

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 58th Legislature (2021)

4   ENGROSSED SENATE  
5   BILL NO. 13

By: Stanley of the Senate

and

Baker, **Davis** and **Waldron** of  
the House

6  
7  
8  
9  
10       An Act relating to teachers; amending 70 O.S. 2011,  
11       Section 6-101, as last amended by Section 2, Chapter  
12       49, O.S.L. 2020 (70 O.S. Supp. 2020, Section 6-101),  
13       which relates to teacher contracts; requiring that a  
14       teacher whose certificate has been suspended to be  
15       placed on suspension while certain proceedings are  
16       pending; clarifying that certain action does not  
17       preclude initiation of certain due process  
18       procedures; updating statutory language; providing an  
19       effective date; and declaring an emergency.

20  
21  
22  
23  
24   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 2, Chapter 49, O.S.L. 2020 (70 O.S. Supp.  
2020, 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

1 adult education. Except as provided in subsection J of this  
2 section, the board of education of each school district, wherein  
3 school is expected to be conducted for the ensuing year, shall  
4 employ and contract in writing with qualified teachers for and in  
5 the name of the district. One copy of the contract shall be filed  
6 with the clerk of the board of education and one copy shall be  
7 retained by the teacher.

8 B. Except as otherwise provided by subsections J and K of this  
9 section and any other law, no board of education shall have  
10 authority to enter into any written contract with a teacher who does  
11 not hold an Oklahoma criminal history record check as required by  
12 Section 6-190 of this title and who does not hold a valid  
13 certificate issued or recognized by the State Board of Education  
14 authorizing ~~said~~ the teacher to teach the grades or subject matter  
15 for which the teacher is employed. Any board of education paying or  
16 authorizing the payment of the salary of any teacher not holding a  
17 certificate, as required herein, shall be adjudged to be guilty of a  
18 fraudulent expenditure of public funds and members voting for such  
19 payment shall be held jointly responsible for the return of the  
20 amount of any public monies thus expended, upon suit brought by the  
21 district attorney or by any interested citizen in the district where  
22 such funds have been expended.

23 C. It shall be the duty of the superintendent of schools under  
24 whose supervision teachers have been contracted to teach to certify

1 to the treasurer of the contracting district the names of the  
2 teachers holding valid certificates and student teachers with whom  
3 contracts have been made and the names of substitute teachers  
4 employed in accordance with law. The treasurer shall not register  
5 any warrant issued in payment of salary to any teacher whose name is  
6 not included in such list and shall be liable on the official bond  
7 for the treasurer for the amount of any warrant registered in  
8 violation of the provisions of this section.

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

1 teacher's certificate suspended for the remainder of the term for  
2 which the contract was made.

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

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

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

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

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

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

1 of the year with persons who are not certified to teach by the State  
2 Board of Education as long as the person is actively in the process  
3 of securing certification. The person shall not be allowed to teach  
4 in a classroom until the person has met or completed all of the  
5 requirements for certification as provided for in Section 6-190 of  
6 this title. If the person has not obtained valid certification by  
7 the first day of the ensuing school year, the contract shall be  
8 terminated.

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

1 fulfilling the first year of his or her contract for the ensuing  
2 fiscal year. Any stipend or signing bonus paid under the terms of  
3 this subsection shall not be considered compensation for purposes of  
4 teacher retirement or the minimum salary schedule.

5 L. A teacher whose certificate was suspended by the State Board  
6 of Education pursuant to Section 3-104 of this title and Sections  
7 314 and 314.1 of Title 75 of the Oklahoma Statutes shall be placed  
8 on suspension pursuant to the provisions of Section 6-101.29 of this  
9 title while proceedings for revocation or other action are pending  
10 before the State Board of Education. The provisions of this  
11 subsection shall not preclude the initiation of due process  
12 procedures in accordance with Section 6-101.20 et. seq of this  
13 title.

14 SECTION 2. This act shall become effective July 1, 2021.

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

19  
20 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04/06/2021  
21 - DO PASS, As Coauthored.  
22  
23  
24