

THE HOUSE OF REPRESENTATIVES  
Thursday, February 11, 2010

House Bill No. 2854

HOUSE BILL NO. 2854 - By: INMAN AND KERN of the House.

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

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

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

4 Section 6-105. A. If, because of sickness or other reason, a teacher is temporarily  
5 unable to perform regular duties, a substitute teacher may be employed for the position  
6 for the time of the absence. A substitute teacher shall be paid in an amount and under  
7 such terms as may be agreed upon in advance by the substitute teacher and the board of  
8 education or according to regulations of the board. If a teacher is absent for reason of  
9 personal business the school district shall deduct from the salary of the teacher only the  
10 amount necessary to pay the substitute.

11 B. No substitute teacher shall be employed for a total period of time in excess of  
12 ~~seventy (70)~~ ninety (90) school days during a school year; or one hundred (100) school  
13 days during the school year if the substitute teacher holds a lapsed or expired certificate

1 or has a bachelors level college degree; or no limit of school days during the school year if  
2 the substitute teacher holds a valid certificate. Except as provided in this section, a  
3 substitute teacher may not be employed for the same assignment for more than twenty  
4 (20) school days during a school year unless the substitute teacher holds a valid  
5 certificate.

6 C. Substitute teachers who do not hold a valid certificate and who are employed to  
7 teach special education for students with physical disabilities or students with mental  
8 retardation shall not be subject to the restrictions on total time a substitute teacher may  
9 be employed or the restrictions on time in the same assignment if no certified teachers  
10 are available to teach such students and the students would be denied instruction in  
11 special education if the substitute teacher were not employed. Beginning with the 2007-  
12 08 school year, any substitute teacher employed to teach special education for the same  
13 assignment for more than fifteen (15) consecutive or thirty (30) total school days during a  
14 school year who does not hold a valid certificate to teach special education shall be  
15 required to complete in-service training as prescribed by the State Board of Education.  
16 The training shall be provided at no cost to the substitute teacher. Availability of  
17 certified teachers shall be determined after the school has consulted the State Board of  
18 Education and any other resources for filling the vacant position with a certified teacher.

19 D. A school district may request a waiver of the restrictions on total time a  
20 substitute teacher may be employed or the restrictions on time in the same assignment  
21 from the State Board of Education for a substitute teacher who does not hold a valid  
22 certificate. The school district shall submit evidence on the availability of certified

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

1 substitute teachers and the qualifications of the substitute teacher. The Board shall  
2 develop procedures for the filing and processing of substitute teacher waivers pursuant to  
3 this subsection.

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

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

9 G. Teachers who are members of the Reserve Forces of the Army, the Navy, the  
10 Marine Corps, the Coast Guard, the Air Force, or any other component of the Armed  
11 Forces of the United States, including members of the Air or Army National Guard,  
12 shall, when ordered by the proper authority to active duty or service, be entitled to a  
13 leave of absence from such civil employment for the period of such active service without  
14 loss of status or efficiency rating and without loss of pay during the first thirty (30) days  
15 of such leave of absence.

16 H. School districts in this state may contract with outside providers for the training  
17 and employment of substitute teachers. The State Board of Education shall promulgate  
18 guidelines to assist school districts in the sanctioning and approval of an outside provider  
19 in accordance with this section.

20 SECTION 2. This act shall become effective November 1, 2010.

21 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02-10-10  
22 - DO PASS, As Coauthored.