

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 HOUSE BILL 2139

 By: Sneed and **West (Tammy)**

7 AS INTRODUCED

8 An Act relating to teachers; amending 70 O.S. 2011,
9 Section 6-101, as last amended by Section 1, Chapter
10 323, O.S.L. 2016 (70 O.S. Supp. 2018, Section 6-101),
 which relates to teacher contracts; modifying
11 applicability of contract prohibition to include
 virtual charter schools; requiring suspension of
12 certificate if attempting to work for another school
 mid-contract; 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 6-101, as
16 last amended by Section 1, Chapter 323, O.S.L. 2016 (70 O.S. Supp.
17 2018, Section 6-101), is amended to read as follows:

18 Section 6-101. A. Except as provided in subsection E of this
19 section, no person shall be permitted to teach in any school
20 district of the state without a written contract, except as provided
21 herein for substitute teachers and except teachers of classes in
22 adult education. Except as provided in subsection J of this
23 section, the board of education of each school district, wherein
24 school is expected to be conducted for the ensuing year, shall

1 employ and contract in writing with qualified teachers for and in
2 the name of the district. One copy of the contract shall be filed
3 with the clerk of the board of education and one copy shall be
4 retained by the teacher.

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

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

1 not included in such list and shall be liable on the official bond
2 for the treasurer for the amount of any warrant registered in
3 violation of the provisions of this section.

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

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

23 G. No school district or any member of the board of education
24 of a district shall be liable for the payment of compensation to a

1 teacher or administrator under the provisions of any contract for
2 the ensuing year, if it becomes necessary to close the school
3 because of insufficient attendance, disorganization, annexation,
4 consolidation, or by dispensing with the school according to law,
5 provided, such cause is known or action is taken prior to July 1 of
6 such ensuing year.

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

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

21 J. A board of education shall have authority to enter into
22 written contracts for the ensuing fiscal year prior to the beginning
23 of the year with persons who are not certified to teach by the State
24 Board of Education as long as the person is actively in the process

1 of securing certification. The person shall not be allowed to teach
2 in a classroom until the person has met or completed all of the
3 requirements for certification as provided for in Section 6-190 of
4 this title. If the person has not obtained valid certification by
5 the first day of the ensuing school year, the contract shall be
6 terminated.

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

1 subsection shall not be considered compensation for purposes of
2 teacher retirement or the minimum salary schedule.

3 SECTION 2. This act shall become effective November 1, 2019.

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5 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/19/2019
6 - DO PASS, As Coauthored.

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