

THE HOUSE OF REPRESENTATIVES
Thursday, February 4, 2010

House Bill No. 2299

HOUSE BILL NO. 2299 - By: BANZ of the House.

An Act relating to schools; amending 70 O.S. 2001, Section 6-101.23, as amended by Section 1, Chapter 25, O.S.L. 2009 (70 O.S. Supp. 2009, Section 6-101.23), which relates to the application of the Teacher Due Process Act of 1990; changing number of semesters a teacher may be hired on temporary contract; deleting certain exception; 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, as amended by
2 Section 1, Chapter 25, O.S.L. 2009 (70 O.S. Supp. 2009, Section 6-101.23), is amended to
3 read as follows:
- 4 A. The dismissal, suspension and nonreemployment provisions of the Teacher Due
5 Process Act of 1990 shall not apply to:
- 6 1. Substitute teachers;
- 7 2. Adult education teachers; and
- 8 3. Teachers who are employed on temporary contracts.
- 9 B. The dismissal and suspension provisions of the Teacher Due Process Act of 1990
10 shall apply to teachers who are employed on temporary contracts for a complete school
11 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~~ four 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~~

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. This act shall become effective July 1, 2010.

14 SECTION 3. It being immediately necessary for the preservation of the public
15 peace, health and safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and be in full force from and
17 after its passage and approval.

18 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02-03-10
19 - DO PASS.