

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 HOUSE BILL 2057

By: McCullough

4
5
6 AS INTRODUCED

7 An Act relating to education; providing for
8 allocation for certified personnel salary increase;
9 specifying amount of salary increase; making
10 adjustment to salary increase for certain personnel;
11 making increases additional to step increase;
12 specifying that increases are not contingent upon
13 implementation of certain pay plans; providing
14 certain option for school district superintendent;
15 providing for method of payment; specifying
16 distribution; amending Section 1, Chapter 503, O.S.L.
17 2004, as amended by Section 2, Chapter 49, 2nd
18 Extraordinary Session, O.S.L. 2006 (70 O.S. Supp.
19 2006, Section 18-114.12), which relates to the State
20 Minimum Salary Schedule; modifying minimum salary
21 schedule; updating statutory citations; requiring the
22 State Board of Education to adopt a model incentive
23 pay plan; requiring each school district board of
24 education to adopt and implement an incentive pay
plan; providing for public comment on plan and final
approval by the Board; amending 70 O.S. 2001, Section
6-101.3, as amended by Section 8, Chapter 434, O.S.L.
2003 (70 O.S. Supp. 2006, Section 6-101.3), which
relates to teacher contract definitions; modifying
certain definitions; deleting certain definitions;
amending 70 O.S. 2001, Section 6-101.10, which
relates to teacher evaluation policies; updating
statutory language; deleting reference to
probationary teachers; deleting certain evaluation
requirement; amending 70 O.S. 2001, Sections 6-
101.21, 6-101.22, as amended by Section 1, Chapter
112, O.S.L. 2006, 6-101.24, 6-101.25, 6-101.26, as
last amended by Section 2, Chapter 112, O.S.L. 2006
and 6-101.29 (70 O.S. Supp. 2006, Sections 6-101.22
and 6-101.26), which relate to the Teacher Due
Process Act of 1990; updating statutory language and

1 citations; deleting obsolete language; deleting
2 inclusion of certain statutory grounds within the
3 standards document; deleting statutory grounds for
4 dismissal of a career teacher; deleting reference to
5 probationary teacher; deleting certain definition;
6 modifying prohibition for dismissal recommendation;
7 deleting requirement to include statutory grounds in
8 dismissal recommendation and hearing notice; deleting
9 career teacher pretermination hearing procedures and
10 requirements; deleting right to trial de novo;
11 deleting requirement to extend suspensions until
12 completion of a trial de novo; granting certain
13 teachers certain due process rights; repealing 70
14 O.S. 2001, Section 6-101.27, which relates to the
15 trial de novo; providing for codification; providing
16 for noncodification; providing an effective date; and
17 declaring an emergency.

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

19 SECTION 1. NEW LAW A new section of law not to be
20 codified in the Oklahoma Statutes reads as follows:

21 Of the funding provided for the support of public school
22 activities and for duties imposed upon the State Board of Career and
23 Technology Education, funding for certified personnel salary
24 increases shall be allocated to local public school districts and
technology center school districts in the amount of One Thousand
Five Hundred Dollars (\$1,500.00) per state-paid certified personnel,
as defined in Section 26-103 of Title 70 of the Oklahoma Statutes,
including certified personnel whose salary is fully funded by
federal funds. For certified personnel whose salary is funded
partially by federal funds, the salary increase provided for in this

1 section shall be prorated according to the percentage of the salary
2 that is state-funded. For certified personnel who are employed for
3 less than a full six-hour school day by any one or more school
4 districts, the salary increase shall be prorated according to the
5 number of hours worked by the certified employee. The salary level
6 of each state-paid teacher who was employed in a public school
7 district during the 2006-07 school year shall be increased by at
8 least One Thousand Five Hundred Dollars (\$1,500.00) for the 2007-08
9 school year, unless the hours or the duties of the employee are
10 reduced proportionately. The salary increase provided for in this
11 section shall be in addition to, and not as a replacement for, the
12 step increase indicated for the certified employee pursuant to the
13 State Minimum Salary Schedule, as provided in Section 18-114.12 of
14 Title 70 of the Oklahoma Statutes, and shall not be contingent upon
15 school district adoption of or participation in a merit-based or
16 incentive pay plan for certified personnel. A school district shall
17 have the option of providing the salary increase to the
18 superintendent of that school district. Funding for any salary for
19 a superintendent given pursuant to this section shall be provided
20 from other revenues. The State Department of Education shall
21 disburse these monies to local school districts on a monthly basis
22 beginning September 1, 2007. To determine the amount of the initial
23 disbursements for each school district, the State Board of Education
24 shall use the data of the number of certified personnel as reported

1 in the final Oklahoma Annual Certified Personnel Report for FY-07.
2 After February 1, 2008, the disbursements shall be adjusted based on
3 the final Oklahoma Annual Certified Personnel Report for FY-08.

4 SECTION 2. AMENDATORY Section 1, Chapter 503, O.S.L.
5 2004, as amended by Section 2, Chapter 49, 2nd Extraordinary
6 Session, O.S.L. 2006 (70 O.S. Supp. 2006, Section 18-114.12), is
7 amended to read as follows:

8 Section 18-114.12 A. For the 2005-06 school year, teachers in
9 the public schools of Oklahoma shall receive in salary and/or fringe
10 benefits not less than the amounts specified in the following
11 schedule:

12 MINIMUM SALARY SCHEDULE

13 Years of	Bachelor's	Master's	Doctor's
14 Experience	Degree	Degree	Degree
15 0	\$28,000	\$29,200	\$30,400
16 1	\$28,375	\$29,575	\$30,775
17 2	\$28,750	\$29,950	\$31,150
18 3	\$29,125	\$30,325	\$31,525
19 4	\$29,500	\$30,700	\$31,900
20 5	\$29,900	\$31,100	\$32,300
21 6	\$30,300	\$31,500	\$32,700
22 7	\$30,700	\$31,900	\$33,100
23 8	\$31,100	\$32,300	\$33,500
24 9	\$31,500	\$32,700	\$33,900

1	10	\$31,925	\$33,125	\$34,325
2	11	\$32,350	\$33,550	\$34,750
3	12	\$32,775	\$33,975	\$35,175
4	13	\$33,200	\$34,400	\$35,600
5	14	\$33,625	\$34,825	\$36,025
6	15	\$34,050	\$35,250	\$36,450
7	16	\$34,475	\$35,675	\$36,875
8	17	\$34,900	\$36,100	\$37,300
9	18	\$35,325	\$36,525	\$37,725
10	19	\$35,750	\$36,950	\$38,150
11	20	\$36,175	\$37,375	\$38,575
12	21	\$36,600	\$37,800	\$39,000
13	22	\$37,025	\$38,225	\$39,425
14	23	\$37,450	\$38,650	\$39,850
15	24	\$37,875	\$39,075	\$40,275
16	25	\$38,300	\$39,500	\$40,700

17 B. For the 2006-07 school year, teachers in the public schools
18 of Oklahoma shall receive in salary and/or fringe benefits not less
19 than the amounts specified in the following schedule:

20 MINIMUM SALARY SCHEDULE

21	Years of	Bachelor's	Master's	Doctor's
22	Experience	Degree	Degree	Degree
23	0	\$31,000	\$32,200	\$33,400
24	1	\$31,375	\$32,575	\$33,775

1	2	\$31,750	\$32,950	\$34,150
2	3	\$32,125	\$33,325	\$34,525
3	4	\$32,500	\$33,700	\$34,900
4	5	\$32,900	\$34,100	\$35,300
5	6	\$33,300	\$34,500	\$35,700
6	7	\$33,700	\$34,900	\$36,100
7	8	\$34,100	\$35,300	\$36,500
8	9	\$34,500	\$35,700	\$36,900
9	10	\$34,925	\$36,125	\$37,325
10	11	\$35,350	\$36,550	\$37,750
11	12	\$35,775	\$36,975	\$38,175
12	13	\$36,200	\$37,400	\$38,600
13	14	\$36,625	\$37,825	\$39,025
14	15	\$37,050	\$38,250	\$39,450
15	16	\$37,475	\$38,675	\$39,875
16	17	\$37,900	\$39,100	\$40,300
17	18	\$38,325	\$39,525	\$40,725
18	19	\$38,750	\$39,950	\$41,150
19	20	\$39,175	\$40,375	\$41,575
20	21	\$39,600	\$40,800	\$42,000
21	22	\$40,025	\$41,225	\$42,425
22	23	\$40,450	\$41,650	\$42,850
23	24	\$40,875	\$42,075	\$43,275
24	25	\$41,300	\$42,500	\$43,700

1 C. ~~For~~ Beginning with the 2007-08 school year, teachers in the
 2 public schools of Oklahoma shall receive in salary and/or fringe
 3 benefits not less than the amounts specified in the following
 4 schedule:

5 MINIMUM SALARY SCHEDULE

6	Years of	Bachelor's	Master's	Doctor's
7	Experience	Degree	Degree	Degree
8	0	\$31,600	\$32,800	\$34,000
9		<u>\$33,100</u>	<u>\$34,300</u>	<u>\$35,500</u>
10	1	\$31,975	\$33,175	\$34,375
11		<u>\$33,475</u>	<u>\$34,675</u>	<u>\$35,875</u>
12	2	\$32,350	\$33,550	\$34,750
13		<u>\$33,850</u>	<u>\$35,050</u>	<u>\$36,250</u>
14	3	\$32,725	\$33,925	\$35,125
15		<u>\$34,225</u>	<u>\$35,425</u>	<u>\$36,625</u>
16	4	\$33,100	\$34,300	\$35,500
17		<u>\$34,600</u>	<u>\$35,800</u>	<u>\$37,000</u>
18	5	\$33,500	\$34,700	\$35,900
19		<u>\$35,000</u>	<u>\$36,200</u>	<u>\$37,400</u>
20	6	\$33,900	\$35,100	\$36,300
21		<u>\$35,400</u>	<u>\$36,600</u>	<u>\$37,800</u>
22	7	\$34,300	\$35,500	\$36,700
23		<u>\$35,800</u>	<u>\$37,000</u>	<u>\$38,200</u>
24	8	\$34,700	\$35,900	\$37,100

1		<u>\$36,200</u>	<u>\$37,400</u>	<u>\$38,600</u>
2	9	\$35,100	\$36,300	\$37,500
3		<u>\$36,600</u>	<u>\$37,800</u>	<u>\$39,000</u>
4	10	\$35,525	\$36,725	\$37,925
5		<u>\$37,025</u>	<u>\$38,225</u>	<u>\$39,425</u>
6	11	\$35,950	\$37,150	\$38,350
7		<u>\$37,450</u>	<u>\$38,650</u>	<u>\$39,850</u>
8	12	\$36,375	\$37,575	\$38,775
9		<u>\$37,875</u>	<u>\$39,075</u>	<u>\$40,275</u>
10	13	\$36,800	\$38,000	\$39,200
11		<u>\$38,300</u>	<u>\$39,500</u>	<u>\$40,700</u>
12	14	\$37,025	\$38,425	\$39,625
13		<u>\$38,525</u>	<u>\$39,925</u>	<u>\$41,125</u>
14	15	\$37,650	\$38,850	\$40,050
15		<u>\$39,150</u>	<u>\$40,350</u>	<u>\$41,550</u>
16	16	\$38,075	\$39,275	\$40,475
17		<u>\$39,575</u>	<u>\$40,775</u>	<u>\$41,975</u>
18	17	\$38,500	\$39,700	\$40,900
19		<u>\$40,000</u>	<u>\$41,200</u>	<u>\$42,400</u>
20	18	\$38,925	\$40,125	\$41,325
21		<u>\$40,425</u>	<u>\$41,625</u>	<u>\$42,825</u>
22	19	\$39,350	\$40,550	\$41,750
23		<u>\$40,850</u>	<u>\$42,050</u>	<u>\$43,250</u>
24	20	\$39,775	\$41,975	\$42,175

1		<u>\$41,275</u>	<u>\$42,475</u>	<u>\$43,675</u>
2	21	\$40,200	\$41,400	\$42,600
3		<u>\$41,700</u>	<u>\$42,900</u>	<u>\$44,100</u>
4	22	\$40,625	\$41,825	\$43,025
5		<u>\$42,125</u>	<u>\$43,325</u>	<u>\$44,525</u>
6	23	\$41,050	\$42,250	\$43,450
7		<u>\$42,550</u>	<u>\$43,750</u>	<u>\$44,950</u>
8	24	\$41,475	\$42,675	\$43,875
9		<u>\$42,975</u>	<u>\$44,175</u>	<u>\$45,375</u>
10	25	\$41,900	\$43,100	\$44,300
11		<u>\$43,400</u>	<u>\$44,600</u>	<u>\$45,800</u>

12 D. When determining the Minimum Salary Schedule, "fringe
13 benefits" shall mean all or part of retirement benefits, excluding
14 the contributions made pursuant to subsection A of Section 17-108.1
15 of ~~Title 70 of the Oklahoma Statutes~~ this title and the flexible
16 benefit allowance pursuant to Section 26-105 of ~~Title 70 of the~~
17 ~~Oklahoma Statutes~~ this title from the flexible benefit allowance
18 funds disbursed by the State Board of Education and the State Board
19 of Career and Technology Education pursuant to Section 26-104 of
20 ~~Title 70 of the Oklahoma Statutes~~ this title. Any of the degrees
21 referred to in this section shall be from a college recognized by
22 the State Board of Education. The State Board of Education shall
23 accept teaching experience from out-of-state school districts that
24 are accredited by the State Board of Education or appropriate state

1 accrediting agency for said districts. For the purpose of state
2 salary increments and retirement, no teacher shall be granted credit
3 for more than five (5) years' active duty in the military service,
4 or out-of-state teaching experience as a certified teacher or its
5 equivalent. Nothing in this section shall prohibit boards of
6 education from crediting more years of experience on district salary
7 schedules than those allowed for state purposes. The State Board of
8 Education shall recognize, for purposes of certification and salary
9 increments, the years of experience of a certified teacher who
10 teaches in the Department of Corrections' educational program
11 beginning with fiscal year 1981. The State Board of Education shall
12 recognize for purposes of certification and salary increments the
13 years of experience of a Vocational Rehabilitation Counselor under
14 the Department of Human Services if such counselor was employed as a
15 certified teacher by the State Department of Education when the
16 Division of Vocational Rehabilitation was transferred from the State
17 Board of Career and Technology Education or the State Board of
18 Education to the Oklahoma Public Welfare Commission on July 1, 1968.

19 E. The State Board of Education shall recognize for purposes of
20 certification and salary increments all of the years of experience

21 a:

22 1. Vocational Rehabilitation Counselor completed while employed
23 by the Department of Human Services if such counselor was certified

24

1 as a teacher or was eligible for certification as a teacher in
2 Oklahoma;

3 2. Certified teacher completed while employed by the Department
4 of Human Services Child Study Center at University Hospital, if the
5 teacher was certified as a teacher in Oklahoma; and

6 3. Certified school psychologist or psychometrist completed
7 while employed as a doctoral intern, psychological assistant, or
8 psychologist with any agency of the State of Oklahoma if such
9 experience primarily involved work with persons of school or
10 preschool age and if such person was, at the time the experience was
11 acquired, certified as, or eligible for certification as, a school
12 psychologist or psychometrist.

13 F. The provisions of this section shall not apply to teachers
14 who have entered into postretirement employment with a public school
15 in Oklahoma and are still receiving a monthly retirement benefit.

16 SECTION 3. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 5-141.4 of Title 70, unless
18 there is created a duplication in numbering, reads as follows:

19 A. On or before July 1, 2008, the State Board of Education
20 shall develop a model incentive pay plan for school employees and
21 shall distribute information about the plan to every school district
22 board of education.

23 B. Beginning with the 2009-2010 school year, each school
24 district board of education shall adopt and implement a district

1 incentive pay plan for school district employees. The school
2 district plan shall be consistent with the model incentive pay plan
3 developed by the State Board of Education pursuant to subsection A
4 of this section. Prior to adoption of the plan, the board of
5 education shall place the plan on the school board agenda for public
6 comment and shall submit the plan to the State Board of Education
7 for final approval on or before March 1, 2009.

8 SECTION 4. AMENDATORY 70 O.S. 2001, Section 6-101.3, as
9 amended by Section 8, Chapter 434, O.S.L. 2003 (70 O.S. Supp. 2006,
10 Section 6-101.3), is amended to read as follows:

11 Section 6-101.3 As used in Section 6-101 et seq. of this title:

12 1. "Administrator" means a duly certified person who devotes a
13 majority of time to service as a superintendent, elementary
14 superintendent, principal, supervisor, vice principal or in any
15 other administrative or supervisory capacity in the school district;

16 2. "Dismissal" means the discontinuance of the teaching service
17 of an administrator or teacher during the term of a written
18 contract, as provided by law;

19 3. "Nonreemployment" means the nonrenewal of ~~an administrator's~~
20 ~~or teacher's~~ the contract of an administrator or teacher upon
21 expiration of the contract;

22 4. ~~"Career teacher" means a teacher who has completed three (3)~~
23 ~~or more consecutive complete school years in such capacity in one~~
24 ~~school district under a written teaching contract;~~

1 5. ~~"Probationary teacher~~ "Teacher hearing" means the hearing
2 before a local board of education after a recommendation for
3 dismissal or nonreemployment of a ~~probationary~~ teacher has been made
4 but before any final action is taken on ~~said~~ the recommendation,
5 held for the purpose of affording ~~such~~ the teacher all rights
6 guaranteed by the United States Constitution and the Constitution of
7 Oklahoma under ~~such~~ the circumstances and for enabling the board to
8 determine whether to approve or disapprove the recommendation;

9 6. ~~"Career teacher pretermination hearing" means the informal~~
10 ~~proceeding before the local board of education held for the purpose~~
11 ~~of providing a meaningful opportunity to invoke the discretion of~~
12 ~~the decision maker after a recommendation for dismissal or~~
13 ~~nonreemployment of a career teacher has been made but before any~~
14 ~~final action is taken on the recommendation in order to ensure that~~
15 ~~the career teacher is afforded the essential pretermination due~~
16 ~~process requirements of notice and an opportunity to respond;~~

17 7. ~~"Probationary teacher" means a teacher who has completed~~
18 ~~fewer than three (3) consecutive complete school years in such~~
19 ~~capacity in one school district under a written teaching contract;~~

20 8. 5. "Suspension" or "suspended" means the temporary
21 discontinuance of an ~~administrator's or teacher's~~ the services of an
22 administrator or teacher, as provided by law; and

23 9. 6. "Teacher" means a duly certified or licensed person who
24 is employed to serve as a counselor, librarian or school nurse or in

1 any instructional capacity;~~an~~. An administrator shall be
2 considered a teacher only with regard to service in an
3 instructional, nonadministrative capacity.

4 SECTION 5. AMENDATORY 70 O.S. 2001, Section 6-101.10, is
5 amended to read as follows:

6 Section 6-101.10 Each board of education shall maintain and
7 annually review, following consultation with or involvement of
8 representatives selected by local teachers, a written policy of
9 evaluation for all teachers and administrators. In those school
10 districts in which there exists a professional negotiations
11 agreement made in accordance with Sections 509.1 et seq. of this
12 title, the procedure for evaluating members of the negotiations unit
13 and any standards of performance and conduct proposed for adoption
14 beyond those established by the State Board of Education shall be
15 negotiable items. Nothing in this act shall be construed to annul,
16 modify or to preclude the renewal or continuing of any existing
17 agreement ~~heretofore~~ previously entered into between any school
18 district and any organizational representative of its employees.
19 Every policy so adopted shall:

20 1. Be based upon a set of minimum criteria developed by the
21 State Board of Education;

22 2. Be prescribed in writing at the time of adoption and at all
23 times when amendments ~~thereto~~ are adopted. The original policy and
24

1 all amendments to the policy shall be promptly made available to all
2 persons subject to the policy;

3 3. Provide that all evaluations be made in writing and that
4 evaluation documents and responses thereto be maintained in a
5 personnel file for each evaluated person;

6 4. Provide that every ~~probationary~~ teacher be evaluated at
7 least two times per school year, once prior to November 15 and once
8 prior to February 10 of each year; and

9 ~~5. Provide that every teacher be evaluated once every year,~~
10 ~~except as otherwise provided by law; and~~

11 ~~6.~~ Provide that, except for superintendents of independent and
12 elementary school districts and superintendents of area school
13 districts, who shall be evaluated by the local school board, all
14 certified personnel, including administrators, shall be evaluated by
15 certified administrative personnel designated by the local school
16 board.

17 All personnel designated by the local board to conduct the
18 personnel evaluations shall be required to participate in training
19 conducted by the State Department of Education prior to conducting
20 ~~such~~ the evaluations.

21 The State Department of Education shall develop and conduct
22 workshops pursuant to statewide criteria which train ~~such~~
23 administrative personnel in conducting evaluations.

24

1 The State Board of Education shall monitor compliance with the
2 provisions of this section by local school districts.

3 Refusal by a local school district to comply with the provisions
4 of this section shall be grounds for withholding State Aid funds
5 until ~~such~~ compliance occurs.

6 SECTION 6. AMENDATORY 70 O.S. 2001, Section 6-101.21, is
7 amended to read as follows:

8 Section 6-101.21 A. The State Board of Education shall
9 promulgate standards of performance and conduct for teachers. A
10 copy of ~~such~~ the standards, any amendments to ~~such~~ the standards and
11 any standards adopted by the board of education of the school
12 district shall be provided by the board of education of each school
13 district to each teacher on or before April 10 of each year.

14 ~~B. The State Board of Education shall include the statutory~~
15 ~~grounds for dismissal and nonreemployment of career teachers within~~
16 ~~this standards document.~~

17 ~~C.~~ Standards which may be adopted by the board of education of
18 a school district shall not conflict with state or federal law or
19 standards promulgated by the State Board of Education.

20 ~~D.~~ C. In determining whether or not the professional
21 performance of a teacher is adequate, the standards adopted by the
22 State Board of Education shall be considered. Consideration may be
23 given to any written standards of performance which have been
24 adopted by any other education-oriented organization or agency.

1 Professional performance or conduct of a teacher which is in
2 compliance with standards adopted by the State Board of Education or
3 the local board of education pursuant to Section ~~74~~ 6-101.10 of this
4 ~~act~~ title shall not be considered in support of any dismissal or
5 nonreemployment action against the teacher.

6 SECTION 7. AMENDATORY 70 O.S. 2001, Section 6-101.22, as
7 amended by Section 1, Chapter 112, O.S.L. 2006 (70 O.S. Supp. 2006,
8 Section 6-101.22), is amended to read as follows:

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

- 12 1. ~~Willful neglect of duty;~~
- 13 2. ~~Repeated negligence in performance of duty;~~
- 14 3. ~~Mental or physical abuse to a child;~~
- 15 4. ~~Incompetency;~~
- 16 5. ~~Instructional ineffectiveness;~~
- 17 6. ~~Unsatisfactory teaching performance;~~
- 18 7. ~~Commission of an act of moral turpitude; or~~
- 19 8. ~~Abandonment of contract.~~

20 ~~B.~~ Subject to the provisions of the Teacher Due Process Act of
21 1990, a ~~probationary~~ teacher may be dismissed or not reemployed for
22 cause.

23 ~~C.~~ B. A teacher shall be dismissed or not reemployed, unless a
24 presidential or gubernatorial pardon has been issued, if during the

1 term of employment the teacher is convicted in this state, the
2 United States or another state of:

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

6 2. Any felony offense.

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

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

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

17 ~~E. As used in this section, "abandonment of contract" means the~~
18 ~~failure of a teacher to report at the beginning of the contract term~~
19 ~~or otherwise perform the duties of a contract of employment when the~~
20 ~~teacher has accepted other employment or is performing work for~~
21 ~~another employer that prevents the teacher from fulfilling the~~
22 ~~obligations of the contract of employment.~~

23 SECTION 8. AMENDATORY 70 O.S. 2001, Section 6-101.24, is
24 amended to read as follows:

1 Section 6-101.24 A. When an administrator who has the
2 responsibility of evaluating a teacher identifies poor performance
3 or conduct that the administrator believes may lead to a
4 recommendation for the ~~teacher's~~ dismissal or nonreemployment of the
5 teacher, the administrator shall:

6 1. Admonish the teacher, in writing, and make a reasonable
7 effort to assist the teacher in correcting the poor performance or
8 conduct; and

9 2. Establish a reasonable time for improvement, not to exceed
10 two (2) months, taking into consideration the nature and gravity of
11 the ~~teacher's~~ performance or conduct of the teacher.

12 B. If the teacher does not correct the poor performance or
13 conduct cited in the admonition within the time specified, the
14 administrator shall make a recommendation to the superintendent of
15 the school district for the dismissal or nonreemployment of the
16 teacher.

17 C. Whenever a member of the board of education, superintendent,
18 or other administrator identifies poor performance or conduct that
19 may lead to a recommendation for dismissal or nonreemployment of a
20 teacher within the district, the administrator who has
21 responsibility for evaluation of the teacher shall be informed, and
22 that administrator shall comply with the procedures set forth in
23 this section. If the administrator fails or refuses to admonish the
24 teacher within ten (10) days after being so informed by the board,

1 superintendent, or other administrator, ~~such~~ the board,
2 superintendent or other administrator shall admonish the teacher
3 pursuant to the provisions of this section.

4 ~~D. Repeated negligence in performance of duty, willful neglect~~
5 ~~of duty, incompetency, instructional ineffectiveness or~~
6 ~~unsatisfactory teaching performance, for a career teacher, or any~~

7 Any cause related to inadequate teaching performance for a
8 ~~probationary~~ teacher, shall not be a basis for a recommendation to
9 dismiss or not reemploy a teacher unless and until the provisions of
10 this section have been complied with.

11 SECTION 9. AMENDATORY 70 O.S. 2001, Section 6-101.25, is
12 amended to read as follows:

13 Section 6-101.25 Whenever a superintendent decides to recommend
14 that a teacher employed within the school district be dismissed or
15 not reemployed, the superintendent shall state the recommendation in
16 writing, setting forth the basis for the recommendation, and shall
17 submit such recommendation to the board of education.

18 ~~If the teacher subject to such recommendation is a career~~
19 ~~teacher, the recommendation shall specify the statutory grounds for~~
20 ~~which the recommendation is based.~~

21 ~~If the teacher subject to such recommendation is a probationary~~
22 ~~teacher, the~~ The recommendation shall specify the cause for which
23 the recommendation is based.

24

1 The superintendent shall also specify the underlying facts
2 supporting the recommendation.

3 SECTION 10. AMENDATORY 70 O.S. 2001, Section 6-101.26,
4 as last amended by Section 2, Chapter 112, O.S.L. 2006 (70 O.S.
5 Supp. 2006, Section 6-101.26), is amended to read as follows:

6 Section 6-101.26 A. Whenever a board of education receives a
7 recommendation from the superintendent for the dismissal or
8 nonreemployment of a teacher, the board or individual designated by
9 the board shall mail a copy of the recommendation to the teacher by
10 certified mail, restricted delivery, return receipt requested, by
11 personal delivery to the teacher with a signed acknowledgement of
12 receipt, or by delivery by a process server. By the same means, the
13 board shall notify the teacher of the right to a hearing before the
14 board and the date, time and place set by the board for the hearing,
15 which shall be held within the school district not sooner than
16 twenty (20) days or later than sixty (60) days after receipt of
17 notice by the teacher, the date on the personal receipt by hand-
18 delivery to the teacher, or the date of delivery by a process
19 server. The notice shall specify the ~~statutory grounds upon which~~
20 ~~the recommendation is based upon for a career teacher or shall~~
21 ~~specify the cause upon which the recommendation is based upon for a~~
22 ~~probationary teacher.~~ The notice shall also specify the underlying
23 facts supporting the recommendation. At the hearing, the teacher
24

1 shall be entitled to all rights guaranteed under the circumstances
2 by the United States Constitution and the Constitution of Oklahoma.

3 B. ~~The career teacher pretermination hearing shall be conducted~~
4 ~~by the district board as follows:~~

5 1. ~~The superintendent or designee shall, in person or in~~
6 ~~writing, specify the statutory ground upon which the recommendation~~
7 ~~is based. The superintendent or designee shall also specify the~~
8 ~~underlying facts and provide an explanation of the evidence~~
9 ~~supporting the recommendation for the dismissal or nonreemployment~~
10 ~~of the career teacher; and~~

11 2. ~~The career teacher or designee shall have the opportunity to~~
12 ~~present reasons, either in person or in writing, why the proposed~~
13 ~~action should not be taken.~~

14 C. ~~Only after the career teacher has a meaningful opportunity~~
15 ~~to respond to the recommendation for dismissal or nonreemployment at~~
16 ~~the pretermination hearing shall the board decide whether to accept~~
17 ~~or reject the recommendation of the superintendent. The vote made~~
18 ~~by the board shall be made in an open meeting. The board shall also~~
19 ~~notify the career teacher of its decision, including the basis for~~
20 ~~the decision, by certified mail, restricted delivery, return receipt~~
21 ~~requested or substitute process as provided by law. If the decision~~
22 ~~is to accept the recommendation of the superintendent, the board~~
23 ~~shall include notification of the right of the career teacher to~~
24 ~~petition for a trial de novo in the district court within ten (10)~~

1 ~~days of receipt of notice of the decision. At the pretermination~~
2 ~~hearing the burden of proof shall be upon the superintendent or~~
3 ~~designee and the standard of proof shall be by the preponderance of~~
4 ~~the evidence. The career teacher shall receive any compensation or~~
5 ~~benefits to which such teacher is otherwise entitled until such time~~
6 ~~as the teacher's case is adjudicated at a trial de novo if the~~
7 ~~career teacher petitions for the trial de novo. Such compensation~~
8 ~~and benefits shall not be provided during any further appeal~~
9 ~~process.~~

10 D. The ~~probationary~~ teacher hearing shall be conducted by the
11 district board according to procedures established by the State
12 Board of Education.

13 E. C. Only after due consideration of the evidence and
14 testimony presented at the hearing shall the district board decide
15 whether to dismiss or nonreemploy the ~~probationary~~ teacher. The
16 vote of the board shall be made in an open meeting. The board shall
17 also notify the ~~probationary~~ teacher of the decision, including the
18 basis for the decision, by certified mail, restricted delivery,
19 return receipt requested, or substitute process as provided by law.
20 The decision of the board regarding a ~~probationary~~ teacher shall be
21 final and nonappealable. At the hearing, the burden of proof shall
22 be upon the superintendent or designee, and the standard of proof
23 shall be by the preponderance of the evidence. The ~~probationary~~
24 teacher shall receive any compensation or benefits to which the

1 teacher is otherwise entitled until ~~such time as~~ the decision of the
2 board becomes final. If the hearing for a ~~probationary~~ teacher is
3 for nonreemployment, such compensation and benefits may be continued
4 only until the end of the current contract of the teacher.

5 SECTION 11. AMENDATORY 70 O.S. 2001, Section 6-101.29,
6 is amended to read as follows:

7 Section 6-101.29 Whenever the superintendent of a school
8 district has reason to believe that cause exists for the dismissal
9 of a teacher and is of the opinion that the immediate suspension of
10 the teacher would be in the best interests of the children in the
11 district, the superintendent or the local board of education upon
12 receiving recommendation for suspension from the superintendent may
13 suspend the teacher without notice or hearing. However, the
14 suspension shall not deprive the teacher of any compensation or
15 other benefits to which otherwise entitled. ~~Such suspension shall~~
16 ~~extend to such time as the teacher's case is adjudicated at a trial~~
17 ~~de novo for a career teacher but such extension shall not include~~
18 ~~time for any further appeal process.~~ Within ten (10) days ~~time~~
19 after ~~such~~ the suspension becomes effective, the local board of
20 education shall initiate a hearing for dismissal pursuant to law.

21 However, in a case involving a criminal charge or indictment,
22 ~~such~~ the suspension may extend ~~to such time as~~ until the ~~teacher's~~
23 case for the teacher is finally adjudicated at trial. ~~Provided,~~
24 ~~however, such~~ The extension shall not include any appeal process.

1 SECTION 12. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 6-101.31 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 Any teacher who had completed three (3) or more consecutive
5 complete school years as a teacher in one school district under a
6 written teaching contract prior to July 1, 2007, shall be entitled
7 to the due process rights that were set forth in the Teacher Due
8 Process Act of 1990 prior to the effective date of this act.

9 SECTION 13. REPEALER 70 O.S. 2001, Section 6-101.27, is
10 hereby repealed.

11 SECTION 14. This act shall become effective July 1, 2007.

12 SECTION 15. It being immediately necessary for the preservation
13 of the public peace, health and safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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