

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 certain information to
14 another school district upon request; and providing
15 an 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 of a sexual nature that would
12 constitute an act of moral turpitude.

13 C. If a finding is made pursuant to subsection B of this
14 section, the school district shall be required to release such
15 information to any other school district that requests the
16 information for employment purposes within five (5) business days of
17 such request.

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

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

23 1. Willful neglect of duty;

24 2. Repeated 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; or
- 6 8. Abandonment of contract.

7 B. Subject to the provisions of the Teacher Due Process Act of
8 1990, a probationary teacher may be dismissed or not reemployed for
9 cause.

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

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

22 3. A career teacher who has not averaged a rating of at least
23 "effective" as measured pursuant to the TLE over a five-year period
24 shall be dismissed or not reemployed on the grounds of instructional

1 ineffectiveness by the school district, subject to the provisions of
2 the Teacher Due Process Act of 1990.

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

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

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

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

19 2. Any felony offense.

20 F. A teacher may be dismissed, refused employment or not
21 reemployed after a finding that such person has engaged in criminal
22 sexual activity or sexual misconduct that has impeded the
23 effectiveness of the individual's performance of school duties. As
24 used in this subsection:

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

4 2. "Sexual misconduct" means ~~the soliciting or imposing of~~
5 ~~criminal sexual activity~~ any conduct of a sexual nature that would
6 constitute an act of moral turpitude.

7 G. If a finding is made pursuant to subsection F of this
8 section, the school district shall be required to release such
9 information to any other school district that requests the
10 information for employment purposes within five (5) business days of
11 such request.

12 H. As used in this section, "abandonment of contract" means the
13 failure of a teacher to report at the beginning of the contract term
14 or otherwise perform the duties of a contract of employment when the
15 teacher has accepted other employment or is performing work for
16 another employer that prevents the teacher from fulfilling the
17 obligations of the contract of employment.

18 SECTION 3. AMENDATORY 70 O.S. 2011, Section 6-101.41, is
19 amended to read as follows:

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

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

4 2. Any felony offense.

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

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

13 2. "Sexual misconduct" means ~~the soliciting or imposing of~~
14 criminal sexual activity any conduct of a sexual nature that would
15 constitute an act of moral turpitude.

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

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

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