

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2594

By: Holland

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 6-101.22, which relates to the grounds for
9 dismissal or nonreemployment of a teacher; changing
10 requirement to dismiss or nonreemploy a teacher for
11 receiving a certain evaluation rating; providing an
12 effective date; and declaring an emergency.

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

14 SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.22, is
15 amended to read as follows:

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

- 19 1. Willful neglect of duty;
20 2. Repeated negligence in performance of duty;
21 3. Mental or physical abuse to a child;
22 4. Incompetency;
23 5. Instructional ineffectiveness;
24 6. Unsatisfactory teaching performance;

1 7. Commission of an act of moral turpitude; or

2 8. Abandonment of contract.

3 B. Subject to the provisions of the Teacher Due Process Act of
4 1990, a probationary teacher may be dismissed or not reemployed for
5 cause.

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

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

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

23 D. 1. A probationary teacher who has been rated as
24 "ineffective" as measured pursuant to the TLE for two (2)

1 consecutive school years ~~shall~~ may be dismissed or not reemployed by
2 the school district subject to the provisions of the Teacher Due
3 Process Act of 1990.

4 2. A probationary teacher who has not attained career teacher
5 status within a four-year period ~~shall~~ may be dismissed or not
6 reemployed by the school district, subject to the provisions of the
7 Teacher Due Process Act of 1990.

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

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

15 2. Any felony offense.

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

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

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

3 G. As used in this section, "abandonment of contract" means the
4 failure of a teacher to report at the beginning of the contract term
5 or otherwise perform the duties of a contract of employment when the
6 teacher has accepted other employment or is performing work for
7 another employer that prevents the teacher from fulfilling the
8 obligations of the contract of employment.

9 SECTION 2. This act shall become effective July 1, 2012.

10 SECTION 3. It being immediately necessary for the preservation
11 of the public peace, health and safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

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