

1 **SENATE FLOOR VERSION**

2 February 25, 2013

3 SENATE BILL NO. 230

By: Holt of the Senate

4 and

5 Hall of the House

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7
8 An Act relating to school employees; amending 70 O.S.
9 2011, Sections 6-101.40 and 6-101.45, which relate to
10 employment actions and employee rights; removing
11 certain actions a board of education may take;
12 deleting certain construction; repealing 70 O.S.
13 2011, Sections 6-101.43, 6-101.44 and 6-101.46, which
14 relate to causes of action for suspension, demotion,
15 termination or nonreemployment of support personnel
16 and right of hearing; providing an effective date;
17 and declaring an emergency.

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

19 SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.40, is
20 amended to read as follows:

21 Section 6-101.40. ~~A support employee who has been employed by a~~
22 ~~local board of education for more than one (1) year shall be subject~~
23 ~~to suspension, demotion, termination or nonreemployment only for~~
24 ~~cause, as designated by the policy of the local board of education,~~
25 ~~adopted as provided in Section 6-101.43 of this title. This section~~
26 ~~shall not be construed to prevent layoffs for lack of funds or work.~~

For purposes of this act, "support employee" means a full-time

1 employee of a school district as determined by the standard period
2 of labor which is customarily understood to constitute full-time
3 employment for the type of services performed by the employee who is
4 employed a minimum of one hundred seventy-two (172) days and who
5 provides those services, not performed by professional educators or
6 licensed teachers, which are necessary for the efficient and
7 satisfactory functioning of a school district and shall not include
8 adult education instructors or adult coordinators employed by
9 technology center school districts.

10 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.45, is
11 amended to read as follows:

12 Section 6-101.45. ~~A.~~ A school district, no later than ten (10)
13 days after the effective date of the education appropriation bill or
14 June 1, whichever is later, shall give reasonable assurance of
15 employment in writing to any support employee that the school
16 intends to employ for the subsequent school year.

17 ~~B. This section shall not be construed to nullify the~~
18 ~~provisions of Sections 24-133 through 24-137 of this title or be~~
19 ~~construed to deprive any employee that the district is considering~~
20 ~~not employing for the subsequent year of any rights provided in such~~
21 ~~sections.~~

22 SECTION 3. REPEALER 70 O.S. 2011, Sections 6-101.43, 6-
23 101.44 and 6-101.46, are hereby repealed.

24 SECTION 4. This act shall become effective July 1, 2013.

1 SECTION 5. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
6 February 25, 2013 - DO PASS
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