

1 ENGROSSED SENATE  
2 BILL NO. 283

By: Brecheen of the Senate

3 and

4 Thomsen of the House

5  
6 An Act relating to school employees; amending 70 O.S.  
7 2011, Section 5-144, which relates to notification of  
8 a superintendent of charges filed against a student  
9 or employee; requiring notification of the State  
10 Board of Education of conviction of certain crimes;  
11 amending 70 O.S. 2011, Section 6-101.22, which  
relates to grounds for dismissal or nonreemployment  
of a teacher; directing a school district to notify  
the State Board of Education upon dismissal of a  
teacher on certain grounds; providing an effective  
date; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 70 O.S. 2011, Section 5-144, is  
16 amended to read as follows:

17 Section 5-144. A. If in the course of an investigation it is  
18 discovered that a person charged in an information or indictment  
19 with a felony or violent misdemeanor is a student or employee of a  
20 school district or a public school in the state, or an employee  
21 working on school property for an entity that provides services to a  
22 school district or a public school on school property, with due  
23 regard for the provisions of subsection C of Section 2-6-102 of  
24 Title 10A of the Oklahoma Statutes, the district attorney shall

1 notify the superintendent of the district of the charges filed  
2 against the student or employee.

3 B. The school district may take any action it deems necessary  
4 that is in compliance with the requirements of the Family  
5 Educational Rights and Privacy Act of 1974 with regard to such  
6 information.

7 C. When the superintendent of a school district receives  
8 notification pursuant to subsection A of this section that charges  
9 have been filed against an employee of the school district, the  
10 school district shall notify the State Board of Education of the  
11 charges.

12 D. A school district that discovers that an employee of the  
13 school district has been convicted, whether upon a verdict or plea  
14 of guilty or nolo contendere, or received a suspended sentence or  
15 any probationary term for a crime provided for in subparagraph a of  
16 paragraph 6 of Section 3-104 of this title shall notify the State  
17 Board of Education of said conviction.

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

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

- 23 1. Willful neglect of duty;
- 24 2. Repeated 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; or
- 6 8. Abandonment of contract.

7 B. Subject to the provisions of the Teacher Due Process Act of  
8 1990, a probationary teacher may be dismissed or not reemployed for  
9 cause.

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

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

22 3. A career teacher who has not averaged a rating of at least  
23 "effective" as measured pursuant to the TLE over a five-year period  
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 D. 1. A probationary teacher who has been rated as  
4 "ineffective" as measured pursuant to the TLE for two (2)  
5 consecutive school years shall be dismissed or not reemployed by the  
6 school district subject to the provisions of the Teacher Due Process  
7 Act of 1990.

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

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

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

19 2. Any felony offense.

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

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

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

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

12        H. The school district shall notify the State Board of  
13 Education upon dismissal or nonreemployment of a probationary or  
14 career teacher for reasons outlined in subsection F of this section.

15        SECTION 3. This act shall become effective July 1, 2013.

16        SECTION 4. It being immediately necessary for the preservation  
17 of the public peace, health and safety, an emergency is hereby  
18 declared to exist, by reason whereof this act shall take effect and  
19 be in full force from and after its passage and approval.

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