

1 ENGROSSED SENATE
2 BILL NO. 534

By: Ford of the Senate

3 and

4 Denney of the House

5
6 [school employment - grounds for the dismissal or
7 nonreemployment - career teacher - recommendation for
8 dismissal - effective date]
9

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

11 SECTION 1. AMENDATORY 70 O.S. 2001, Section 6-101.22, as
12 last amended by Section 10, Chapter 291, O.S.L. 2010 (70 O.S. Supp.
13 2010, Section 6-101.22), is amended to read as follows:

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

- 17 1. Willful neglect of duty;
- 18 2. ~~Repeated negligence~~ Negligence in performance of duty;
- 19 3. Mental or physical abuse to a child;
- 20 4. Incompetency;
- 21 5. Instructional ineffectiveness;
- 22 6. Unsatisfactory teaching performance;
- 23 7. Commission of an act of moral turpitude including, but not
24 limited to:

- 1 a. an act of dishonesty,
- 2 b. sexual harassment of a student or another school
- 3 district employee, or
- 4 c. threats to inflict bodily harm on a student, patron of
- 5 the school district, or school district employee.

6 For purposes of this paragraph, the application of corporal
7 punishment in compliance with school district policy shall not be
8 considered the commission of an act of moral turpitude; or

9 8. Abandonment of contract;

10 9. Insubordination including failure to comply with a
11 reasonable directive from administration of the school district of
12 which the teacher is aware;

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

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

18 B. Subject to the provisions of the Teacher Due Process Act of
19 1990, a probationary teacher may be dismissed or not reemployed for
20 cause.

21 C. 1. A career teacher who has been rated as "ineffective" as
22 measured pursuant to the Oklahoma Teacher and Leader Effectiveness
23 Evaluation System (TLE) as set forth in Section ~~6 of this act~~ 6-
24 101.16 of this title for two (2) consecutive school years shall be

1 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 2. A career teacher who has been rated as "needs improvement"
5 or lower pursuant to the TLE for three (3) consecutive school years
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 3. A career teacher who has not averaged a rating of at least
10 "effective" as measured pursuant to the TLE over a five-year period
11 shall be dismissed or not reemployed on the grounds of instructional
12 ineffectiveness by the school district, subject to the provisions of
13 the Teacher Due Process Act of 1990.

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

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

23 E. A teacher shall be dismissed or not reemployed, unless a
24 presidential or gubernatorial pardon has been issued, if during the

1 term of employment the teacher is convicted in this state, the
2 United States or another state of:

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

6 2. Any felony offense.

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

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

15 2. "Sexual misconduct" means the soliciting or imposing of
16 criminal sexual activity.

17 G. 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

24

1 SECTION 2. AMENDATORY 70 O.S. 2001, Section 6-101.24, as
2 amended by Section 11, Chapter 291, O.S.L. 2010 (70 O.S. Supp. 2010,
3 Section 6-101.24), is amended to read as follows:

4 Section 6-101.24. A. When a teacher receives a rating as
5 measured pursuant to the Oklahoma Teacher and Leader Effectiveness
6 Evaluation System (TLE) as set forth in Section ~~6 of this act~~ 6-
7 101.16 of this title that may lead to a recommendation for the
8 dismissal or nonreemployment of the teacher or when an administrator
9 identifies poor performance or conduct that the administrator
10 believes may lead to a recommendation for the dismissal or
11 nonreemployment of the teacher, the administrator shall:

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

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

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

23 C. Whenever a member of the board of education, superintendent,
24 or other administrator identifies poor performance or conduct that

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

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

17
18
19
20
21
22
23
24

