

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1144

By: Garvin

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6 AS INTRODUCED

7 An Act relating to substitute teachers; amending 70  
8 O.S. 2021, Section 6-105, which relates to payment of  
9 substitute teachers; removing the limit on the number  
10 of school days substitute teachers with certain  
11 certificate or certain degree may teach; allowing a  
12 substitute teacher with certain certificate or  
13 certain degree to teach without certain limitation;  
14 prohibiting a substitute teacher without certain  
15 certificate or certain degree from teaching certain  
16 course or class for more than a certain number of  
17 consecutive school days; providing for certain  
18 waiver; directing a school district board of  
19 education's policy on substitute teachers to include  
20 qualifications and pay rates; providing an effective  
21 date; and declaring an emergency.

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

23 SECTION 1. AMENDATORY 70 O.S. 2021, Section 6-105, is  
24 amended to read as follows:

25 Section 6-105. A. If, because of sickness or other reason, a  
26 teacher is temporarily unable to perform regular duties, a  
27 substitute teacher may be employed for the position for the time of  
28 the absence. A substitute teacher shall be paid in an amount and  
29 under such terms as may be agreed upon in advance by the substitute

1 teacher and the board of education or according to regulations of  
2 the board. If a teacher is absent for reason of personal business  
3 the school district shall deduct from the salary of the teacher only  
4 the amount necessary to pay the substitute.

5 B. ~~No~~ A school district may allow a substitute teacher shall be  
6 ~~employed for a total period of time in excess of one hundred thirty-~~  
7 ~~five (135) school days during a school year; or one hundred forty-~~  
8 ~~five (145) school days during the school year if the substitute~~  
9 ~~teacher holds~~ with a valid certificate or a lapsed or expired  
10 certificate or who has a bachelors-level bachelor's-level college  
11 degree; or no limit of school days during the school year if the  
12 substitute teacher holds a valid certificate to teach without  
13 limitation on the number of school days in a school year. Provided,  
14 however, a substitute teacher without a valid, lapsed, or expired  
15 certificate or a bachelor's-level college degree shall not teach the  
16 same course or grade-level class for more than ten (10) consecutive  
17 school days unless a waiver is granted, as provided for in  
18 subsection D of this section. Each school district board of  
19 education shall adopt a policy which sets forth the qualifications  
20 for substitute teachers, the pay rate for substitute teachers, and  
21 the maximum number of days a substitute teacher may be employed for  
22 ~~the same assignment if the substitute teacher does not hold a valid~~  
23 ~~certificate~~ within the limits prescribed by this subsection.

1 C. Substitute teachers who do not hold a valid certificate and  
2 who are employed to teach special education for students with  
3 physical disabilities or students with intellectual disabilities  
4 shall not be subject to the restrictions on total time a substitute  
5 teacher may be employed if no certified teachers are available to  
6 teach such students and the students would be denied instruction in  
7 special education if the substitute teacher were not employed.  
8 Beginning with the 2007-08 school year, any substitute teacher  
9 employed to teach special education for the same assignment for more  
10 than fifteen (15) consecutive or thirty (30) total school days  
11 during a school year who does not hold a valid certificate to teach  
12 special education shall be required to complete in-service training  
13 as prescribed by the State Board of Education. The training shall  
14 be provided at no cost to the substitute teacher. Availability of  
15 certified teachers shall be determined after the school has  
16 consulted the State Board of Education and any other resources for  
17 filling the vacant position with a certified teacher.

18 D. A school district may request a waiver of the restrictions  
19 on total time a substitute teacher may be employed from the State  
20 Board of Education for a substitute teacher who does not hold a  
21 valid certificate. The school district shall submit evidence on the  
22 availability of certified substitute teachers and the qualifications  
23 of the substitute teacher. The Board shall develop procedures for  
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1 the filing and processing of substitute teacher waivers pursuant to  
2 this subsection.

3 E. Payment of salary to a substitute shall have no effect on  
4 the amount of salary to which the absent regular teacher is entitled  
5 under the applicable leave plan.

6 F. Any substitute or cadet teacher employed in any school  
7 system on a monthly or annual basis shall hold a certificate and  
8 have a written contract in the manner and under the same conditions  
9 as for regular teachers.

10 G. Teachers who are members of the Reserve Forces of the Army,  
11 the Navy, the Marine Corps, the Coast Guard, the Air Force, or any  
12 other component of the Armed Forces of the United States, including  
13 members of the Air or Army National Guard, shall, when ordered by  
14 the proper authority to active duty or service, be entitled to a  
15 leave of absence from such civil employment for the period of such  
16 active service without loss of status or efficiency rating and  
17 without loss of pay during the first thirty (30) days of such leave  
18 of absence.

19 H. School districts in this state may contract with outside  
20 providers for the training and employment of substitute teachers.  
21 The State Board of Education shall promulgate guidelines to assist  
22 school districts in the sanctioning and approval of an outside  
23 provider in accordance with this section.

24 SECTION 2. This act shall become effective July 1, 2022.

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

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