

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 2967

By: Nelson of the House

and

Holt of the Senate

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7 An Act relating to schools****modifying certain
8 duties of the superintendent; adding compensation to
9 student teachers to payment liabilities; authorizing
10 certain school districts to enter into written
11 contracts with student teachers****allowing a board
12 of education to elect to offer certain contracts;
13 making certain contracts continuing for a student
14 teacher and a board of education unless certain
15 notification is provided****adding student teachers
16 to certain exemptions and requirements; providing an
17 effective date; and declaring an emergency.

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AUTHOR: Add the following Senate Coauthor: Pittman

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

"An Act relating to schools; amending 70 O.S. 2011,
Section 6-101, as amended by Section 4, Chapter 124,
O.S.L. 2014 (70 O.S. Supp. 2015, Section 6-101),
which relates to teacher contracts; authorizing
school district boards of education to enter into
contracts with student teachers; prohibiting a
student teacher from teaching until completing
certification requirements; providing for termination
of contract; authorizing school district boards of
education to commit to pay a stipend or signing bonus
to certain student teachers; prohibiting certain
stipend or signing bonus from being considered
compensation for certain purpose; providing an
effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101, as amended by Section 4, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2015, Section 6-101), is amended to read as follows:

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

B. Except as otherwise provided by ~~subsection~~ subsections J and K of this section and any other law, no board of education shall have authority to enter into any written contract with a teacher who does not hold a valid certificate issued or recognized by the State Board of Education authorizing said teacher to teach the grades or subject matter for which the teacher is employed. Any board of education paying or authorizing the payment of the salary of any

1 teacher not holding a certificate, as required herein, shall be
2 adjudged to be guilty of a fraudulent expenditure of public funds
3 and members voting for such payment shall be held jointly
4 responsible for the return of the amount of any public monies thus
5 expended, upon suit brought by the district attorney or by any
6 interested citizen in the district where such funds have been
7 expended.

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

18 D. Whenever any person shall enter into a contract with any
19 school district in Oklahoma to teach in such school district the
20 contract shall be binding on the teacher and on the board of
21 education until the teacher legally has been discharged from the
22 teaching position or released by the board of education from the
23 contract. Except as provided in Section 5-106A of this title, until
24 such teacher has been thus discharged or released, the teacher shall

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

12 E. A board of education shall have authority to enter into
13 written contracts with teachers for the ensuing fiscal year prior to
14 the beginning of such year. If, prior to the first Monday in June,
15 a board of education has not entered into a written contract with a
16 regularly employed teacher or notified the teacher in writing by
17 registered or certified mail that a recommendation has been made not
18 to reemploy the teacher for the ensuing fiscal year, and if, by
19 fifteen (15) days after the first Monday in June, such teacher has
20 not notified the board of education in writing by registered or
21 certified mail that such teacher does not desire to be reemployed in
22 such school district for the ensuing year, such teacher shall be
23 considered as employed on a continuing contract basis and on the
24 same salary schedule used for other teachers in the school district

1 for the ensuing fiscal year, and such employment and continuing
2 contract shall be binding on the teacher and on the school district.

3 F. Whenever a school district is engaged in contract
4 negotiations with teachers employed by that school district after
5 the school year has begun and the teachers are employed on a
6 continuing contract basis, the school district shall, beginning at
7 the first of the school year, pay the teachers any state-mandated
8 salary increases and salary schedule increases to which each teacher
9 is otherwise entitled.

10 G. No school district or any member of the board of education
11 of a district shall be liable for the payment of compensation to a
12 teacher or administrator under the provisions of any contract for
13 the ensuing year, if it becomes necessary to close the school
14 because of insufficient attendance, disorganization, annexation,
15 consolidation, or by dispensing with the school according to law,
16 provided, such cause is known or action is taken prior to July 1 of
17 such ensuing year.

18 H. No school district or any member of a board of education
19 shall be liable for the payment of compensation to any teacher or
20 administrator for the unexpired term of any contract if the school
21 building to which the teacher or administrator has been assigned is
22 destroyed by accident, storm, fire, or otherwise and it becomes
23 necessary to close the school because of inability to secure a
24 suitable building or buildings for continuation of school. Teachers

1 and administrators shall be entitled to pay for any time lost when
2 school is closed on account of epidemics or otherwise when an order
3 for such closing has been issued by a health officer authorized by
4 law to issue the order.

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

8 J. A board of education shall have authority to enter into
9 written contracts for the ensuing fiscal year prior to the beginning
10 of the year with persons who are not certified to teach by the State
11 Board of Education as long as the person is actively in the process
12 of securing certification. The person shall not be allowed to teach
13 in a classroom until the person has met or completed all of the
14 requirements for certification as provided for in Section 6-190 of
15 this title. If the person has not obtained valid certification by
16 the first day of the ensuing school year, the contract shall be
17 terminated.

18 K. A board of education of a school district shall have the
19 authority to enter into written contracts for employment for the
20 ensuing fiscal year with persons who are student teachers as defined
21 in Section 1-116 of this title while such persons are still student
22 teachers. A student teacher shall not be allowed to teach in a
23 classroom during the ensuing fiscal year until meeting or completing
24 all of the requirements for certification as provided for in Section

1 6-190 of this title. If the student teacher has not obtained valid
2 certification by the first day of the ensuing school year, the
3 contract shall be terminated. A board of education of a school
4 district shall have the authority to commit to payment of a stipend
5 or signing bonus to a student teacher as defined in Section 1-116 of
6 this title while that person is still a student teacher, if that
7 person has entered into a written contract for employment for the
8 ensuing fiscal year. A board of education shall make any such
9 student teacher stipend or signing bonus conditional on such person
10 fulfilling the first year of their contract for the ensuing fiscal
11 year. Any stipend or signing bonus paid under the terms of this
12 subsection shall not be considered compensation for purposes of
13 teacher retirement or the minimum salary schedule.

14 SECTION 2. This act shall become effective July 1, 2016.

15 SECTION 3. It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval."
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1 ENGROSSED HOUSE
2 BILL NO. 2967

By: Nelson of the House

and

Holt of the Senate

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6 An Act relating to schools; amending 70 O.S. 2011,
7 Section 1-116, as amended by Section 1, Chapter 124,
8 O.S.L. 2014 (70 O.S. Supp. 2015, Section 1-116),
9 which relates to positions in school systems;
10 modifying definition of a student teacher; amending
11 70 O.S. 2011, Section 6-101, as amended by Section 4,
12 Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2015, Section
13 6-101), which relates to teacher contracts; modifying
14 certain duties of the superintendent; adding
15 compensation to student teachers to payment
16 liabilities; authorizing certain school districts to
17 enter into written contracts with student teachers;
18 allowing temporary contracts with student teachers
19 during certain time period; allowing written
20 contracts with student teachers for an ensuing fiscal
21 year; prohibiting student teachers from teaching in
22 classrooms until certain certification requirements
23 are met; providing for termination of a contract
24 under certain circumstances; allowing a board of
education to elect to offer certain contracts; making
certain contracts continuing for a student teacher
and a board of education unless certain notification
is provided; making certain contracts binding for a
student teacher and a board of education; providing
for the salary and benefits amounts for student
teachers under a temporary contract; defining a high-
needs school; encouraging certain assignments of
student teachers under a temporary contract; amending
70 O.S. 2011, Section 6-101.23, as amended by Section
1, Chapter 92, O.S.L. 2013 (70 O.S. Supp. 2015,
Section 6-101.23), which relates to applications and
exemptions for certain teachers; adding student
teachers to certain exemptions and requirements;
providing an effective date; and declaring an
emergency.

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

2 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-116, as
3 amended by Section 1, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2015,
4 Section 1-116), is amended to read as follows:

5 Section 1-116. As used in this act:

6 1. "Teacher" means any person who is employed to serve as
7 district superintendent, principal, supervisor, counselor,
8 librarian, school nurse or classroom teacher, or in any other
9 instructional, supervisory, or administrative capacity, is defined
10 as a teacher. Such person shall not be deemed qualified unless the
11 person holds a valid certificate issued by and in accordance with
12 the rules of the State Board of Education, to perform the particular
13 services for which the person is employed;

14 2. "Superintendent" or "superintendent of schools" means the
15 executive officer of the board of education and the administrative
16 head of the school system of a district maintaining an accredited
17 school, provided the person holds an administrator's certificate
18 recognized by the State Board of Education;

19 3. "Principal" means any person other than a district
20 superintendent of schools having supervisory or administrative
21 authority over any school or school building having two or more
22 teachers. A teaching principal shall be a principal who devotes at
23 least one-half (1/2) the time school is in session to classroom
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1 teaching. Teaching principals shall be required to hold
2 administrative certificates;

3 4. "Teachers" means, for purposes of complying with the State
4 Aid Law and other statutes which apportion money on the basis of
5 teaching units or the number of teachers employed or qualified, all
6 persons holding proper certificates and connected in any capacity
7 with the instruction of pupils;

8 5. "Resident teacher" means any certified teacher who is
9 employed in a local school to serve as a classroom teacher under the
10 guidance and assistance of a mentor teacher or teachers and
11 residency committee. Any such person shall have completed the
12 program of the college or school of education of the accredited
13 institution of higher learning from which the person has been
14 graduated;

15 6. "Student teacher" means any student who is enrolled in an
16 institution of higher learning approved by the State Board of
17 Education for teacher training and who is jointly assigned by such
18 institution of higher learning and the board of education of a
19 ~~school district's board of education~~ district to perform practice
20 teaching under the direction of a regularly employed and certified
21 teacher. A student teacher, ~~while serving a nonsalaried internship~~
22 ~~under the supervision of a certified teacher,~~ shall be accorded the
23 same protection of the laws as that accorded the certified teacher;

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1 7. "School nurse" means a person employed full time by a board
2 of education who is a registered nurse licensed by the Oklahoma
3 State Board of Nurse Registration and Nursing Education, and is
4 certified the same as a teacher by the State Department of
5 Education. Provided, that any person who is employed as a full-time
6 nurse in any school district in Oklahoma, but who is not registered
7 on the effective date of this act, may continue to serve in the same
8 capacity; however, such person shall, under rules adopted by the
9 State Board of Education, attend classes in nursing and prepare to
10 become registered.

11 A school nurse employed by a board of education shall be
12 accorded the same protection of laws and all other benefits accorded
13 a certified teacher; and

14 8. "Support employee" means an employee who provides those
15 services which are not performed by certified teachers, principals,
16 superintendents or administrators and which are necessary for the
17 efficient and satisfactory functioning of a school district.

18 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101, as
19 amended by Section 4, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2015,
20 Section 6-101), is amended to read as follows:

21 Section 6-101. A. Except as provided in subsection E of this
22 section, no person shall be permitted to teach in any school
23 district of the state without a written contract, except as provided
24 herein for substitute teachers and except teachers of classes in

1 adult education. Except as provided in subsection J of this
2 section, the board of education of each school district, wherein
3 school is expected to be conducted for the ensuing year, shall
4 employ and contract in writing with qualified teachers for and in
5 the name of the district. One copy of the contract shall be filed
6 with the clerk of the board of education and one copy shall be
7 retained by the teacher.

8 B. Except as otherwise provided by ~~subsection~~ subsections J and
9 K of this section and any other law, no board of education shall
10 have authority to enter into any written contract with a teacher who
11 does not hold a valid certificate issued or recognized by the State
12 Board of Education authorizing said teacher to teach the grades or
13 subject matter for which the teacher is employed. Any board of
14 education paying or authorizing the payment of the salary of any
15 teacher not holding a certificate, as required herein, shall be
16 adjudged to be guilty of a fraudulent expenditure of public funds
17 and members voting for such payment shall be held jointly
18 responsible for the return of the amount of any public monies thus
19 expended, upon suit brought by the district attorney or by any
20 interested citizen in the district where such funds have been
21 expended.

22 C. It shall be the duty of the superintendent of schools under
23 whose supervision teachers have been contracted to teach to certify
24 to the treasurer of the contracting district the names of the

1 teachers holding valid certificates and student teachers with whom
2 contracts have been made and the names of substitute teachers
3 employed in accordance with law. The treasurer shall not register
4 any warrant issued in payment of salary to any teacher or student
5 teacher whose name is not included in such list and shall be liable
6 on the official bond for the treasurer for the amount of any warrant
7 registered in violation of the provisions of this section.

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

3 E. A board of education shall have authority to enter into
4 written contracts with teachers for the ensuing fiscal year prior to
5 the beginning of such year. If, prior to the first Monday in June,
6 a board of education has not entered into a written contract with a
7 regularly employed teacher or notified the teacher in writing by
8 registered or certified mail that a recommendation has been made not
9 to reemploy the teacher for the ensuing fiscal year, and if, by
10 fifteen (15) days after the first Monday in June, such teacher has
11 not notified the board of education in writing by registered or
12 certified mail that such teacher does not desire to be reemployed in
13 such school district for the ensuing year, such teacher shall be
14 considered as employed on a continuing contract basis and on the
15 same salary schedule used for other teachers in the school district
16 for the ensuing fiscal year, and such employment and continuing
17 contract shall be binding on the teacher and on the school district.

18 F. Whenever a school district is engaged in contract
19 negotiations with teachers employed by that school district after
20 the school year has begun and the teachers are employed on a
21 continuing contract basis, the school district shall, beginning at
22 the first of the school year, pay the teachers any state-mandated
23 salary increases and salary schedule increases to which each teacher
24 is otherwise entitled.

1 G. No school district or any member of the board of education
2 of a district shall be liable for the payment of compensation to a
3 teacher or administrator under the provisions of any contract for
4 the ensuing year, if it becomes necessary to close the school
5 because of insufficient attendance, disorganization, annexation,
6 consolidation, or by dispensing with the school according to law,
7 provided, such cause is known or action is taken prior to July 1 of
8 such ensuing year.

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

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

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1 J. A board of education shall have authority to enter into
2 written contracts for the ensuing fiscal year prior to the beginning
3 of the year with persons who are not certified to teach by the State
4 Board of Education as long as the person is actively in the process
5 of securing certification. The person shall not be allowed to teach
6 in a classroom until the person has met or completed all of the
7 requirements for certification as provided for in Section 6-190 of
8 this title. If the person has not obtained valid certification by
9 the first day of the ensuing school year, the contract shall be
10 terminated.

11 K. 1. A board of education of a school district with one or
12 more high-needs schools as defined in this subsection shall have
13 authority to enter into written contracts with persons who are
14 student teachers as defined in Section 1-116 of this title. The
15 board may enter into a temporary written contract with a student
16 teacher subject to the provisions of Section 6-101.23 of this title
17 for the time period during which the student teacher is assigned to
18 the school district for practice teaching and may also enter into a
19 written contract with that student teacher for the ensuing fiscal
20 year. The student teacher shall not be allowed to teach in a
21 classroom during the ensuing school year until meeting or completing
22 all of the requirements for certification as provided for in Section
23 6-190 of this title. If the student teacher has not obtained valid
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1 certification by the first day of the ensuing school year, the
2 contract shall be terminated.

3 2. A board of education which enters into a temporary contract
4 with a student teacher as provided for in paragraph 1 of this
5 subsection may elect to not enter into a written contract with that
6 student teacher for the ensuing fiscal year.

7 3. If a student teacher enters into a temporary contract with a
8 board of education as provided for in paragraph 1 of this subsection
9 and the board of education elects to enter into a written contract
10 with that student teacher for the ensuing fiscal year, the student
11 teacher shall be considered as employed on a continuing contract
12 basis on the same salary schedule used for other teachers in the
13 school district for the ensuing fiscal year and the contract shall
14 be binding on the student teacher and on the school district unless
15 the student teacher notifies the board of education within fifteen
16 (15) days after receiving the written offer that they do not desire
17 to be employed by the school district for the ensuing fiscal year.

18 4. If a board of education enters into a temporary contract
19 with a student teacher and a written contract for the ensuing fiscal
20 year as provided for in paragraph 1 of this subsection, the contract
21 for the ensuing fiscal year shall be binding on the student teacher
22 and the board of education as provided for in subsection D of this
23 section.

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1 5. A student teacher who enters into a temporary contract with
2 a board of education as provided for in this subsection shall
3 receive in salary and fringe benefits the amounts specified in the
4 minimum salary schedule set forth in Section 18-114.14 of this
5 title.

6 6. For purposes of this subsection, a "high-needs school" means
7 a school with eighty percent (80%) or more of the students reported
8 as eligible for free and reduced-price meals or with fifty-eight
9 percent (58%) or more of the students reported as a minority, race
10 or ethnicity other than white.

11 7. If a school district has both schools that are defined as
12 high-needs schools as provided for in paragraph 6 of this subsection
13 and schools that are not defined as high-needs schools, the board of
14 education shall be encouraged to assign student teachers who have
15 entered into a temporary contract with the board of education as
16 provided for in this subsection to those schools that are defined as
17 high-needs.

18 SECTION 3. AMENDATORY 70 O.S. 2011, Section 6-101.23, as
19 amended by Section 1, Chapter 92, O.S.L. 2013 (70 O.S. Supp. 2015,
20 Section 6-101.23), is amended to read as follows:

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

- 24 1. Substitute teachers;

1 2. Adult education teachers; and

2 3. Teachers and student teachers who are employed on temporary
3 contracts.

4 B. The dismissal and suspension provisions of the Teacher Due
5 Process Act of 1990 shall apply to teachers who are employed on
6 temporary contracts for a complete school year and to teachers who
7 are employed in positions fully funded by federal or private
8 categorical grants, except that such teachers shall be employed only
9 for the duration of the temporary contract or the grant.

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

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

23 E. On and after the effective date of this act any teacher who
24 has worked a complete school year under a temporary contract in a

1 school district shall be granted a year of service credit toward
2 career status in that district.

3 F. No teacher shall be hired on a temporary contract by a
4 school district for more than four semesters or on multiple
5 temporary contracts by a school district that together are for more
6 than four semesters, except for a:

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

10 2. Teacher who is a retired member of the Teachers' Retirement
11 System of Oklahoma.

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

19 H. On and after the effective date of this act no teacher who
20 is employed on a continuing contract basis by a school district
21 shall be reemployed on a temporary contract in that school district.

22 SECTION 4. This act shall become effective July 1, 2016.

23 SECTION 5. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

