

THE HOUSE OF REPRESENTATIVES  
Thursday, February 25, 2010

House Bill No. 3030

HOUSE BILL NO. 3030 - By: BENGE AND LAMONS of the House and NEWBERRY of the Senate.

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 Teacher Due Process Act of 1990; expanding application of the act to certain teachers; expanding application of evaluation provisions to certain teachers; 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 Section 6-101.23 A. The dismissal, suspension and nonreemployment provisions of  
5 the Teacher Due 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  
12 categorical grants or by educational services contracts with a state agency or private

1 entity, except that such teachers shall be employed only for the duration of the  
2 temporary contract ~~or~~ the grant, or the educational services contract.

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 or by educational services  
7 contracts with a state agency or private entity, except that such teachers shall be  
8 employed only for the duration of the temporary contract ~~or~~ the grant, or the educational  
9 services contract.

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

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

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

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

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

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

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

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

15           SECTION 2. It being immediately necessary for the preservation of the public  
16 peace, health and safety, an emergency is hereby declared to exist, by reason whereof  
17 this act shall take effect and be in full force from and after its passage and approval.

18 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02-24-10  
19 - DO PASS, As Coauthored.