

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 283

By: Brecheen of the Senate

and

Thomsen of the House

7
8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to school employees; amending 70 O.S.
12 2011, Section 5-144, which relates to notification of
13 a superintendent of charges filed against a student
14 or employee; requiring notification of the State
15 Board of Education of certain charges; requiring the
16 district court to notify the Board upon conviction of
17 a school employee of certain crimes; amending 70 O.S.
18 2011, Section 6-101.22, which relates to grounds for
19 dismissal or nonreemployment of a teacher; directing
20 a school district to notify the State Board of
21 Education upon dismissal of a teacher on certain
22 grounds; providing an effective date; and declaring
23 an emergency.

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

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

Section 5-144. A. If in the course of an investigation it is
discovered that a person charged in an information or indictment

1 with a felony or violent misdemeanor is a student or employee of a
2 school district or a public school in the state, or an employee
3 working on school property for an entity that provides services to a
4 school district or a public school on school property, with due
5 regard for the provisions of subsection C of Section 2-6-102 of
6 Title 10A of the Oklahoma Statutes, the district attorney shall
7 notify the superintendent of the district of the charges filed
8 against the student or employee. In addition to notifying the
9 superintendent of the district when charges have been filed against
10 an employee of the school district, the district attorney shall
11 notify the State Board of Education.

12 B. The school district may take any action it deems necessary
13 that is in compliance with the requirements of the Family
14 Educational Rights and Privacy Act of 1974 with regard to such
15 information.

16 C. When an employee of the school district has been convicted,
17 whether upon a verdict or plea of guilty or nolo contendere, or
18 received a suspended sentence or any probationary term for a crime
19 provided for in subparagraph a of paragraph 6 of Section 3-104 of
20 this title, the district court shall notify the State Board of
21 Education of said conviction, if the district court has discovered
22 during the course of the proceedings that the person is an employee
23 of a school district.

24

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

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

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

14 B. Subject to the provisions of the Teacher Due Process Act of
15 1990, a probationary teacher may be dismissed or not reemployed for
16 cause.

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

24

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

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

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

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

24

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

4 2. Any felony offense.

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

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

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

15 G. As used in this section, "abandonment of contract" means the
16 failure of a teacher to report at the beginning of the contract term
17 or otherwise perform the duties of a contract of employment when the
18 teacher has accepted other employment or is performing work for
19 another employer that prevents the teacher from fulfilling the
20 obligations of the contract of employment.

21 H. A school district shall notify the State Board of Education
22 within ten (10) days of the dismissal or nonreemployment of a
23 probationary or career teacher for reasons outlined in subsection F
24 of this section.

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

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

6
7 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04/09/2013
8 - DO PASS, As Amended.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24