

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 61

By: Wilcoxson

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 1991, Section 6-101.26, which relates to procedure for dismissal of teachers; modifying contents of certain notice; requiring preparation of proposed findings of fact; modifying hearing procedures; requiring reasonable grounds for decision; removing certain standard of proof; 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 6-101.26, is amended to read as follows:

Section 6-101.26. A. Whenever a board of education receives a superintendent's recommendation for the dismissal or nonreemployment of a teacher, the board shall mail a copy of the recommendation to the teacher by certified mail, restricted delivery, return receipt requested or by substitute process as provided by law. By the same means, the board shall notify the teacher of such teacher's right to a hearing before the board and the date, time and place set by the board for the hearing, which shall be held within the school district not sooner than twenty (20) days or later than sixty (60) days after the teacher's receipt of notice. The notice shall specify the statutory grounds upon which the recommendation is based ~~upon~~ for a career teacher or shall specify the cause upon which the recommendation is based ~~upon~~ for a probationary teacher. ~~Said~~ The notice shall also provide an explanation of the superintendent's evidence which may include, but is not limited to, a plan of improvement, evaluation documentation, statements from witnesses, or

any other information which shall specify the underlying facts supporting the recommendation. The superintendent or designee shall also prepare proposed findings of fact supporting the recommendation, a copy of which shall also be provided with the aforementioned notice to the teacher. At such the hearing, the teacher shall be entitled to all rights guaranteed under such circumstances by the United States Constitution and the Constitution of Oklahoma.

B. ~~The hearing shall be conducted by the local district board according to procedures established by the State Board of Education of education as follows:~~

1. At a lawfully convened board meeting, the superintendent or designee shall provide a copy of the notice and supporting documentation to each member of the board of education and/or a hearing examiner, if present;

2. The teacher or designee shall have the opportunity to present a prepared response orally, excluding witnesses, rebutting or defending all of the information contained in the notice previously provided to the teacher by the superintendent. The notice shall include proposed findings of fact supporting the teacher's response to the proposed action by the superintendent; and

3. Upon receipt of the documentation by the superintendent and the teacher, the board of education shall convene into executive session to discuss the employment of the teacher. During the executive session the board of education shall review the written information presented and shall determine whether there are reasonable grounds to believe that the charges against the teacher are true in order to support the proposed action.

~~C. Only after due consideration of the evidence and testimony presented at the hearing shall the local board decide whether to dismiss or nonreemploy the teacher. The board's decision shall be voted in open meeting. The board shall also notify the teacher of~~

its decision, including the basis for the decision, by certified mail, restricted delivery, return receipt requested or substitute process as provided by law. If the decision is to dismiss or nonreemploy a career teacher, the board shall include notification of ~~said~~ the teacher's right to petition for a trial de novo in the district court within ten (10) days of receipt of notice of ~~said~~ the decision. The board's decision regarding a probationary teacher shall be final. At the hearing the burden of proof shall be upon the superintendent or designee ~~and the standard of proof shall be by the preponderance of the evidence.~~ The career teacher shall receive any compensation or benefits to which ~~such~~ the teacher is otherwise entitled until such time as the teacher's case is adjudicated at a trial de novo if the career teacher petitions for the trial de novo. Such compensation and benefits shall not be provided during any further appeal process. The probationary teacher shall receive any compensation or benefits to which ~~such~~ the teacher is otherwise entitled until such time as the board's decision becomes final.

Provided, however, if the hearing for a probationary teacher is for nonreemployment of the probationary teacher, such compensation and benefits may be continued only until the end of such teacher's current contract.

SECTION 2. This act shall become effective July 1, 2001.

SECTION 3. 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.

48-1-337

KDB

6/12/2015 11:16:34 AM