

1 twenty (20) days or later than sixty (60) days after receipt of
2 notice by the teacher, the date on the personal receipt by hand-
3 delivery to the teacher, or the date of delivery by a process
4 server. The notice shall specify the statutory grounds upon which
5 the recommendation is based upon for a career teacher or shall
6 specify the cause upon which the recommendation is based upon for a
7 probationary teacher. The notice shall also specify the underlying
8 facts supporting the recommendation. At the hearing, the teacher
9 shall be entitled to all rights guaranteed under the circumstances
10 by the United States Constitution and the Constitution of Oklahoma.

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

13 ~~1. The superintendent or designee shall, in person or in~~
14 ~~writing, specify the statutory ground upon which the recommendation~~
15 ~~is based. The superintendent or designee shall also specify the~~
16 ~~underlying facts and provide an explanation of the evidence~~
17 ~~supporting the recommendation for the dismissal or nonreemployment~~
18 ~~of the career teacher; and~~

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

22 ~~C. Only after the career teacher has a meaningful opportunity~~
23 ~~to respond to the recommendation for dismissal or nonreemployment at~~

1 ~~the pretermination hearing shall the board decide whether to accept~~
2 ~~or reject the recommendation of the superintendent. The vote made~~
3 ~~by the board shall be made in an open meeting. The board shall also~~
4 ~~notify the career teacher of its decision, including the basis for~~
5 ~~the decision, by certified mail, restricted delivery, return receipt~~
6 ~~requested or substitute process as provided by law. If the decision~~
7 ~~is to accept the recommendation of the superintendent, the board~~
8 ~~shall include notification of the right of the career teacher to~~
9 ~~petition for a trial de novo in the district court within ten (10)~~
10 ~~days of receipt of notice of the decision. At the pretermination~~
11 ~~hearing the burden of proof shall be upon the superintendent or~~
12 ~~designee and the standard of proof shall be by the preponderance of~~
13 ~~the evidence. The career teacher shall receive any compensation or~~
14 ~~benefits to which such teacher is otherwise entitled until such time~~
15 ~~as the teacher's case is adjudicated at a trial de novo if the~~
16 ~~career teacher petitions for the trial de novo. Such compensation~~
17 ~~and benefits shall not be provided during any further appeal~~
18 ~~process.~~

19 ~~D.~~ The ~~probationary~~ teacher hearing shall be conducted by the
20 district board according to procedures established by the State
21 Board of Education.

22 ~~E.~~ C. Only after due consideration of the evidence and
23 testimony presented at the hearing shall the district board decide

1 whether to dismiss or nonreemploy the ~~probationary~~ teacher. The
2 vote of the board shall be made in an open meeting. The board shall
3 also notify the ~~probationary~~ teacher of the decision, including the
4 basis for the decision, by certified mail, restricted delivery,
5 return receipt requested, or substitute process as provided by law.
6 The decision of the board regarding a ~~probationary~~ teacher shall be
7 final and nonappealable. At the hearing the burden of proof shall
8 be upon the superintendent or designee, and the standard of proof
9 shall be by the preponderance of the evidence. The ~~probationary~~
10 teacher shall receive any compensation or benefits to which the
11 teacher is otherwise entitled until such time as the decision of the
12 board becomes final. If the hearing for a ~~probationary~~ teacher is
13 for nonreemployment, such compensation and benefits may be continued
14 only until the end of the current contract of the teacher.

15 SECTION 2. AMENDATORY 70 O.S. 2001, Section 6-101.29, is
16 amended to read as follows:

17 Section 6-101.29 Whenever the superintendent of a school
18 district has reason to believe that cause exists for the dismissal
19 of a teacher and is of the opinion that the immediate suspension of
20 the teacher would be in the best interests of the children in the
21 district, the superintendent or the local board of education upon
22 receiving recommendation for suspension from the superintendent may
23 suspend the teacher without notice or hearing. However, the

1 suspension shall not deprive the teacher of any compensation or
2 other benefits to which otherwise entitled. ~~Such suspension shall~~
3 ~~extend to such time as the teacher's case is adjudicated at a trial~~
4 ~~de novo for a career teacher but such extension shall not include~~
5 ~~time for any further appeal process.~~ Within ten (10) days' time
6 after such suspension becomes effective, the local board of
7 education shall initiate a hearing for dismissal pursuant to law.

8 However, in a case involving a criminal charge or indictment,
9 such suspension may extend to such time as the teacher's case is
10 finally adjudicated at trial. Provided, however, such extension
11 shall not include any appeal process.

12 SECTION 3. REPEALER 70 O.S. 2001, Section 6-101.27, is
13 hereby repealed.

14 SECTION 4. This act shall become effective July 1, 2010.

15 SECTION 5. It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

19 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 2-15-10 - DO
20 PASS.