

1 STATE OF OKLAHOMA

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

3 SENATE BILL 77

By: Simpson

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5
6 AS INTRODUCED

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

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

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

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

1 incur such expenses and make such expenditures as it deems necessary
2 to maintain and operate such schools.

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

21 2. Career Teacher. A career teacher is a member of the
22 instructional staff who has served in an instructional capacity for
23 three (3) or more consecutive years in either school, or who has
24 served in a public school district in such a way so as to meet the

1 definition of a career teacher as provided for in Section 6-101.3 of
2 Title 70 of the Oklahoma Statutes. Career teacher shall not include
3 a school nurse.

4 3. Probationary Teacher. A probationary teacher is a member of
5 the instructional staff who has served in an instructional capacity
6 for less than three (3) consecutive years in either school, or who
7 has served in a public school district in such a way so as to meet
8 the definition of a probationary teacher as provided for in Section
9 6-101.3 of Title 70 of the Oklahoma Statutes.

10 C. Administrative Personnel.

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

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

23 D. An orientation and mobility specialist employed by the State
24 Department of Rehabilitation Services to serve at the Oklahoma

1 School for the Blind shall be accorded the same protection of laws
2 and all other benefits accorded instructional personnel, including
3 but not limited to, the minimum salary level for instructional
4 personnel.

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

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

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

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

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

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

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