

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3048

By: Kern

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Sections 6-101.15, 6-101.22 and 6-101.41, which
9 relate to grounds for dismissal or nonreemployment of
10 school administrators, teachers and school support
11 employees; modifying certain definition; requiring
12 school districts to release certain information to
13 any other school district upon request; requiring
14 board of education to adopt a policy concerning
15 appropriate communication between teachers and
16 students and teachers and staff; providing for
17 codification; and providing an effective date.

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

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

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

1. Any sex offense subject to the Sex Offenders Registration
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, making suggestive
16 comments, or dating a student.

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

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

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

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

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

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

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

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

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

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

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

24 2. Any felony offense.

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

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

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

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

20 H. As used in this section, "abandonment of contract" means the
21 failure of a teacher to report at the beginning of the contract term
22 or otherwise perform the duties of a contract of employment when the
23 teacher has accepted other employment or is performing work for
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1 another employer that prevents the teacher from fulfilling the
2 obligations of the contract of employment.

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

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

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

13 2. Any felony offense.

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

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

22 2. "Sexual misconduct" means ~~the soliciting or imposing of~~
23 ~~criminal sexual activity~~ any conduct that would constitute a crime;
24 any sexual relationship with a student, regardless of age; and any

1 activity directed toward establishing a sexual relationship such as
2 sending intimate letters, engaging in sexualized dialogue in person,
3 via the Internet, in writing or by phone, making suggestive
4 comments, or dating a student.

5 C. If a finding is made pursuant to subsection B of this
6 section, the school district shall be required to release such
7 information to any other school district within five (5) business
8 days of such request.

9 SECTION 4. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 24-100.7 of Title 70, unless
11 there is created a duplication in numbering, reads as follows:

12 The board of education of each school district shall adopt a
13 policy concerning teacher/student and teacher/staff communication in
14 order to prevent improper communication. Such policy shall include
15 the following guidelines:

- 16 1. Appropriate oral and nonverbal communication, which may be
17 included in the school district's sexual harassment policy; and
- 18 2. Appropriate use of electronic media and Internet sites,
19 including social media sites, for instructional and personal
20 purposes.

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

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