

1 STATE OF OKLAHOMA

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

3 SENATE BILL 534

By: Ford

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5
6 AS INTRODUCED

7 An Act relating to school employment; amending 70
8 O.S. 2001, Section 6-101.22, as last amended by
9 Section 10, Chapter 291, O.S.L. 2010 (70 O.S. Supp.
10 2010, Section 6-101.22), which relates to the Teacher
11 Due Process Act of 1990; modifying grounds for the
12 dismissal or nonreemployment of a career teacher;
13 adding grounds for the dismissal or nonreemployment
14 of a career teacher; deleting certain grounds for
15 dismissal or nonreemployment of a career teacher;
16 amending 70 O.S. 2001, Section 6-101.24, as amended
17 by Section 11, Chapter 291, O.S.L. 2010 (70 O.S.
18 Supp. 2010, Section 6-101.24), which relates to poor
19 performance; modifying grounds for recommendation for
20 dismissal; and providing an effective date.

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

22 SECTION 1. AMENDATORY 70 O.S. 2001, Section 6-101.22, as
23 last amended by Section 10, Chapter 291, O.S.L. 2010 (70 O.S. Supp.
24 2010, Section 6-101.22), is amended to read as follows:

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

1. Willful neglect of duty;
2. ~~Repeated negligence~~ 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 including, but not

6 limited to:

- 7 a. an act of dishonesty,
- 8 b. sexual harassment of a student or another school
- 9 district employee, or
- 10 c. threats to inflict bodily harm on a student, patron of
- 11 the school district, or school district employee.

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

15 8. Abandonment of contract;

16 9. Insubordination including, but not limited to, failure to
17 comply with a reasonable directive from administration of the school
18 district of which the teacher is aware;

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

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

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1 B. Subject to the provisions of the Teacher Due Process Act of
2 1990, a probationary teacher may be dismissed or not reemployed for
3 cause.

4 C. 1. A career teacher who has been rated as "ineffective" 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 for two (2) consecutive school years shall be
8 dismissed or not reemployed on the grounds of instructional
9 ineffectiveness by the school district, subject to the provisions of
10 the Teacher Due Process Act of 1990.

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

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

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

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

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

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

14 2. Any felony offense.

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

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

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

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

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

10 Section 6-101.24. A. When a teacher receives a rating as
11 measured pursuant to the Oklahoma Teacher and Leader Effectiveness
12 Evaluation System (TLE) as set forth in Section ~~6 of this act~~ 6-
13 101.16 of this title that may lead to a recommendation for the
14 dismissal or nonreemployment of the teacher or when an administrator
15 identifies poor performance or conduct that the administrator
16 believes may lead to a recommendation for the dismissal or
17 nonreemployment of the teacher, the administrator shall:

18 1. Admonish the teacher, in writing, and make a reasonable
19 effort to assist the teacher in correcting the poor performance or
20 conduct; and

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

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1 B. If the teacher does not correct the poor performance or
2 conduct cited in the admonition within the time specified, the
3 administrator shall make a recommendation to the superintendent of
4 the school district for the dismissal or nonreemployment of the
5 teacher.

6 C. Whenever a member of the board of education, superintendent,
7 or other administrator identifies poor performance or conduct that
8 may lead to a recommendation for dismissal or nonreemployment of a
9 teacher within the district, the administrator who has
10 responsibility for evaluation of the teacher shall be informed, and
11 that administrator shall comply with the procedures set forth in
12 this section. If the administrator fails or refuses to admonish the
13 teacher within ten (10) days after being so informed by the board,
14 superintendent, or other administrator, such board, superintendent
15 or other administrator shall admonish the teacher pursuant to the
16 provisions of this section.

17 D. ~~Repeated negligence in performance of duty, willful neglect~~
18 ~~of duty, incompetency~~ Incompetency, instructional ineffectiveness or
19 unsatisfactory teaching performance, for a career teacher, or any
20 cause related to inadequate teaching performance for a probationary
21 teacher, shall not be a basis for a recommendation to dismiss or not
22 reemploy a teacher unless and until the provisions of this section
23 have been complied with.

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

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