

1 ENGROSSED HOUSE
2 BILL NO. 2727

By: Inman and Hoskin of the
House

3 and

4 Paddack of the Senate
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7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 6-105, which relates to substitute teachers;
9 removing requirement that certain substitute teachers
10 not be employed for same assignment for certain time
11 period; requiring each school district to adopt
12 policy setting forth maximum number of days certain
13 substitute teachers may be employed for same
14 assignment; removing ability of school district to
15 request certain waiver from State Board of Education;
16 and providing an effective date.

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

18 SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-105, is
19 amended to read as follows:

20 Section 6-105. A. If, because of sickness or other reason, a
21 teacher is temporarily unable to perform regular duties, a
22 substitute teacher may be employed for the position for the time of
23 the absence. A substitute teacher shall be paid in an amount and
24 under such terms as may be agreed upon in advance by the substitute
teacher and the board of education or according to regulations of
the board. If a teacher is absent for reason of personal business

1 the school district shall deduct from the salary of the teacher only
2 the amount necessary to pay the substitute.

3 B. No substitute teacher shall be employed for a total period of
4 time in excess of ninety (90) school days during a school year; or
5 one hundred (100) school days during the school year if the
6 substitute teacher holds a lapsed or expired certificate or has a
7 bachelors level college degree; or no limit of school days during the
8 school year if the substitute teacher holds a valid certificate.

9 ~~Except as provided in this section, Each school district shall adopt~~
10 a policy which sets forth the maximum number of days a substitute
11 teacher may ~~not~~ be employed for the same assignment ~~for more than~~
12 ~~twenty (20) school days during a school year unless~~ if the substitute
13 teacher ~~holds~~ does not hold a valid certificate.

14 C. Substitute teachers who do not hold a valid certificate and
15 who are employed to teach special education for students with
16 physical disabilities or students with mental retardation shall not
17 be subject to the restrictions on total time a substitute teacher may
18 be employed ~~or the restrictions on time in the same assignment~~ if no
19 certified teachers are available to teach such students and the
20 students would be denied instruction in special education if the
21 substitute teacher were not employed. Beginning with the 2007-08
22 school year, any substitute teacher employed to teach special
23 education for the same assignment for more than fifteen (15)
24 consecutive or thirty (30) total school days during a school year who

1 does not hold a valid certificate to teach special education shall be
2 required to complete in-service training as prescribed by the State
3 Board of Education. The training shall be provided at no cost to the
4 substitute teacher. Availability of certified teachers shall be
5 determined after the school has consulted the State Board of
6 Education and any other resources for filling the vacant position
7 with a certified teacher.

8 D. A school district may request a waiver of the restrictions on
9 total time a substitute teacher may be employed ~~or the restrictions~~
10 ~~on time in the same assignment~~ from the State Board of Education for
11 a substitute teacher who does not hold a valid certificate. The
12 school district shall submit evidence on the availability of
13 certified substitute teachers and the qualifications of the
14 substitute teacher. The Board shall develop procedures for the
15 filing and processing of substitute teacher waivers pursuant to this
16 subsection.

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

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

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

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

15 SECTION 2. This act shall become effective November 1, 2012.

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1 Passed the House of Representatives the 20th day of February,
2 2012.

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5 Presiding Officer of the House of
6 Representatives

7 Passed the Senate the ____ day of _____, 2012.

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10 Presiding Officer of the Senate

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