



## Teacher Certification & Contract Guidance

### Background:

In 2019, state legislators passed a comprehensive bill to address several concerns regarding virtual charter schools. House Bill 1395 strengthened financial reporting requirements and ensured virtual charter school board members are subject to the same conflict of interest and professional development requirements as local school board members. In addition, the bill established new law designed to ensure **all** public schools respect the contract between a teacher and a local board of education.

### What the law says:

[70 O.S. § 5-200 \(OSCN 2020\)](#) states in part:

*D. Whenever any person shall enter into a contract with any school district or public charter school in the state to teach in such school district or public charter school the contract shall be binding on the teacher and on the board of education until the teacher legally has been discharged from the teaching position or released by the board of education from the contract. Except as provided in [Section 5-106A of Title 70](#) of the Oklahoma Statutes, until such teacher has been thus discharged or released, the teacher shall not have authority to enter into a contract with any other board of education in Oklahoma for the same time covered by the original contract. If upon written complaint by the board of education in a district any teacher is reported to have failed to obey the terms of the contract previously made and to have entered into a contract with another board of education, including a public charter school board of education, without having been released from the former contract except as provided in [Section 5-106A of Title 70](#) of the Oklahoma Statutes, the teacher, upon being found to be employed full-time for another public school, including a public charter school in the state, at a hearing held before the State Board of Education, shall have such teacher's certificate suspended for the remainder of the term for which the contract was made.*

### Action steps

If a teacher under contract requests to leave the district from which he/she is employed, the district is under no obligation to release the teacher from the contract unless it chooses to do so. Typically, a district may release a teacher when and if a suitable replacement is found. During a teacher shortage and a pandemic, that may be especially difficult.



If a teacher insists on entering into a contracted employment relationship with another Oklahoma public school while under contract with your district and your district wants to deny a contract release, your district can proceed with the following steps:

1. Ask the district board of education to refuse the employee's resignation, in accordance with law.

Sample agenda language:

**Agenda Item:** Discussion and possible board action on any resignations received to date.

**Motion:** I make a motion that we do not release (teacher name) from their contract. Since the resignation was tendered after the June deadline for resignation without penalty, we are going to hold the teaching certificate for the remainder of the current school year. This action will preclude the teacher from being able to be legally employed by another public-school district or public charter school in Oklahoma as per 70 O.S. Sections 5-200 and 6-101.

2. If the employee abandons the contract and enters into a contractual employment relationship with another public school, file a complaint with the state Education Department requesting a hearing to suspend the employee's teaching certificate for the duration of the contract in accordance with state law. *See template letter.*

Please note:

If a district declines to release a teacher from a contract, the teacher remains an employee of the district.

- If the teacher rescinds their request to be released from the contract, the district must fulfill its contractual obligation to the teacher.
- If the teacher is not reporting to work or otherwise not fulfilling their obligation to the district, please seek guidance from your retained counsel about how to proceed.

## Questions?

Please contact any member of the OSSBA legal team.