

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 534

By: Ford of the Senate

and

Denney of the House

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9 COMMITTEE SUBSTITUTE

10 [school employment - grounds for the dismissal or
11 nonreemployment - career teacher - recommendation
12 for dismissal - effective date]
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15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 6-101.21.1 of Title 70, unless
18 there is created a duplication in numbering, reads as follows:

19 A. The Oklahoma Legislature along with parents and the general
20 public expect the men and women who serve as teachers to set a good
21 example for the children they teach. Because of the sensitive
22 relationship between a teacher and a student, it is expected that
23 the conduct and character of a teacher be above those of other
24 persons whose work does not involve that type of relationship.

1 Therefore, it is reasonable and appropriate to hold teachers to a
2 higher standard of personal and professional conduct, given the
3 youthful ideals they are expected to foster and elevate.

4 B. The Oklahoma Legislature finds that:

5 1. Quality teachers are a vital component of the education of a
6 child;

7 2. Teachers exert a subtle influence over the perceptions and
8 values of a child; and

9 3. It is critical to the future health of our society that
10 teachers possess the following traits and demonstrate the following
11 professional standards of conduct:

12 a. a teacher must demonstrate a mastery of the subject
13 matter which they teach and the ability to effectively
14 teach students,

15 b. a teacher must set a positive example of citizenship,
16 and

17 c. a teacher must exhibit a passion for teaching
18 children.

19 C. The Oklahoma Legislature recognizes that the right of a
20 student to receive a quality education from a competent teacher is
21 to be the primary consideration whenever determining whether to
22 dismiss a teacher. The best interests of students shall be the
23 paramount consideration in any decisions involving the employment of
24 a teacher.

1 D. Based on the findings and standards set forth in this
2 section, the grounds for the dismissal or nonreemployment of a
3 career teacher as set forth in Section 6-101.22 of Title 70 of the
4 Oklahoma Statutes shall not be narrowly construed to the detriment
5 of students.

6 SECTION 2. AMENDATORY 70 O.S. 2001, Section 6-101.22, as
7 last amended by Section 10, Chapter 291, O.S.L. 2010 (70 O.S. Supp.
8 2010, 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~~ 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 including, but not

19 limited to:

- 20 a. an act of dishonesty,
- 21 b. sexual harassment of a student or another school
22 district employee, or
- 23 c. threats to inflict bodily harm on a student, patron of
24 the school district, or school district employee.

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

4 8. Abandonment of contract;

5 9. Insubordination including failure to comply with a
6 reasonable directive from administration of the school district of
7 which the teacher is aware;

8 10. Failure to comply with the standards of conduct for
9 teachers as adopted by the State Board of Education which is deemed
10 to interfere with the continued performance of the duties of the
11 teacher; or

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

13 B. Subject to the provisions of the Teacher Due Process Act of
14 1990, a probationary teacher may be dismissed or not reemployed for
15 cause.

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

23 2. A career teacher who has been rated as "needs improvement"
24 or lower pursuant to the TLE for three (3) consecutive school years

1 shall be dismissed or not reemployed on the grounds of instructional
2 ineffectiveness by the school district, subject to the provisions of
3 the Teacher Due Process Act of 1990.

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

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

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

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

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

1 2. Any felony offense.

2 F. A teacher 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.

12 G. 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. 2001, Section 6-101.24, as
19 amended by Section 11, Chapter 291, O.S.L. 2010 (70 O.S. Supp. 2010,
20 Section 6-101.24), is amended to read as follows:

21 Section 6-101.24 A. When a teacher receives a rating as
22 measured pursuant to the Oklahoma Teacher and Leader Effectiveness
23 Evaluation System (TLE) as set forth in Section ~~6~~ 6-101.16 of this
24 ~~act~~ title that may lead to a recommendation for the dismissal or

1 nonreemployment of the teacher or when an administrator identifies
2 poor performance or conduct that the administrator believes may lead
3 to a recommendation for the dismissal or nonreemployment of the
4 teacher, the administrator shall:

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

8 2. Establish a reasonable time for improvement, ~~not to exceed~~
9 ~~two (2) months~~, taking into consideration the rating on the
10 evaluation or the nature and gravity of the performance or conduct.

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

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

1 or other administrator shall admonish the teacher pursuant to the
2 provisions of this section.

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

10 SECTION 4. This act shall become effective July 1, 2012.

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