

ENROLLED HOUSE
BILL NO. 1070

By: Banz, Sullivan and Sears of
the House

and

Ford of the Senate

An Act relating to schools; amending 70 O.S. 2001, Section 6-101.23, which relates to the application of the Teacher Due Process Act of 1990; adding an exemption to the limitation on temporary contracts for certain teachers; amending 70 O.S. 2001, Section 6-195, as amended by Section 11, Chapter 434, O.S.L. 2003 (70 O.S. Supp. 2008, Section 6-195), which relates to the residency program; clarifying the types of contracts for resident teachers; providing an effective date; and declaring an emergency.

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

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

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

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

B. The dismissal and suspension provisions of the Teacher Due Process Act of 1990 shall apply to teachers who are employed on temporary contracts for a complete school year and to teachers who are employed in positions fully funded by federal or private categorical grants, except that such teachers shall be employed only for the duration of the temporary contract or the grant.

C. The evaluation provisions in Sections 6-101.10 and 6-101.11 of this title and in the Teacher Due Process Act of 1990 shall apply to teachers who are employed on temporary contracts for a complete school year and to teachers who are employed in positions fully funded by federal or private categorical grants, except that such teachers shall be employed only for the duration of the temporary contract or the grant.

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

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

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

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

2. Teacher who is a retired member of the Teachers' Retirement System of Oklahoma; or

3. Licensed teacher who is hired on a temporary contract in a resident teacher position for a complete school year, who may be hired by the school district for one (1) additional complete school year on a temporary contract for the school year immediately after the resident year.

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

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

SECTION 2. AMENDATORY 70 O.S. 2001, Section 6-195, as amended by Section 11, Chapter 434, O.S.L. 2003 (70 O.S. Supp. 2008, Section 6-195), is amended to read as follows:

Section 6-195. A. The State Department of Education shall administer a residency program which shall be approved by the State Board of Education. Such program shall be developed in consultation with the teacher education institutions, the Oklahoma Commission for Teacher Preparation and the district boards of education. Such program shall include, but not be limited to:

1. Guidelines and assignments for resident teacher positions in the school districts;

2. Requirements and guidelines for selection and appointment of mentor teachers which must include any requirements specified in the Oklahoma Teacher Preparation Act;

3. Guidelines for the appointment and functions of a residency committee; and

4. An appropriate professional development program for the resident teacher.

B. Except as otherwise provided in the Oklahoma Teacher Preparation Act, no person shall be certified to teach in the accredited schools of this state, unless such person:

1. Has completed at least one (1) school year of teaching service as a resident teacher in the residency program as provided in the Oklahoma Teacher Preparation Act;

2. Has been recommended for certification by the appointed residency committee after completion of not less than one (1) or more than two (2) school years of resident teaching service; and

3. Has successfully completed the curriculum examination as prescribed by the Board prior to July 1, 1997, and the competency examination as prescribed by the Commission beginning July 1, 1997.

C. Any person who has been issued a license to teach by the Board may be employed on a temporary or continuing contract basis as a resident teacher by an accredited school upon appointment by the district board of education or by a private or public provider of early childhood education programs as authorized in Section 11-103.7 of this title.

D. Upon placement of a licensed teacher in a resident teacher position at a public school, the district board of education shall appoint the residency committee members, as prescribed in the Oklahoma Teacher Preparation Act, who shall have the following duties:

1. Meet with the resident teacher as may be required by the Board;

2. Work with the resident teacher to assist in all matters concerning classroom management and professional development for that teacher;

3. Provide for meaningful parental, guardian or custodian input as one criterion in evaluating the resident teacher's performance; and

4. Upon completion of one (1) school year of residency, make recommendations to the Board and the preparing institution of higher education as to whether the resident teacher should be issued a certificate or whether such resident teacher shall be required to serve as a resident teacher for one (1) additional school year. In the event a resident teacher serves a second year, the recommendation of the residency committee to the Board and the institution of higher education after the second year shall be for either certification or noncertification.

Upon recommendation from the residency committee for noncertification or an additional year in the residency program, such residency committee shall, upon request of the resident teacher, supply a list to the resident teacher of the reasons for such recommendation. The list of reasons shall remain confidential, except as otherwise provided by the resident teacher.

In the event a resident teacher is required to serve an additional year in the residency program, the resident teacher shall not be required to be under the supervision of the same residency

committee, or any member of the committee, which supervised the resident teacher during the initial year in the program; and

5. In the event the committee recommendation to the Board and the institution of higher education is for certification, a residency committee shall also recommend a professional development program for the resident teacher, designed to strengthen the resident teacher's teaching skills in any area identified by the committee.

All resident years shall count toward salary, fringe benefit adjustments, career status and retirement.

E. Upon employment of a licensed teacher in a resident teacher position by a private or public provider of early childhood education programs pursuant to a contract as authorized in Section 11-103.7 of this title, the district board of education shall appoint the residency committee members, as prescribed in the Oklahoma Teacher Preparation Act. The residency committee members shall have the same duties as prescribed in subsection D of this section.

F. Nothing in this act shall be construed as requiring more than one (1) year of employment at the resident level before a standard certificate can be issued to a resident teacher.

The professional development program shall commence with the residency year and shall require continuing education throughout the career of a teacher.

G. For the 2003-04 school year, if the district board of education is unable to find a teacher willing to serve as a mentor teacher, the district may leave the position of mentor teacher on the residency committee unfilled. If the district leaves the position unfilled, the remaining members of the residency committee may carry out the duties of the committee.

SECTION 3. This act shall become effective July 1, 2009.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 12th day of February,
2009.

Presiding Officer of the House of
Representatives

Passed the Senate the 6th day of April, 2009.

Presiding Officer of the Senate