

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3048 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Sally Kern _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3048

By: Kern

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to schools; amending 70 O.S. 2011,
9 Sections 6-101.15, 6-101.22 and 6-101.41, which
10 relate to grounds for dismissal or nonreemployment of
11 school administrators, teachers and school support
12 employees; modifying certain definition; requiring
13 school districts to release findings of fact to any
14 other school district upon request; and providing an
15 effective date.

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

17 SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.15, is
18 amended to read as follows:

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

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

1 2. Any felony offense.

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

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

10 2. "Sexual misconduct" means ~~the soliciting or imposing of~~
11 criminal sexual activity any conduct that would constitute a crime;
12 any sexual relationship with a student, regardless of age; and any
13 activity directed toward establishing a sexual relationship such as
14 sending intimate letters, engaging in sexualized dialogue in person,
15 via the Internet, in writing or by phone, or dating a student.

16 C. If a finding is made pursuant to subsection B of this
17 section, the school district shall be required to release the
18 findings of fact to any other school district within five (5)
19 business days of such request.

20 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.22, is
21 amended to read as follows:

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

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

9 B. Subject to the provisions of the Teacher Due Process Act of
10 1990, a probationary teacher may be dismissed or not reemployed for
11 cause.

12 C. 1. A career teacher who has been rated as "ineffective" as
13 measured pursuant to the Oklahoma Teacher and Leader Effectiveness
14 Evaluation System (TLE) as set forth in Section ~~6~~ 6-101.16 of this
15 ~~act~~ title for two (2) consecutive school years shall be dismissed or
16 not reemployed on the grounds of instructional ineffectiveness by
17 the school district, subject to the provisions of the Teacher Due
18 Process Act of 1990.

19 2. A career teacher who has been rated as "needs improvement"
20 or lower pursuant to the TLE for three (3) consecutive school years
21 shall be dismissed or not reemployed on the grounds of instructional
22 ineffectiveness by the school district, subject to the provisions of
23 the Teacher Due Process Act of 1990.

1 3. A career teacher who has not averaged a rating of at least
2 "effective" as measured pursuant to the TLE over a five-year period
3 shall be dismissed or not reemployed on the grounds of instructional
4 ineffectiveness by the school district, subject to the provisions of
5 the Teacher Due Process Act of 1990.

6 D. 1. A probationary teacher who has been rated as
7 "ineffective" as measured pursuant to the TLE for two (2)
8 consecutive school years shall be dismissed or not reemployed by the
9 school district subject to the provisions of the Teacher Due Process
10 Act of 1990.

11 2. A probationary teacher who has not attained career teacher
12 status within a four-year period shall be dismissed or not
13 reemployed by the school district, subject to the provisions of the
14 Teacher Due Process Act of 1990.

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

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

22 2. Any felony offense.

23 F. A teacher may be dismissed, refused employment or not
24 reemployed after a finding that such person has engaged in criminal

1 sexual activity or sexual misconduct that has impeded the
2 effectiveness of the individual's performance of school duties. As
3 used in this subsection:

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

7 2. "Sexual misconduct" means ~~the soliciting or imposing of~~
8 ~~criminal sexual activity~~ any conduct that would constitute a crime;
9 any sexual relationship with a student, regardless of age; and any
10 activity directed toward establishing a sexual relationship such as
11 sending intimate letters, engaging in sexualized dialogue in person,
12 via the Internet, in writing or by phone, or dating a student.

13 G. If a finding is made pursuant to subsection F of this
14 section, the school district shall be required to release the
15 findings of fact to any other school district within five (5)
16 business days of such request.

17 H. 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 3. AMENDATORY 70 O.S. 2011, Section 6-101.41, is
24 amended to read as follows:

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

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

9 2. Any felony offense.

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

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

18 2. "Sexual misconduct" means ~~the soliciting or imposing of~~
19 ~~criminal sexual activity~~ any conduct that would constitute a crime;
20 any sexual relationship with a student, regardless of age; and any
21 activity directed toward establishing a sexual relationship such as
22 sending intimate letters, engaging in sexualized dialogue in person,
23 via the Internet, in writing or by phone, or dating a student.
24

1 C. If a finding is made pursuant to subsection B of this
2 section, the school district shall be required to release the
3 findings of fact to any other school district within five (5)
4 business days of such request.

5 SECTION 4. This act shall become effective November 1, 2012.

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