

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 63

By: Standridge

COMMITTEE SUBSTITUTE

An Act relating to teachers; amending 70 O.S. 2011, Section 6-101, as last amended by Section 1, Chapter 323, O.S.L. 2016 (70 O.S. Supp. 2018, Section 6-101), which relates to teacher contracts; authorizing a board of education to enter into written contracts with teachers for up to three years; prohibiting certain provisions from applying to written contracts with teachers with certain duties; updating language; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101, as last amended by Section 1, Chapter 323, O.S.L. 2016 (70 O.S. Supp. 2018, 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

1 school is expected to be conducted for the ensuing year, shall
2 employ and contract in writing with qualified teachers for and in
3 the name of the district. One copy of the contract shall be filed
4 with the clerk of the board of education and one copy shall be
5 retained by the teacher.

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

20 C. It shall be the duty of the superintendent of schools under
21 whose supervision teachers have been contracted to teach to certify
22 to the treasurer of the contracting district the names of the
23 teachers holding valid certificates and student teachers with whom
24 contracts have been made and the names of substitute teachers

1 employed in accordance with law. The treasurer shall not register
2 any warrant issued in payment of salary to any teacher whose name is
3 not included in such list and shall be liable on the official bond
4 for the treasurer for the amount of any warrant registered in
5 violation of the provisions of this section.

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

1 E. 1. A board of education shall have authority to enter into
2 written contracts with teachers for the ensuing fiscal year prior to
3 the beginning of such year. If, prior to the first Monday in June,
4 a board of education has not entered into a written contract with a
5 regularly employed teacher or notified the teacher in writing by
6 registered or certified mail that a recommendation has been made not
7 to reemploy the teacher for the ensuing fiscal year, and if, by
8 fifteen (15) days after the first Monday in June, such teacher has
9 not notified the board of education in writing by registered or
10 certified mail that such teacher does not desire to be reemployed in
11 such school district for the ensuing year, such teacher shall be
12 considered as employed on a continuing contract basis and on the
13 same salary schedule used for other teachers in the school district
14 for the ensuing fiscal year, and such employment and continuing
15 contract shall be binding on the teacher and on the school district.

16 2. A board of education shall have the authority to enter into
17 written contracts with teachers for a period of up to three (3)
18 fiscal years, subject to the provisions of this section. The
19 provisions of this paragraph shall not apply to written contracts
20 with teachers whose duties include teaching and coaching
21 extracurricular activities.

22 F. Whenever a school district is engaged in contract
23 negotiations with teachers employed by that school district after
24 the school year has begun and the teachers are employed on a

1 continuing contract basis, the school district shall, beginning at
2 the first of the school year, pay the teachers any state-mandated
3 salary increases and salary schedule increases to which each teacher
4 is otherwise entitled.

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

13 H. No school district or any member of a board of education
14 shall be liable for the payment of compensation to any teacher or
15 administrator for the unexpired term of any contract if the school
16 building to which the teacher or administrator has been assigned is
17 destroyed by accident, storm, fire, or otherwise and it becomes
18 necessary to close the school because of inability to secure a
19 suitable building or buildings for continuation of school. Teachers
20 and administrators shall be entitled to pay for any time lost when
21 school is closed on account of epidemics or otherwise when an order
22 for such closing has been issued by a health officer authorized by
23 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. A board of education of a school district shall have the
15 authority to enter into written contracts for employment for the
16 ensuing fiscal year with persons who are student teachers as defined
17 in Section 1-116 of this title while such persons are still student
18 teachers. A student teacher shall not be allowed to teach in a
19 classroom during the ensuing fiscal year until meeting or completing
20 all of the requirements for certification as provided for in Section
21 6-190 of this title. If the student teacher has not obtained valid
22 certification by the first day of the ensuing school year, the
23 contract shall be terminated. A board of education of a school
24 district shall have the authority to commit to payment of a stipend

1 or signing bonus to a student teacher as defined in Section 1-116 of
2 this title while that person is still a student teacher, if that
3 person has entered into a written contract for employment for the
4 ensuing fiscal year. A board of education shall make any such
5 student teacher stipend or signing bonus conditional on such person
6 fulfilling the first year of their contract for the ensuing fiscal
7 year. Any stipend or signing bonus paid under the terms of this
8 subsection shall not be considered compensation for purposes of
9 teacher retirement or the minimum salary schedule.

10 SECTION 2. This act shall become effective July 1, 2019.

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

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