

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 HOUSE BILL 2556

By: Casey

4
5 AS INTRODUCED

6 An Act relating to schools; amending 70 O.S. 2011,
7 Section 6-101, as last amended by Section 1, Chapter
8 323, O.S.L. 2016 (70 O.S. Supp. 2017, Section 6-101),
9 which relates to teacher contracts; prohibiting
10 teacher from entering into contract with charter
11 school under certain circumstances; requiring
12 teaching certificate to be suspended for certain
13 period under certain circumstances; providing teacher
14 to be in breach of contract and subject to civil
15 litigation under certain circumstances; and providing
16 an effective date.

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

18 SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101, as
19 last amended by Section 1, Chapter 323, O.S.L. 2016 (70 O.S. Supp.
20 2017, 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
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

1 the name of the district. One copy of the contract shall be filed
2 with the clerk of the board of education and one copy shall be
3 retained by the teacher.

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

17 C. It shall be the duty of the superintendent of schools under
18 whose supervision teachers have been contracted to teach to certify
19 to the treasurer of the contracting district the names of the
20 teachers holding valid certificates and student teachers with whom
21 contracts have been made and the names of substitute teachers
22 employed in accordance with law. The treasurer shall not register
23 any warrant issued in payment of salary to any teacher whose name is
24 not included in such list and shall be liable on the official bond

1 for the treasurer for the amount of any warrant registered in
2 violation of the provisions of this section.

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

23 E. A board of education shall have authority to enter into
24 written contracts with teachers for the ensuing fiscal year prior to

1 the beginning of such year. If, prior to the first Monday in June,
2 a board of education has not entered into a written contract with a
3 regularly employed teacher or notified the teacher in writing by
4 registered or certified mail that a recommendation has been made not
5 to reemploy the teacher for the ensuing fiscal year, and if, by
6 fifteen (15) days after the first Monday in June, such teacher has
7 not notified the board of education in writing by registered or
8 certified mail that such teacher does not desire to be reemployed in
9 such school district for the ensuing year, such teacher shall be
10 considered as employed on a continuing contract basis and on the
11 same salary schedule used for other teachers in the school district
12 for the ensuing fiscal year, and such employment and continuing
13 contract shall be binding on the teacher and on the school district.
14 A teacher attempting to resign after the statutory deadline to go to
15 work for another Oklahoma public school or charter school, without
16 having been released from the former contract except as provided in
17 Section 5-106A of this title, shall be deemed to be in breach of
18 contract and may be subject to civil litigation.

19 F. Whenever a school district is engaged in contract
20 negotiations with teachers employed by that school district after
21 the school year has begun and the teachers are employed on a
22 continuing contract basis, the school district shall, beginning at
23 the first of the school year, pay the teachers any state-mandated
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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 or
13 administrator for the unexpired term of any contract if the school
14 building to which the teacher or administrator has been assigned is
15 destroyed by accident, storm, fire, or otherwise and it becomes
16 necessary to close the school because of inability to secure a
17 suitable building or buildings for continuation of school. Teachers
18 and administrators shall be entitled to pay for any time lost when
19 school is closed on account of epidemics or otherwise when an order
20 for such closing has been issued by a health officer authorized by
21 law to issue the order.

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

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. A board of education of a school district shall have the
12 authority to enter into written contracts for employment for the
13 ensuing fiscal year with persons who are student teachers as defined
14 in Section 1-116 of this title while such persons are still student
15 teachers. A student teacher shall not be allowed to teach in a
16 classroom during the ensuing fiscal year until meeting or completing
17 all of the requirements for certification as provided for in Section
18 6-190 of this title. If the student teacher has not obtained valid
19 certification by the first day of the ensuing school year, the
20 contract shall be terminated. A board of education of a school
21 district shall have the authority to commit to payment of a stipend
22 or signing bonus to a student teacher as defined in Section 1-116 of
23 this title while that person is still a student teacher, if that
24 person has entered into a written contract for employment for the

1 ensuing fiscal year. A board of education shall make any such
2 student teacher stipend or signing bonus conditional on such person
3 fulfilling the first year of their contract for the ensuing fiscal
4 year. Any stipend or signing bonus paid under the terms of this
5 subsection shall not be considered compensation for purposes of
6 teacher retirement or the minimum salary schedule.

7 SECTION 2. This act shall become effective November 1, 2018.

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