

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1431

By: Lamons

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5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,  
8 Section 6-101.23, which relates to the Teacher Due  
9 Process Act of 1990; expanding application of the act  
10 to certain teachers; expanding application of  
11 evaluation provisions to certain teachers; and  
12 declaring an emergency.

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

14 SECTION 1. AMENDATORY 70 O.S. 2001, Section 6-101.23, is  
15 amended to read as follows:

16 Section 6-101.23 A. The dismissal, suspension and  
17 nonreemployment provisions of the Teacher Due Process Act of 1990  
18 shall not apply to:

- 19 1. Substitute teachers;
- 20 2. Adult education teachers; and
- 21 3. Teachers who are employed on temporary contracts.

22 B. The dismissal and suspension provisions of the Teacher Due  
23 Process Act of 1990 shall apply to teachers who are employed on  
24 temporary contracts for a complete school year and to teachers who  
are employed in positions fully funded by federal or private

1 categorical grants or by educational services contracts with a state  
2 agency or private entity, except that such teachers shall be  
3 employed only for the duration of the temporary contract ~~or~~, the  
4 grant, or the educational services contract.

5 C. The evaluation provisions in Sections 6-101.10 and 6-101.11  
6 of this title and in the Teacher Due Process Act of 1990 shall apply  
7 to teachers who are employed on temporary contracts for a complete  
8 school year and to teachers who are employed in positions fully  
9 funded by federal or private categorical grants or by educational  
10 services contracts with a state agency or private entity, except  
11 that such teachers shall be employed only for the duration of the  
12 temporary contract ~~or~~, the grant, or the educational services  
13 contract.

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

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

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

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

6 2. Teacher who is a retired member of the Teachers' Retirement  
7 System of Oklahoma.

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

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

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

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23 52-1-5099 KB 12/12/08

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