

1 ENGROSSED SENATE
2 BILL NO. 229

By: Montgomery of the Senate

3 and

4 Hilbert of the House

5
6 [Teacher Due Process Act - teacher certification -
7 effective date - emergency]

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

11 SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.23, as
12 amended by Section 1, Chapter 92, O.S.L. 2013 (70 O.S. Supp. 2020,
13 Section 6-101.23), is amended to read as follows:

14 Section 6-101.23. A. The dismissal, suspension and
15 ~~nonreemployment~~ non-reemployment provisions of the Teacher Due
16 Process Act of 1990 shall not apply to:

- 17 1. Substitute teachers;
18 2. Adult education teachers; and
19 3. Teachers who are employed on temporary contracts.

20 B. The dismissal and suspension provisions of the Teacher Due
21 Process Act of 1990 shall apply to teachers who are employed on
22 temporary contracts for a complete school year and to teachers who
23 are employed in positions fully funded by federal or private

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1 categorical grants, except that such teachers shall be employed only
2 for the duration of the temporary contract or the grant.

3 C. The evaluation provisions in Sections 6-101.10 and 6-101.11
4 of this title and in the Teacher Due Process Act of 1990 shall apply
5 to teachers who are employed on temporary contracts for a complete
6 school year and to teachers who are employed in positions fully
7 funded by federal or private categorical grants, except that such
8 teachers shall be employed only for the duration of the temporary
9 contract or the grant.

10 D. Teachers other than those specifically excepted in
11 subsection A of this section who are employed on contracts shall be
12 afforded all substantive and procedural rights set forth in the
13 Teacher Due Process Act of 1990 including the dismissal, suspension,
14 and ~~non-reemployment~~ non-reemployment provisions applicable to
15 probationary or career teachers as defined in Section 6-101.3 of
16 this title.

17 E. On and after ~~the effective date of this act~~ July 1, 2013,
18 any teacher who has worked a complete school year under a temporary
19 contract in a school district shall be granted a year of service
20 credit toward career status in that district.

21 F. No teacher shall be hired on a temporary contract by a
22 school district for more than four semesters or on multiple
23 temporary contracts by a school district that together are for more
24 than four semesters, except for a:

1 1. Teacher hired to replace a teacher who is on an approved
2 leave of absence and who is expected to return to employment with
3 the school district; ~~or~~

4 2. Teacher who is a retired member of the Teachers' Retirement
5 System of Oklahoma; or

6 3. Teacher with an emergency or provisional certificate as
7 provided for in subsection F of Section 6-187 of this title.

8 G. No teacher shall be offered a temporary contract with a
9 school district without a full written disclosure at the time a
10 position is offered by the administration of the school district
11 which sets forth the terms and conditions of the temporary contract.
12 In the event the school district fails to provide such written
13 disclosure, the teacher shall be considered as employed on a
14 continuing contract basis.

15 H. On and after ~~the effective date of this act~~ July 1, 2013, no
16 teacher who is employed on a continuing contract basis by a school
17 district shall be reemployed on a temporary contract in that school
18 district.

19 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-187, as
20 last amended by Section 1, Chapter 139, O.S.L. 2020 (70 O.S. Supp.
21 2020, Section 6-187), is amended to read as follows:

22 Section 6-187. A. Prior to July 1, 2014, a competency
23 examination shall be adopted by the Oklahoma Commission for Teacher
24 Preparation and beginning July 1, 2014, a competency examination

1 shall be adopted by the Commission for Educational Quality and
2 Accountability for the general education, professional education and
3 various subject areas and grade levels for purposes of ensuring
4 academic achievement and competency of each teacher candidate or
5 teacher in the subject area the person is seeking certification to
6 teach which shall also include certification as an administrator, as
7 prescribed by the State Board of Education.

8 The Commission, consistent with the purposes of this section,
9 shall promulgate rules and procedures to guarantee the
10 confidentiality of examinations.

11 B. No teacher candidate shall be eligible for certification
12 until successfully completing the competency examination except
13 those candidates who make application to the State Board and meet
14 the criteria for the alternative placement program pursuant to
15 Section 6-122.3 of this title. Certification shall be limited to
16 areas of approval in which the certified teacher has successfully
17 completed the examination. Subject to the provisions of subsection
18 C of this section, testing for certification for subjects in which a
19 teacher candidate or teacher is seeking a minor teaching assignment
20 or an endorsement to teach shall be limited to the specific subject
21 area test.

22 A teacher candidate or teacher may take the general education,
23 professional education or subject area portions of the examination
24 subject to any limit imposed by the Commission.

1 C. 1. Except as otherwise provided for in this subsection, a
2 teacher may be certified in as many areas as the teacher meets the
3 necessary requirements provided by law and has successfully
4 completed the subject area portion of the examination.

5 2. Except as otherwise provided for in this paragraph,
6 certification in early childhood, elementary, or special education
7 shall require completion of an appropriate teacher education program
8 approved by the Commission.

9 Any teacher who is certified to teach elementary education may
10 be certified in early childhood education upon meeting the
11 requirements provided in law and successful completion of the
12 appropriate subject area portion of the examination. Any teacher
13 who is certified to teach early childhood education may be certified
14 in elementary education upon meeting the requirements provided in
15 law and successful completion of the appropriate subject area
16 portion of the examination. Any special education teacher who
17 becomes certified to teach through completion of an accredited
18 teacher preparation program may be certified in early childhood or
19 elementary education upon meeting the requirements provided in law
20 and successful completion of the appropriate subject portion of the
21 examination. Any teacher who becomes certified to teach through
22 completion of an accredited teacher preparation program or becomes
23 alternatively certified to teach through the Troops to Teachers
24 program may be certified in special education upon meeting the

1 requirements provided in law and successful completion of the
2 appropriate subject area portion of the examination. Any special
3 education teacher who has not completed a Commission-approved
4 teacher education program in elementary education or early childhood
5 education but who has successfully completed the subject area
6 portion of the examination may be certified in elementary education
7 or early childhood education for the purpose of providing direct
8 instruction and serving as the teacher of record for grading
9 purposes in special education settings only.

10 D. The Commission shall offer the competency examination at
11 least four times per calendar year on dates to be established by the
12 Commission.

13 E. If a teacher candidate or teacher is a non-native-English
14 speaker, the Commission shall offer the subject area competency
15 examination in the native language of the teacher candidate or
16 teacher only if the teacher candidate or teacher is employed or has
17 been offered employment by a school district as a teacher in a
18 foreign language immersion program offered by the school district.
19 If a non-native-English speaker who has received certification in a
20 subject area after taking the subject area competency examination in
21 the native language of the speaker seeks to add a certification area
22 in the future and that person is no longer employed as a teacher in
23 a foreign language immersion program, the examination for the
24 additional certification area shall be taken in English. The State

1 Board of Education shall issue a restricted license or certificate
2 to any teacher who has completed a subject area competency
3 examination in the native language of the teacher as provided for in
4 this subsection restricting the teacher to teaching only in a
5 foreign language immersion program.

6 F. 1. Nothing in the Oklahoma Teacher Preparation Act shall
7 restrict the right of the State Board of Education to issue an
8 emergency or provisional certificate, as needed. Provided, however,
9 prior to the issuance of an emergency certificate, the district
10 shall document substantial efforts to employ a teacher who holds a
11 provisional or standard certificate. In the event a district is
12 unable to hire an individual meeting this criteria, the district
13 shall document efforts to employ an individual with a provisional or
14 standard certificate in another curricular area with academic
15 preparation in the field of need. Only after these alternatives
16 have been exhausted shall the district be allowed to employ an
17 individual meeting minimum standards as established by the State
18 Board of Education for the issuance of emergency certificates.

19 2. The State Board of Education may renew the emergency or
20 provisional certificate of an individual who has been employed by a
21 school district board of education for at least two (2) years if the
22 following criteria are met:
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- a. the individual has been granted an emergency or provisional certificate pursuant to paragraph 1 of this subsection for two (2) years,
- b. the individual has not successfully completed the competency examinations required by this section,
- c. the individual submits a portfolio of his or her work to the State Board of Education, which shall include evidence of progress toward standard certification,
- d. the employing school district board of education agrees to renew the individual's contract to teach for the ensuing fiscal year, and
- e. the superintendent of the employing school district submits to the State Board of Education the reason the emergency or provisional certificate should be renewed and provides evidence of the district's inability to hire a teacher who holds a standard certificate.

3. The State Board of Education may renew for up to five (5) years the emergency or provisional certificate of an individual who meets the criteria of paragraph 2 of this subsection and who maintains a district evaluation rating of "effective" or higher pursuant to the provisions of Section 6-101.16 of this title.

4. Individuals employed by a school district under an emergency or provisional certificate may be placed on a temporary contract beyond the four (4) semester limit imposed by subsection F of

1 Section 6-101.23 of this title and shall not be considered career
2 teachers and therefore not entitled to the protections of the
3 Teacher Due Process Act of 1990.

4 SECTION 3. This act shall become effective July 1, 2021.

5 SECTION 4. It being immediately necessary for the preservation
6 of the public peace, health or safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

9 Passed the Senate the 11th day of March, 2021.

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11 _____
12 Presiding Officer of the Senate

13 Passed the House of Representatives the ____ day of _____,
14 2021.

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16 _____
17 Presiding Officer of the House
18 of Representatives