

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 1764

By: Brecheen

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5
6 AS INTRODUCED

7 An Act relating to teacher due process; amending 70
8 O.S. 2011, Section 6-101.22, as last amended by
9 Section 5, Chapter 373, O.S.L. 2013 (70 O.S. Supp.
10 2013, Section 6-101.22), which relates to dismissal
11 of career teachers; directing a school district to
12 notify the State Board of Education upon dismissal or
13 resignation of a teacher on certain grounds;
14 providing for confidentiality of notification;
15 allowing the State Board of Education to take certain
16 action upon certain findings; providing for notice
17 and hearing; providing an effective date; and
18 declaring an emergency.

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

20 SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.22, as
21 last amended by Section 5, Chapter 373, O.S.L. 2013 (70 O.S. Supp.
22 2013, Section 6-101.22), is amended to read as follows:

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

1. Willful neglect of duty;
2. Repeated negligence in performance of duty;
3. Mental or physical abuse to a child;

- 1 4. Incompetency;
- 2 5. Instructional ineffectiveness;
- 3 6. Unsatisfactory teaching performance;
- 4 7. Commission of an act of moral turpitude; or
- 5 8. Abandonment of contract.

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

9 C. Upon full implementation of the Oklahoma Teacher and Leader
10 Effectiveness Evaluation System (TLE) as set forth in Section 6-
11 101.10 of this title:

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

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

23 3. A career teacher who has not averaged a rating of at least
24 "effective" as measured pursuant to the TLE over a five-year period

1 shall be dismissed or not reemployed on the grounds of instructional
2 ineffectiveness by the school district, subject to the provisions of
3 the Teacher Due Process Act of 1990.

4 D. Upon full implementation of the Oklahoma Teacher and Leader
5 Effectiveness Evaluation System (TLE) as set forth in Section 6-
6 101.10 of this title:

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

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

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

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

22 2. Any felony offense.

23 F. A teacher may be dismissed, refused employment or not
24 reemployed after a finding that such person has engaged in criminal

1 sexual activity or sexual misconduct that has impeded the
2 effectiveness of the individual's performance of school duties. As
3 used in this subsection:

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

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

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

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

19 I. A school district shall notify the State Board of Education
20 within thirty (30) days of the dismissal or resignation of a
21 probationary or career teacher while under investigation for reasons
22 outlined in subsection F of this section, or for reasons outlined in
23 paragraph 6 of Section 3-104 of this title. The State Board of
24 Education shall keep records of such notification confidential. The

1 State Board of Education may, by a majority vote, order the
2 suspension for a given period of time or revocation of the
3 certificate to teach of the probationary or career teacher if there
4 are grounds for such actions pursuant to this section or the rules
5 promulgated by the State Board of Education; provided, that the
6 teacher has been provided with notice and an opportunity for hearing
7 pursuant to the Administrative Procedures Act.

8 SECTION 2. This act shall become effective July 1, 2014.

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

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