intimidation, bullying, or
11 threatening behavior. Such policy shall provide options for the
12 methods of control and discipline of the students and shall define
13 standards of conduct to which students are expected to conform. The
14 policy shall:

15 1. Specifically prohibit threatening behavior, harassment,
16 intimidation, and bullying by students at school and by electronic
17 communication, whether or not such communication originated at
18 school or with school equipment, if the communication is
19 specifically directed at students or school personnel and concerns
20 harassment, intimidation, or bullying at school;

21 2. Address prevention of and education about such behavior;

22 3. Establish a procedure for the investigation of all incidents
23 of harassment, intimidation, bullying, or threatening behavior
24 reported to school officials for the purpose of determining the

1 severity of the incidents and their potential to result in future
2 violence;

3 4. Establish a procedure whereby, upon completing an
4 investigation pursuant to paragraph 3 of this subsection, a school
5 may recommend that available community mental health care options be
6 provided to the student, if appropriate; and

7 5. Establish a procedure whereby a school may request the
8 disclosure of any information concerning students who have received
9 mental health care pursuant to paragraph 4 of this subsection that
10 indicates an explicit threat to the safety of students or school
11 personnel, provided the disclosure of the information does not
12 violate the requirements and provisions of the Family Educational
13 Rights and Privacy Act of 1974, the Health Insurance Portability and
14 Accountability Act of 1996, Section 2503 of Title 12 of the Oklahoma
15 Statutes, Section 1376 of Title 59 of the Oklahoma Statutes, or any
16 other state or federal laws regarding the disclosure of confidential
17 information.

18 In developing the policy, the district board of education shall
19 make an effort to involve the teachers, parents, and students
20 affected. The students, teachers, and parents or guardian of every
21 child residing within a school district shall be notified by the
22 district board of education of its adoption of the policy and shall
23 receive a copy upon request. Provided, the teacher of a child
24 attending a public school shall have the same right as a parent or

1 guardian to control and discipline such child according to district
2 policies during the time the child is in attendance or in transit to
3 or from the school or any other school function authorized by the
4 school district or classroom presided over by the teacher.

5 B. Except concerning students on individualized education plans
6 (IEP) pursuant to the Individuals with Disabilities Education Act
7 (IDEA), P.L. No. 101-476, the State Board of Education shall not
8 have authority to prescribe student disciplinary policies for school
9 districts or to proscribe corporal punishment in the public schools.
10 Districts that utilize corporal punishment shall ensure that such
11 measures will be administered by a certified employee of the
12 district who is of the same gender as the student receiving the
13 punishment and shall require the presence of another certified
14 employee who shall observe the administration of such punishment.

15 The State Board of Education shall not have authority to require
16 school districts to file student disciplinary action reports more
17 often than once each year and shall not use disciplinary action
18 reports in determining a school district's or school site's
19 eligibility for program assistance including competitive grants.

20 C. The board of education of each school district in this state
21 shall have the option of adopting a dress code for students enrolled
22 in the school district. The board of education of a school district
23 shall also have the option of adopting a dress code which includes
24 school uniforms.

1 D. The State Board of Education shall promulgate rules for
2 monitoring school districts for compliance with this section and
3 providing sanctions for noncompliance with this section.

4 SECTION 3. This act shall become effective November 1, 2009.

5 Passed the Senate the 3rd day of March, 2009.

6

7

Presiding Officer of the Senate

8

9 Passed the House of Representatives the ____ day of _____,

10 2009.

11

12

Presiding Officer of the House
of Representatives

13

14

15

16

17

18

19

20

21

22

23

24