

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 239

By: Sharp

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5  
6 AS INTRODUCED

7 An Act relating to teachers; amending 70 O.S. 2011,  
8 Section 6-101, as last amended by Section 1, Chapter  
9 323, O.S.L. 2016 (70 O.S. Supp. 2018, Section 6-101),  
10 which relates to teacher contracts; requiring that a  
11 teacher whose certificate has been suspended to  
12 remain employed while certain proceedings are  
13 pending; allowing suspension of certain teacher;  
14 updating language; providing an effective date; and  
15 declaring an emergency.

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

17 SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101, as  
18 last amended by Section 1, Chapter 323, O.S.L. 2016 (70 O.S. Supp.  
19 2018, Section 6-101), is amended to read as follows:

20 Section 6-101. A. Except as provided in subsection E of this  
21 section, no person shall be permitted to teach in any school  
22 district of the state without a written contract, except as provided  
23 herein for substitute teachers and except teachers of classes in  
24 adult education. Except as provided in subsection J of this  
25 section, the board of education of each school district, wherein  
26 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~~ the teacher to teach the grades or  
10 subject matter for which the teacher is employed. Any board of  
11 education paying or authorizing the payment of the salary of any  
12 teacher not holding a certificate, as required herein, shall be  
13 adjudged to be guilty of a fraudulent expenditure of public funds  
14 and members voting for such payment shall be held jointly  
15 responsible for the return of the amount of any public monies thus  
16 expended, upon suit brought by the district attorney or by any  
17 interested citizen in the district where such funds have been  
18 expended.

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

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

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

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

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

21 G. No school district or any member of the board of education  
22 of a district shall be liable for the payment of compensation to a  
23 teacher or administrator under the provisions of any contract for  
24 the ensuing year, if it becomes necessary to close the school

1 because of insufficient attendance, disorganization, annexation,  
2 consolidation, or by dispensing with the school according to law,  
3 provided, such cause is known or action is taken prior to July 1 of  
4 such ensuing year.

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

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

19 J. A board of education shall have authority to enter into  
20 written contracts for the ensuing fiscal year prior to the beginning  
21 of the year with persons who are not certified to teach by the State  
22 Board of Education as long as the person is actively in the process  
23 of securing certification. The person shall not be allowed to teach  
24 in a classroom until the person has met or completed all of the

1 requirements for certification as provided for in Section 6-190 of  
2 this title. If the person has not obtained valid certification by  
3 the first day of the ensuing school year, the contract shall be  
4 terminated.

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

1        L. A teacher whose certificate was suspended by the State Board  
2 of Education pursuant to Section 3-104 of this title and Sections  
3 314 and 314.1 of Title 75 of the Oklahoma Statutes shall remain  
4 employed by the school district while proceedings for revocation or  
5 other action are pending before the State Board of Education. The  
6 provisions of this subsection shall not preclude suspension of the  
7 teacher pursuant to the provisions of Section 6-101.29 of this  
8 title.

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

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

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