

Calendar change

Legislature moves continuing contract notification date to June

*By Richard Wilkinson
OEA General Counsel*

Most OEA members are familiar with the continuing contract law and the requirement that a local board of education must notify a regular contract teacher that there exists a recommendation for the nonrenewal of their contract before April 10 or a continuing contract is binding upon the teacher and school district for the succeeding school year. The notice requirements contained in the continuing contract law are applicable to nonrenewal recommendations for probationary and career teachers and are required for any recommendation for nonrenewal, regardless of the reason(s) proffered for the recommended nonrenewal.

However, beginning November 1, 2009, the date for notifying a regular contract teacher of a recommendation for nonrenewal will change to the “first Monday in June” pursuant to Senate Bill 394 that was passed by the legislature and signed by the governor during the most recent legislative session. The bill also extends the date for a teacher to submit a resignation to a local board of education to “fifteen (15) days after the first Monday in June,” in order to avoid a binding contract between the affected teacher and the school district for the ensuing school year.

Since the effective date of this statutory change is not until November 1, many school districts will likely not alter their local policies or collective bargaining agreements to reflect this change prior to the beginning of the 2009-10 school year and the issuance of written contracts for that year. As a result, many school districts may adhere to the April 10 notification date next year to comply with a local policy or collective bargaining agreement and to avoid any legal disputes concerning whether proper notice was given to a regular contract teacher who is recommended for nonrenewal. While the legal effect of a local policy that provides for a different notification date than the continuing contract statute has been litigated in the past (such policies are generally enforceable as a matter of contract), there may be disputes next year around this issue.

This change will also impact the timing of due process hearings before local boards of education to consider any recommendations for nonrenewal. Due process hearings before a local board of education are required to be scheduled “not sooner than twenty (20) days or later than sixty (60) days after receipt of notice by the teacher.” As a result, due process hearings before local boards of education to consider recommendations for nonrenewal will now be held later in the summer months than before, possibly compounding the already difficult problem in convening a quorum of a local board for meetings during this period.

Since the date for a teacher to notify a local board of education of their desire to not be re-employed by a local school district for the ensuing year has also changed to “fifteen (15) days after the first Monday in June,” the timing of job fairs and other teacher recruitment for school districts in Oklahoma will likely be altered from the current April period to June or

even July since many districts will not make personnel decisions until later in the school year – or even after the school year has been completed – under this new change.

While this may give out-of-state school districts an advantage in teacher recruitment, it will also provide a larger “window of opportunity” for teachers to consider employment opportunities with other school districts in Oklahoma and to avoid the dilemma of whether to submit a resignation from employment past the deadline contained in the continuing contract law in order to later accept an offer of employment with another school district only if the current board of education approves the resignation from employment. The later dates will alleviate those issues for teachers who are seeking other employment opportunities with other school districts – particularly since class schedules and assignments for an upcoming school year will not be able to be completed by the end of a current school year as is currently the practice in many school districts.

In summary, the date for “automatic renewal” of a contract has been extended from April 10 to the first Monday in June and the date for “automatic resignation” for the ensuing school year has been extended from April 25 to fifteen (15) days after the first Monday in June. This change will extend the period of time that a local school district has to consider employment decisions; but also extends the period that a teacher has to consider other employment opportunities without having to invoke the discretion of a local board of education to accept such employment.

If you have further questions about the change in the continuing contract deadlines, contact your OEA Regional Advocacy UniServ Specialist.