

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2679

By: Sears

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5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,  
8 Sections 6-101.22, as amended by Section 1, Chapter  
9 112, O.S.L. 2006 and 6-101.24 (70 O.S. Supp. 2007,  
10 Section 6-101.22), which relate to the Teacher Due  
11 Process Act of 1990; modifying grounds for the  
12 dismissal or nonreemployment of a career teacher;  
13 adding grounds for the dismissal or nonreemployment  
14 of a career teacher; deleting certain grounds for  
15 dismissal or nonreemployment of a career teacher for  
16 which an admonishment and plan of improvement is  
17 required; providing an effective date; and declaring  
18 an emergency.

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

20 SECTION 1. AMENDATORY 70 O.S. 2001, Section 6-101.22, as  
21 amended by Section 1, Chapter 112, O.S.L. 2006 (70 O.S. Supp. 2007,  
22 Section 6-101.22), is amended to read as follows:

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

- 25 1. Willful neglect of duty;
- 26 2. ~~Repeated negligence~~ Negligence in performance of duty;

- 1 3. Mental or physical abuse to a child;
- 2 4. Incompetency;
- 3 5. Instructional ineffectiveness;
- 4 6. Unsatisfactory teaching performance;
- 5 7. Commission of an act of moral turpitude including, but not

6 limited to:

- 7 a. an act of dishonesty,
- 8 b. sexual harassment of a student or another school
- 9 district employee, and
- 10 c. threats to inflict bodily harm on a student, patron of
- 11 the school district, or school district employee.

12 For purposes of this paragraph, the application of corporal  
13 punishment in compliance with school district policy shall not be  
14 considered the commission of an act of moral turpitude; ~~or~~

15 8. Abandonment of contract;

16 9. Insubordination including, but not limited to, willful  
17 failure to comply with a reasonable directive from the  
18 administration of the school district and of which the teacher is  
19 aware;

20 10. Failure to comply with the standards of conduct for  
21 teachers as adopted by the State Board of Education which is deemed  
22 to materially interfere with the continued performance of the duties  
23 of the teacher; or

24 11. Failure to comply with the policies of the school district.

1 B. Subject to the provisions of the Teacher Due Process Act of  
2 1990, a probationary teacher may be dismissed or not reemployed for  
3 cause.

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

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

11 2. Any felony offense.

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

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

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

22 E. As used in this section, "abandonment of contract" means the  
23 failure of a teacher to report at the beginning of the contract term  
24 or otherwise perform the duties of a contract of employment when the

1 teacher has accepted other employment or is performing work for  
2 another employer that prevents the teacher from fulfilling the  
3 obligations of the contract of employment.

4 SECTION 2. AMENDATORY 70 O.S. 2001, Section 6-101.24, is  
5 amended to read as follows:

6 Section 6-101.24 A. When an administrator who has the  
7 responsibility of evaluating a teacher identifies poor performance  
8 or conduct that the administrator believes may lead to a  
9 recommendation for the teacher's dismissal or nonreemployment, the  
10 administrator shall:

11 1. Admonish the teacher, in writing, and make a reasonable  
12 effort to assist the teacher in correcting the poor performance or  
13 conduct; and

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

17 B. If the teacher does not correct the poor performance or  
18 conduct cited in the admonition within the time specified, the  
19 administrator shall make a recommendation to the superintendent of  
20 the school district for the dismissal or nonreemployment of the  
21 teacher.

22 C. Whenever a member of the board of education, superintendent,  
23 or other administrator identifies poor performance or conduct that  
24 may lead to a recommendation for dismissal or nonreemployment of a

1 teacher within the district, the administrator who has  
2 responsibility for evaluation of the teacher shall be informed, and  
3 that administrator shall comply with the procedures set forth in  
4 this section. If the administrator fails or refuses to admonish the  
5 teacher within ten (10) days after being so informed by the board,  
6 superintendent, or other administrator, such board, superintendent  
7 or other administrator shall admonish the teacher pursuant to the  
8 provisions of this section.

9 D. ~~Repeated negligence in performance of duty, willful neglect~~  
10 ~~of duty, incompetency~~ Incompetency, instructional ineffectiveness or  
11 unsatisfactory teaching performance, for a career teacher, or any  
12 cause related to inadequate teaching performance for a probationary  
13 teacher, shall not be a basis for a recommendation to dismiss or not  
14 reemploy a teacher unless and until the provisions of this section  
15 have been complied with.

16 SECTION 3. This act shall become effective July 1, 2008.

17 SECTION 4. It being immediately necessary for the preservation  
18 of the public peace, health and safety, an emergency is hereby  
19 declared to exist, by reason whereof this act shall take effect and  
20 be in full force from and after its passage and approval.

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22 51-2-8403 KB 12/27/07

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