

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 1050

 By: Sterling and **Provenzano**

7 AS INTRODUCED

8 An Act relating to schools; amending 70 O.S. 2011,
9 Section 6-105, as amended by Section 1, Chapter 78,
10 O.S.L. 2012 (70 O.S. Supp. 2018, Section 6-105),
11 which relates to substitute teachers; increasing
12 number of school days substitute teacher can be
13 employed; including additional days for substitute
14 teacher with certain certificate or education level;
15 and providing an effective date.

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

15 SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-105, as
16 amended by Section 1, Chapter 78, O.S.L. 2012 (70 O.S. Supp. 2018,
17 Section 6-105), is amended to read as follows:

18 Section 6-105. A. If, because of sickness or other reason, a
19 teacher is temporarily unable to perform regular duties, a
20 substitute teacher may be employed for the position for the time of
21 the absence. A substitute teacher shall be paid in an amount and
22 under such terms as may be agreed upon in advance by the substitute
23 teacher and the board of education or according to regulations of
24 the board. If a teacher is absent for reason of personal business

1 the school district shall deduct from the salary of the teacher only
2 the amount necessary to pay the substitute.

3 B. No substitute teacher shall be employed for a total period
4 of time in excess of ~~ninety (90)~~ one hundred thirty-five (135)
5 school days during a school year; or ~~one hundred (100)~~ one hundred
6 forty-five (145) school days during the school year if the
7 substitute teacher holds a lapsed or expired certificate or has a
8 bachelors level college degree; or no limit of school days during
9 the school year if the substitute teacher holds a valid certificate.
10 Each school district shall adopt a policy which sets forth the
11 maximum number of days a substitute teacher may be employed for the
12 same assignment if the substitute teacher does not hold a valid
13 certificate.

14 C. Substitute teachers who do not hold a valid certificate and
15 who are employed to teach special education for students with
16 physical disabilities or students with mental retardation shall not
17 be subject to the restrictions on total time a substitute teacher
18 may be employed if no certified teachers are available to teach such
19 students and the students would be denied instruction in special
20 education if the substitute teacher were not employed. Beginning
21 with the 2007-08 school year, any substitute teacher employed to
22 teach special education for the same assignment for more than
23 fifteen (15) consecutive or thirty (30) total school days during a
24 school year who does not hold a valid certificate to teach special

1 education shall be required to complete in-service training as
2 prescribed by the State Board of Education. The training shall be
3 provided at no cost to the substitute teacher. Availability of
4 certified teachers shall be determined after the school has
5 consulted the State Board of Education and any other resources for
6 filling the vacant position with a certified teacher.

7 D. A school district may request a waiver of the restrictions
8 on total time a substitute teacher may be employed from the State
9 Board of Education for a substitute teacher who does not hold a
10 valid certificate. The school district shall submit evidence on the
11 availability of certified substitute teachers and the qualifications
12 of the substitute teacher. The Board shall develop procedures for
13 the filing and processing of substitute teacher waivers pursuant to
14 this subsection.

15 E. Payment of salary to a substitute shall have no effect on
16 the amount of salary to which the absent regular teacher is entitled
17 under the applicable leave plan.

18 F. Any substitute or cadet teacher employed in any school
19 system on a monthly or annual basis shall hold a certificate and
20 have a written contract in the manner and under the same conditions
21 as for regular teachers.

22 G. Teachers who are members of the Reserve Forces of the Army,
23 the Navy, the Marine Corps, the Coast Guard, the Air Force, or any
24 other component of the Armed Forces of the United States, including

1 members of the Air or Army National Guard, shall, when ordered by
2 the proper authority to active duty or service, be entitled to a
3 leave of absence from such civil employment for the period of such
4 active service without loss of status or efficiency rating and
5 without loss of pay during the first thirty (30) days of such leave
6 of absence.

7 H. School districts in this state may contract with outside
8 providers for the training and employment of substitute teachers.
9 The State Board of Education shall promulgate guidelines to assist
10 school districts in the sanctioning and approval of an outside
11 provider in accordance with this section.

12 SECTION 2. This act shall become effective November 1, 2019.
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14 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/13/2019
15 - DO PASS, As Coauthored.
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