

3 **Senate Bill No. 394**

4 **As Amended**

5 SENATE BILL NO. 394 - By: Stanislawski of the Senate and Sullivan of
6 the House.

7 [**schools - teacher contracts - effective date**]

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

9 SECTION 1. AMENDATORY 70 O.S. 2001, Section 6-101, as
10 last amended by Section 1, Chapter 185, O.S.L. 2005 (70 O.S. Supp.
11 2008, Section 6-101), is amended to read as follows:

12 Section 6-101. A. Except as provided in subsection E of this
13 section, no person shall be permitted to teach in any school
14 district of the state without a written contract, except as provided
15 herein for substitute teachers and except teachers of classes in
16 adult education. Except as provided in subsection J of this
17 section, the board of education of each school district, wherein
18 school is expected to be conducted for the ensuing year, shall
19 employ and contract in writing with qualified teachers for and in
20 the name of the district. One copy of the contract shall be filed
21 with the clerk of the board of education and one copy shall be
22 retained by the teacher.

23 B. Except as otherwise provided by subsection J of this section
24 and any other law, no board of education shall have authority to

1 enter into any written contract with a teacher who does not hold a
2 valid certificate issued or recognized by the State Board of
3 Education authorizing said teacher to teach the grades or subject
4 matter for which the teacher is employed. Any board of education
5 paying or authorizing the payment of the salary of any teacher not
6 holding a certificate, as required herein, shall be adjudged to be
7 guilty of a fraudulent expenditure of public funds and members
8 voting for such payment shall be held jointly responsible for the
9 return of the amount of any public monies thus expended, upon suit
10 brought by the district attorney or by any interested citizen in the
11 district where such funds have been expended.

12 C. It shall be the duty of the superintendent of schools under
13 whose supervision teachers have been contracted to teach to certify
14 to the treasurer of the contracting district the names of the
15 teachers holding valid certificates with whom contracts have been
16 made and the names of substitute teachers employed in accordance
17 with law. The treasurer shall not register any warrant issued in
18 payment of salary to any teacher whose name is not included in such
19 list and shall be liable on the official bond for the treasurer for
20 the amount of any warrant registered in violation of the provisions
21 of this section.

22 D. Whenever any person shall enter into a contract with any
23 school district in Oklahoma to teach in such school district the

1 contract shall be binding on the teacher and on the board of
2 education until the teacher legally has been discharged from the
3 teaching position or released by the board of education from the
4 contract. Except as provided in Section 5-106A of this title, until
5 such teacher has been thus discharged or released, the teacher shall
6 not have authority to enter into a contract with any other board of
7 education in Oklahoma for the same time covered by the original
8 contract. If upon written complaint by the board of education in a
9 district any teacher is reported to have failed to obey the terms of
10 the contract previously made and to have entered into a contract
11 with another board of education without having been released from
12 the former contract except as provided in Section 5-106A of this
13 title, the teacher, upon being found guilty of such charge at a
14 hearing held before the State Board of Education, shall have such
15 teacher's certificate suspended for the remainder of the term for
16 which the contract was made.

17 E. A board of education shall have authority to enter into
18 written contracts with teachers for the ensuing fiscal year prior to
19 the beginning of such year. If, prior to ~~April 10~~ the last
20 instructional day of the school year, a board of education has not
21 entered into a written contract with a regularly employed teacher or
22 notified the teacher in writing by registered or certified mail that
23 a recommendation has been made not to reemploy the teacher for the

1 ensuing fiscal year, and if, by ~~April 25~~ fifteen (15) days after the
2 last day of instruction of the school year, such teacher has not
3 notified the board of education in writing by registered or
4 certified mail that such teacher does not desire to be reemployed in
5 such school district for the ensuing year, such teacher shall be
6 considered as employed on a continuing contract basis and on the
7 same salary schedule used for other teachers in the school district
8 for the ensuing fiscal year, and such employment and continuing
9 contract shall be binding on the teacher and on the school district.

10 F. Whenever a school district is engaged in contract
11 negotiations with teachers employed by that school district after
12 the school year has begun and the teachers are employed on a
13 continuing contract basis, the school district shall, beginning at
14 the first of the school year, pay the teachers any state-mandated
15 salary increases and salary schedule increases to which each teacher
16 is otherwise entitled.

17 G. No school district or any member of the board of education
18 of a district shall be liable for the payment of compensation to a
19 teacher or administrator under the provisions of any contract for
20 the ensuing year, if it becomes necessary to close the school
21 because of insufficient attendance, disorganization, annexation,
22 consolidation, or by dispensing with the school according to law,

1 provided, such cause is known or action is taken prior to July 1 of
2 such ensuing year.

3 H. No school district or any member of a board of education
4 shall be liable for the payment of compensation to any teacher or
5 administrator for the unexpired term of any contract if the school
6 building to which the teacher or administrator has been assigned is
7 destroyed by accident, storm, fire, or otherwise and it becomes
8 necessary to close the school because of inability to secure a
9 suitable building or buildings for continuation of school. Teachers
10 and administrators shall be entitled to pay for any time lost when
11 school is closed on account of epidemics or otherwise when an order
12 for such closing has been issued by a health officer authorized by
13 law to issue the order.

14 I. A teacher may contract with more than one school district
15 for the same school year as provided in Section 5-106A of this
16 title.

17 J. A board of education shall have authority to enter into
18 written contracts for the ensuing fiscal year prior to the beginning
19 of the year with persons who are not certified or licensed to teach
20 by the State Board of Education as long as the person is actively in
21 the process of securing certification or licensure. The person
22 shall not be allowed to teach in a classroom until the person has
23 met or completed all of the requirements for licensure or

1 certification as provided for in Section 6-190 of this title. If
2 the person has not obtained valid certification or licensure by the
3 first day of the ensuing school year, the contract shall be
4 terminated.

5 SECTION 2. This act shall become effective November 1, 2009.

6 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 2-2-09 - DO PASS,
7 As Amended and Coauthored.