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March 26, 2019

ENGROSSED HOUSE
BILL NO. 1050

By: Sterling, Provenzano,
Ranson and Davis of the
House

and

Smalley of the Senate

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

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

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

Section 6-105. A. If, because of sickness or other reason, a teacher is temporarily unable to perform regular duties, a substitute teacher may be employed for the position for the time of the absence. A substitute teacher shall be paid in an amount and under such terms as may be agreed upon in advance by the substitute

1 teacher and the board of education or according to regulations of
2 the board. If a teacher is absent for reason of personal business
3 the school district shall deduct from the salary of the teacher only
4 the amount necessary to pay the substitute.

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

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

1 fifteen (15) consecutive or thirty (30) total school days during a
2 school year who does not hold a valid certificate to teach special
3 education shall be required to complete in-service training as
4 prescribed by the State Board of Education. The training shall be
5 provided at no cost to the substitute teacher. Availability of
6 certified teachers shall be determined after the school has
7 consulted the State Board of Education and any other resources for
8 filling the vacant position with a certified teacher.

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

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

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

1 G. Teachers who are members of the Reserve Forces of the Army,
2 the Navy, the Marine Corps, the Coast Guard, the Air Force, or any
3 other component of the Armed Forces of the United States, including
4 members of the Air or Army National Guard, shall, when ordered by
5 the proper authority to active duty or service, be entitled to a
6 leave of absence from such civil employment for the period of such
7 active service without loss of status or efficiency rating and
8 without loss of pay during the first thirty (30) days of such leave
9 of absence.

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

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

16 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
17 March 26, 2019 - DO PASS
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