

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 229, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Montgomery

Montgomery-EB-FS-Req#1981  
3/10/2021 11:23 AM

(Floor Amendments Only) Date and Time Filed: \_\_\_\_\_

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 FLOOR SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 229

By: Montgomery of the Senate

and

Hilbert of the House

7  
8  
9 FLOOR SUBSTITUTE

10 [Teacher Due Process Act - teacher certification -  
11 effective date -

emergency ]

12  
13  
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

- 21 1. Substitute teachers;
- 22 2. Adult education teachers; and
- 23 3. Teachers who are employed on temporary contracts.
- 24

1 B. The dismissal and suspension provisions of the Teacher Due  
2 Process Act of 1990 shall apply to teachers who are employed on  
3 temporary contracts for a complete school year and to teachers who  
4 are employed in positions fully funded by federal or private  
5 categorical grants, except that such teachers shall be employed only  
6 for the duration of the temporary contract or the grant.

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

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

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

1 F. No teacher shall be hired on a temporary contract by a  
2 school district for more than four semesters or on multiple  
3 temporary contracts by a school district that together are for more  
4 than four semesters, except for a:

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

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

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

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

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

1 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-187, as  
2 last amended by Section 1, Chapter 139, O.S.L. 2020 (70 O.S. Supp.  
3 2020, Section 6-187), is amended to read as follows:

4 Section 6-187. A. Prior to July 1, 2014, a competency  
5 examination shall be adopted by the Oklahoma Commission for Teacher  
6 Preparation and beginning July 1, 2014, a competency examination  
7 shall be adopted by the Commission for Educational Quality and  
8 Accountability for the general education, professional education and  
9 various subject areas and grade levels for purposes of ensuring  
10 academic achievement and competency of each teacher candidate or  
11 teacher in the subject area the person is seeking certification to  
12 teach which shall also include certification as an administrator, as  
13 prescribed by the State Board of Education.

14 The Commission, consistent with the purposes of this section,  
15 shall promulgate rules and procedures to guarantee the  
16 confidentiality of examinations.

17 B. No teacher candidate shall be eligible for certification  
18 until successfully completing the competency examination except  
19 those candidates who make application to the State Board and meet  
20 the criteria for the alternative placement program pursuant to  
21 Section 6-122.3 of this title. Certification shall be limited to  
22 areas of approval in which the certified teacher has successfully  
23 completed the examination. Subject to the provisions of subsection  
24 C of this section, testing for certification for subjects in which a

1 teacher candidate or teacher is seeking a minor teaching assignment  
2 or an endorsement to teach shall be limited to the specific subject  
3 area test.

4 A teacher candidate or teacher may take the general education,  
5 professional education or subject area portions of the examination  
6 subject to any limit imposed by the Commission.

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

11 2. Except as otherwise provided for in this paragraph,  
12 certification in early childhood, elementary, or special education  
13 shall require completion of an appropriate teacher education program  
14 approved by the Commission.

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

1 elementary education upon meeting the requirements provided in law  
2 and successful completion of the appropriate subject portion of the  
3 examination. Any teacher who becomes certified to teach through  
4 completion of an accredited teacher preparation program or becomes  
5 alternatively certified to teach through the Troops to Teachers  
6 program may be certified in special education upon meeting the  
7 requirements provided in law and successful completion of the  
8 appropriate subject area portion of the examination. Any special  
9 education teacher who has not completed a Commission-approved  
10 teacher education program in elementary education or early childhood  
11 education but who has successfully completed the subject area  
12 portion of the examination may be certified in elementary education  
13 or early childhood education for the purpose of providing direct  
14 instruction and serving as the teacher of record for grading  
15 purposes in special education settings only.

16 D. The Commission shall offer the competency examination at  
17 least four times per calendar year on dates to be established by the  
18 Commission.

19 E. If a teacher candidate or teacher is a non-native-English  
20 speaker, the Commission shall offer the subject area competency  
21 examination in the native language of the teacher candidate or  
22 teacher only if the teacher candidate or teacher is employed or has  
23 been offered employment by a school district as a teacher in a  
24 foreign language immersion program offered by the school district.

1 If a non-native-English speaker who has received certification in a  
2 subject area after taking the subject area competency examination in  
3 the native language of the speaker seeks to add a certification area  
4 in the future and that person is no longer employed as a teacher in  
5 a foreign language immersion program, the examination for the  
6 additional certification area shall be taken in English. The State  
7 Board of Education shall issue a restricted license or certificate  
8 to any teacher who has completed a subject area competency  
9 examination in the native language of the teacher as provided for in  
10 this subsection restricting the teacher to teaching only in a  
11 foreign language immersion program.

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

1           2. The State Board of Education may renew the emergency or  
2 provisional certificate of an individual who has been employed by a  
3 school district board of education for at least two (2) years if the  
4 following criteria are met:

- 5           a. the individual has been granted an emergency or  
6           provisional certificate pursuant to paragraph 1 of  
7           this subsection for two (2) years,
- 8           b. the individual has not successfully completed the  
9           competency examinations required by this section,
- 10          c. the individual submits a portfolio of his or her work  
11          to the State Board of Education, which shall include  
12          evidence of progress toward standard certification,
- 13          d. the employing school district board of education  
14          agrees to renew the individual's contract to teach for  
15          the ensuing fiscal year, and
- 16          e. the superintendent of the employing school district  
17          submits to the State Board of Education the reason the  
18          emergency or provisional certificate should be renewed  
19          and provides evidence of the district's inability to  
20          hire a teacher who holds a standard certificate.

21          3. The State Board of Education may renew for up to five (5)  
22 years the emergency or provisional certificate of an individual who  
23 meets the criteria of paragraph 2 of this subsection and who  
24

1 maintains a district evaluation rating of "effective" or higher  
2 pursuant to the provisions of Section 6-101.16 of this title.

3 4. Individuals employed by a school district under an emergency  
4 or provisional certificate may be placed on a temporary contract  
5 beyond the four (4) semester limit imposed by subsection F of  
6 Section 6-101.23 of this title and shall not be considered career  
7 teachers and therefore not entitled to the protections of the  
8 Teacher Due Process Act of 1990.

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

10 SECTION 4. 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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