



Oklahoma State School Boards Association
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Oklahoma City, OH 73105
(405) 424-0040

May 29, 1987

TO: Oklahoma Superintendents and State Legislative Network

FROM: Dr. Jo Pettigrew, Assistant Executive Director

Re: HB 1367

HB 1367, on notification of support employees concerning employment, was signed by the Governor on May 22, 1987. It is effective immediately.

The bill reads as follows:

A school district, no later than ten (10) days after the effective date of the education appropriation bill or June 1, whichever is later, shall give reasonable assurance of employment in writing to any support employee that the school intends to employ for the subsequent school year.

This letter of reasonable assurance is referenced in the Oklahoma Employment Security Act.

With respect to services performed in any other capacity for an educational institution, benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two (2) successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms. (40 O.S. 2-209)

Present law does not say the school has to give reasonable assurance. It states that if the school doesn't, the school's 10-month employees are eligible for unemployment compensation benefits. Also, present law also does not say the reasonable assurance has to be in writing.

Therefore, the new legislation makes two changes: it requires the notification of reasonable assurance and that it be in writing. The letter of reasonable assurance is not considered a continuing

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contract, but a statement of intent to hire. In fact, the constitution states that schools may not indebt themselves beyond the revenue of the current year. The constitution makes an exception to this in allowing continuing contracts for certificated employees. It makes no such exception for support personnel.

A sample letter of reasonable assurance is enclosed, as well as a sample letter to use when reasonable assurance is not given. These have been prepared by Tax Management Services, the third party administrator for the Oklahoma Public Schools Unemployment Compensation Account. Bill Tennenbaum, director of Tax Management Services, will be glad to work with members of the account to help them implement any part of this legislation. He can be reached at 1-800-325-4595.

Since the legislation takes effect immediately, you must give written reasonable assurance this year. Although you could wait until 10 days after the appropriations bill is signed (thus giving you several more weeks for compliance), we urge you to give notice as soon as possible in order to avoid unemployment costs and allow positive continuity in the work force.

Dear Staff Member,

We would like to thank you for your services performed for this school district for the 1986-87 school year. Unfortunately, we are unable to continue your employment for the 1987-88 school year due to loss of funding (or whatever the appropriate reason).

We ask that you keep us informed of your current address and telephone number so that we may contact you if a position becomes available in your area of experience and training.

Sincerely,

(your name)
Superintendent