

ENROLLED SENATE
BILL NO. 1394

By: Stipe of the Senate

and

Adair, Morgan, Hiett, Dank,
Coleman, Miller, Easley,
Braddock and McCarter of
the House

An Act relating to schools; amending 70 O.S. 1991, Sections 6-101.15, 6-101.22, and 6-101.41, which relate to dismissal of administrators, career teachers, and support employees; declaring certain offenses as grounds for dismissal or nonreemployment of certain persons; prohibiting certain persons from working on school premises; providing an exception to prohibition for certain persons to work on school premises; requiring signed statement from certain persons regarding persons working on school premises; making it unlawful for registered sex offenders to work with children or on school premises or employer to allow such persons to work with children; providing misdemeanor penalty; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 6-101.15, is amended to read as follows:

Section 6-101.15 A. An administrator shall be dismissed or not reemployed, unless a presidential or gubernatorial pardon has been issued, if during the term of employment such administrator is convicted in this state, the United States or another state of:

1. Any sex offense subject to the Sex Offenders Registration Act in this state or subject to another state's or the federal sex offender registration provisions; or

2. Any felony offense.

B. An administrator may be dismissed, refused employment or not reemployed after a finding that such person has engaged in criminal sexual activity or sexual misconduct that has impeded the effectiveness of the individual's performance of school duties. As used in this subsection:

1. "Criminal sexual activity" means the commission of an act as defined in Section 886 of Title 21 of the Oklahoma Statutes, which is the act of sodomy; and

2. "Sexual misconduct" means the soliciting or imposing of criminal sexual activity.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 6-101.22, is amended to read as follows:

Section 6-101.22 A. Subject to the provisions of the Teacher Due Process Act of 1990, a career teacher may be dismissed or not reemployed for:

1. Willful neglect of duty;

2. Repeated negligence in performance of duty;

3. Mental or physical abuse to a child;

4. Incompetency;

5. Instructional ineffectiveness;

6. Unsatisfactory teaching performance; or

7. Any reason involving moral turpitude.

B. Subject to the provisions of the Teacher Due Process Act, a probationary teacher may be dismissed or not reemployed for cause.

C. A teacher shall be dismissed or not reemployed, unless a presidential or gubernatorial pardon has been issued, if during the term of employment such teacher is convicted in this state, the United States or another state of:

1. Any sex offense subject to the Sex Offenders Registration Act in this state or subject to another state's or the federal sex offender registration provisions; or

2. Any felony offense.

D. A teacher may be dismissed, refused employment or not reemployed after a finding that such person has engaged in criminal sexual activity or sexual misconduct that has impeded the effectiveness of the individual's performance of school duties. As used in this subsection:

1. "Criminal sexual activity" means the commission of an act as defined in Section 886 of Title 21 of the Oklahoma Statutes, which is the act of sodomy; and

2. "Sexual misconduct" means the soliciting or imposing of criminal sexual activity.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 6-101.41, is amended to read as follows:

Section 6-101.41 A. A school support employee as defined in Section 6-101.40 of this title shall be dismissed or not reemployed, unless a presidential or gubernatorial pardon has been issued, if during the term of employment such employee is convicted in this state, the United States or another state of:

1. Any sex offense subject to the Sex Offenders Registration Act in this state or subject to another state's or the federal sex offender registration provisions; or

2. Any felony offense.

B. A school support employee may be dismissed, refused employment or not reemployed after a finding that such person has engaged in criminal sexual activity or sexual misconduct that has impeded the effectiveness of the individual's performance of school duties. As used in this subsection:

1. "Criminal sexual activity" means the commission of an act as defined in Section 886 of Title 21 of the Oklahoma Statutes, which is the act of sodomy; and

2. "Sexual misconduct" means the soliciting or imposing of criminal sexual activity.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-101.48 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. No person or business having a contract with a school or school district for services to be performed during normal school hours shall allow any employee to work on school premises if such employee is convicted in this state, the United States or another state of:

1. Any sex offense subject to the Sex Offenders Registration Act in this state or subject to another state's or the federal sex offender registration provisions; or

2. Any felony offense except as provided in subsection C of this section or when ten (10) years has elapsed since the date of the criminal conviction or the employee has received a presidential or gubernatorial pardon for the criminal offense.

B. Every person or business having a contract for services with a school or school district where such services are to be performed on the school premises during normal school hours shall be required to sign a statement declaring that no employee working on school premises under the authority of such person or business is in violation of the provisions of this section.

C. The provisions of this section shall not apply to volunteers, persons performing community service hours under court order or persons performing services under a supervised work release program. Provided, however, persons performing community service hours or services under work release shall not be allowed to work on school premises at any time after having been convicted of any offense stated in paragraph 1 of subsection A of this section.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 589 of Title 57, unless there is created a duplication in numbering, reads as follows:

It is unlawful for any person registered pursuant to the Sex Offenders Registration Act to work with or provide services to children or to work on school premises, or for any person or business who offers or provides services to children or contracts for work to be performed on school premises to knowingly and willfully allow any employee to work with children or to work on school premises who is registered pursuant to the Sex Offenders Registration Act. Upon conviction for any violation of the provisions of this subsection, the violator shall be guilty of a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000.00). In addition, the violator may be liable for civil damages.

SECTION 6. This act shall become effective July 1, 1998.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.