

THE HOUSE OF REPRESENTATIVES
Monday, February 9, 2009

House Bill No. 1070

HOUSE BILL NO. 1070 - By: BANZ of the House.

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:

- 1 SECTION 1. AMENDATORY 70 O.S. 2001, Section 6-101.23, is amended to
2 read as follows:
- 3 Section 6-101.23 A. The dismissal, suspension and nonreemployment provisions of
4 the Teacher Due Process Act of 1990 shall not apply to:
- 5 1. Substitute teachers;
6 2. Adult education teachers; and
7 3. Teachers who are employed on temporary contracts.
- 8 B. The dismissal and suspension provisions of the Teacher Due Process Act of 1990
9 shall apply to teachers who are employed on temporary contracts for a complete school
10 year and to teachers who are employed in positions fully funded by federal or private

1 categorical grants, except that such teachers shall be employed only for the duration of
2 the temporary contract or the grant.

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

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

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

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

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

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

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

- 4 3. Guidelines for the appointment and functions of a residency committee; and
5 4. An appropriate professional development program for the resident teacher.

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

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

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

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

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

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

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

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

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

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

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

1 In the event a resident teacher is required to serve an additional year in the
2 residency program, the resident teacher shall not be required to be under the supervision
3 of the same residency committee, or any member of the committee, which supervised the
4 resident teacher during the initial year in the program; and

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

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

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

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

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

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

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

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

10 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02-05-09
11 - DO PASS.