

1 ENGROSSED SENATE
2 BILL NO. 77

By: Simpson of the Senate

3 and

4 Townley of the House

5
6 An Act relating to rehabilitation services personnel;
7 amending 10 O.S. 2011, Section 1419, as amended by
8 Section 1, Chapter 278, O.S.L. 2014 (10 O.S. Supp.
9 2018, Section 1419), which relates to personnel
10 policies of the Commission for Rehabilitation
11 Services; directing the Commission to adopt certain
12 policy related to unused personal leave; and
13 providing an effective date.

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

13 SECTION 1. AMENDATORY 10 O.S. 2011, Section 1419, as
14 amended by Section 1, Chapter 278, O.S.L. 2014 (10 O.S. Supp. 2018,
15 Section 1419), is amended to read as follows:

16 Section 1419. A. The Commission for Rehabilitation Services
17 shall establish and maintain such methods of administration,
18 including methods relating to the establishment and maintenance of
19 personnel standards, as are necessary for the proper and efficient
20 administration of the Oklahoma School for the Blind and the Oklahoma
21 School for the Deaf, and programs thereat; shall maintain records
22 and reports, shall provide a uniform accounting system; and shall
23 incur such expenses and make such expenditures as it deems necessary
24 to maintain and operate such schools.

1 B. 1. Instructional Personnel. The Director of the State
2 Department of Rehabilitation Services shall employ or contract with
3 such qualified instructional personnel including, but not limited
4 to, teachers, and such other persons serving in an instructional
5 capacity, as the director deems necessary for the proper operation
6 of each school and shall fix their duties and compensation. The
7 superintendent, teachers and other employees shall be eligible for
8 membership or participation in the Teachers' Retirement System of
9 Oklahoma to the same extent and on the same basis as teachers and
10 other employees of other state educational institutions and public
11 schools. The Director shall not employ or contract with a person as
12 instructional personnel unless the superintendent of the school has
13 recommended that person. If there is a vacancy in the
14 superintendent position or if the superintendent is unable to make a
15 recommendation within thirty (30) days after a request for a
16 recommendation is made, the Director is authorized to employ or
17 contract with any person without a recommendation from the
18 superintendent.

19 2. Career Teacher. A career teacher is a member of the
20 instructional staff who has served in an instructional capacity for
21 three (3) or more consecutive years in either school, or who has
22 served in a public school district in such a way so as to meet the
23 definition of a career teacher as provided for in Section 6-101.3 of
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1 Title 70 of the Oklahoma Statutes. Career teacher shall not include
2 a school nurse.

3 3. Probationary Teacher. A probationary teacher is a member of
4 the instructional staff who has served in an instructional capacity
5 for less than three (3) consecutive years in either school, or who
6 has served in a public school district in such a way so as to meet
7 the definition of a probationary teacher as provided for in Section
8 6-101.3 of Title 70 of the Oklahoma Statutes.

9 C. Administrative Personnel.

10 1. The Director of the State Department of Rehabilitation
11 Services shall employ or appoint the superintendent of each school
12 and shall fix their duties and compensation. The superintendents
13 shall be in the unclassified service.

14 2. The Director of the State Department of Rehabilitation
15 Services shall employ or contract with such other administrative
16 personnel as the Director deems necessary for the proper operation
17 of each school and shall fix their duties and compensation. The
18 administrative personnel may include, but is not limited to,
19 assistant superintendents, principals, vice-principals and other
20 persons who devote a majority of their time to service in a
21 supervisory or administrative capacity.

22 D. An orientation and mobility specialist employed by the State
23 Department of Rehabilitation Services to serve at the Oklahoma
24 School for the Blind shall be accorded the same protection of laws

1 and all other benefits accorded instructional personnel, including
2 but not limited to, the minimum salary level for instructional
3 personnel.

4 E. 1. The Commission shall, pursuant to the Administrative
5 Procedures Act, adopt personnel policies for instructional and
6 administrative personnel, except for superintendents, that are
7 consistent with the law applicable to public school district
8 employees, including, but not limited to, leave, payment for unused
9 personal leave and employment policies, evaluation policy, grievance
10 procedures, professional development, and a minimum salary schedule.
11 The Commission shall initiate a rulemaking process for the personnel
12 policies for instructional and administrative personnel no later
13 than October 1, 2003. The minimum salary level for qualified
14 instructional personnel shall meet or exceed the minimum salary
15 level provided for public school teachers in Section 18-114.14 of
16 Title 70 of the Oklahoma Statutes or any additional minimum salary
17 schedule enacted by the Legislature and the Commission shall meet or
18 exceed any other legislatively mandated pay raises for teachers that
19 are not part of the minimum salary schedule. The Department shall
20 notify teachers and other personnel on or before the first Monday in
21 June of each year concerning the renewal of contracts consistent
22 with the requirements for public school teachers as provided for in
23 Section 6-101 of Title 70 of the Oklahoma Statutes. The policy for
24 professional development programs for instructional and

1 administrative personnel shall be consistent with the requirements
2 for professional development programs for public school teachers as
3 provided in Section 6-194 of Title 70 of the Oklahoma Statutes.

4 2. Final disciplinary action taken against a member of the
5 instructional or administrative staff, except superintendents,
6 including termination or the nonrenewal of a contract, shall be
7 subject to the administrative hearing procedures as set forth in
8 Article II of the Oklahoma Administrative Procedures Act. If the
9 final decision of the Director is to terminate or to not renew the
10 contract of a career teacher or administrator, the career teacher or
11 administrator, except superintendent, shall not have a right to
12 judicial review pursuant to Article II of the Oklahoma
13 Administrative Procedures Act, but shall have a right to a trial de
14 novo as provided for in Section 1419a of this title. Disciplinary
15 action against a probationary teacher shall be final unless
16 otherwise provided for by law.

17 F. The State Department of Education shall insure that any
18 funds which have been received in Oklahoma by the State Department
19 of Education because of students who are enrolled and attending the
20 Oklahoma School for the Blind and the Oklahoma School for the Deaf
21 are transferred to the State Department of Rehabilitation Services
22 for use by these schools in proportion to the number of students
23 enrolled and attending who were the basis for the receipt of these
24 federal funds.

1 G. School personnel who have entered into contracts with the
2 schools on or before July 1, 1995, shall be entitled to longevity
3 pay as provided in Section 840-2.18 of Title 74 of the Oklahoma
4 Statutes.

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

6 Passed the Senate the 6th day of March, 2019.

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Presiding Officer of the Senate

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10 Passed the House of Representatives the ____ day of _____,
11 2019.

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Presiding Officer of the House
of Representatives

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