

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2967

By: Nelson

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2011, Section 1-116, as amended by Section 1, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2015, Section 1-116), which relates to positions in school systems; modifying definition of a student teacher; 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; modifying certain duties of the superintendent; adding compensation to student teachers to payment liabilities; authorizing certain school districts to enter into written contracts with student teachers; allowing temporary contracts with student teachers during certain time period; allowing written contracts with student teachers for an ensuing fiscal year; prohibiting student teachers from teaching in classrooms until certain certification requirements are met; providing for termination of a contract 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;

1 providing an effective date; and declaring an
2 emergency.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

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

22 3. "Principal" means any person other than a district
23 superintendent of schools having supervisory or administrative
24 authority over any school or school building having two or more

1 teachers. A teaching principal shall be a principal who devotes at
2 least one-half the time school is in session to classroom teaching.
3 Teaching principals shall be required to hold administrative
4 certificates;

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

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

17 6. "Student teacher" means any student who is enrolled in an
18 institution of higher learning approved by the State Board of
19 Education for teacher training and who is jointly assigned by such
20 institution of higher learning and the board of education of a
21 school district's board of education district to perform practice
22 teaching under the direction of a regularly employed and certified
23 teacher. A student teacher, ~~while serving a nonsalaried internship~~
24

1 ~~under the supervision of a certified teacher,~~ shall be accorded the
2 same protection of the laws as that accorded the certified teacher;

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

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

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

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

23 Section 6-101. A. Except as provided in subsection E of this
24 section, no person shall be permitted to teach in any school

1 district of the state without a written contract, except as provided
2 herein for substitute teachers and except teachers of classes in
3 adult education. Except as provided in subsection J of this
4 section, the board of education of each school district, wherein
5 school is expected to be conducted for the ensuing year, shall
6 employ and contract in writing with qualified teachers for and in
7 the name of the district. One copy of the contract shall be filed
8 with the clerk of the board of education and one copy shall be
9 retained by the teacher.

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

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

11 D. Whenever any person shall enter into a contract with any
12 school district in Oklahoma to teach in such school district the
13 contract shall be binding on the teacher and on the board of
14 education until the teacher legally has been discharged from the
15 teaching position or released by the board of education from the
16 contract. Except as provided in Section 5-106A of this title, until
17 such teacher has been thus discharged or released, the teacher shall
18 not have authority to enter into a contract with any other board of
19 education in Oklahoma for the same time covered by the original
20 contract. If upon written complaint by the board of education in a
21 district any teacher is reported to have failed to obey the terms of
22 the contract previously made and to have entered into a contract
23 with another board of education without having been released from
24 the former contract except as provided in Section 5-106A of this

1 title, the teacher, upon being found guilty of such charge at a
2 hearing held before the State Board of Education, shall have such
3 teacher's certificate suspended for the remainder of the term for
4 which the contract was made.

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

20 F. Whenever a school district is engaged in contract
21 negotiations with teachers employed by that school district after
22 the school year has begun and the teachers are employed on a
23 continuing contract basis, the school district shall, beginning at
24 the first of the school year, pay the teachers any state-mandated

1 salary increases and salary schedule increases to which each teacher
2 is otherwise entitled.

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

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

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

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

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

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

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

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

20 4. If a board of education enters into a temporary contract
21 with a student teacher and a written contract for the ensuing fiscal
22 year as provided for in paragraph 1 of this subsection, the contract
23 for the ensuing fiscal year shall be binding on the student teacher
24

1 and the board of education as provided for in subsection D of this
2 section.

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

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

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

20 SECTION 3. AMENDATORY 70 O.S. 2011, Section 6-101.23, as
21 amended by Section 1, Chapter 92, O.S.L. 2013 (70 O.S. Supp. 2015,
22 Section 6-101.23), is amended to read as follows:
23
24

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

4 1. Substitute teachers;

5 2. Adult education teachers; and

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

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

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

21 D. Teachers other than those specifically excepted in
22 subsection A of this section who are employed on contracts shall be
23 afforded all substantive and procedural rights set forth in the
24 Teacher Due Process Act of 1990 including the dismissal, suspension,

1 and nonreemployment provisions applicable to probationary or career
2 teachers as defined in Section 6-101.3 of this title.

3 E. On and after the effective date of this act any teacher who
4 has worked a complete school year under a temporary contract in a
5 school district shall be granted a year of service credit toward
6 career status in that district.

7 F. No teacher shall be hired on a temporary contract by a
8 school district for more than four semesters or on multiple
9 temporary contracts by a school district that together are for more
10 than four semesters, except for a:

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

14 2. Teacher who is a retired member of the Teachers' Retirement
15 System of Oklahoma.

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

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

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

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

9
10 55-2-8668 KB 01/19/16