

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL 711

By: Sparks and Loveless of the
Senate

and

Denney, Kern and Jordan of
the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to the Teacher Due Process Act of 1990; amending 70 O.S. 2011, Section 6-101.25, which relates to recommendations to dismiss or not reemploy a teacher; directing recommendations that meet certain criteria to be forwarded to the State Board of Education; providing for effect if the recommendation is not forwarded; requiring copies to also be forwarded to certain teacher; allowing certain teacher to provide supplementary information; allowing certain school districts to request copies of recommendations; requiring certain notice to a teacher upon certain request; requiring copies of documents to be provided to certain teacher; providing for confidentiality of certain records; exempting records from certain act; requiring notice to certain teacher upon receipt of subpoena; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.25, is amended to read as follows:

1 Section 6-101.25. A. Whenever a superintendent decides to
2 recommend that a teacher employed within the school district be
3 dismissed or not reemployed, the superintendent shall state the
4 recommendation in writing, setting forth the basis for the
5 recommendation, and shall submit such recommendation to the board of
6 education.

7 If the teacher subject to such recommendation is a career
8 teacher, the recommendation shall specify the statutory grounds for
9 which the recommendation is based.

10 If the teacher subject to such recommendation is a probationary
11 teacher, the recommendation shall specify the cause for which the
12 recommendation is based.

13 The superintendent shall also specify the underlying facts
14 supporting the recommendation.

15 B. If the recommendation includes grounds that could form the
16 basis of criminal charges sufficient to result in the denial or
17 revocation of a certificate for a reason set forth in subparagraph a
18 of paragraph 6 of Section 3-104 of this title, a copy of the
19 recommendation shall also be forwarded to the State Board of
20 Education after the completion of due process procedures pursuant to
21 Section 6-101.26 of this title or after the teacher resigns.
22 Failure to forward a copy of the recommendation to the State Board
23 of Education shall not be the basis for any claim or action against
24 a public school, its board of education, employees, agents or other

1 representatives. If the school district forwards a copy of the
2 recommendation to the State Board of Education, the school district
3 shall contemporaneously forward a copy to the teacher subject to
4 such recommendation. The teacher may provide supplementary
5 information to the State Board of Education.

6 C. Only school districts may request a copy of the
7 recommendation from the State Board of Education, and only if a
8 teacher is being considered for new employment or a teacher is
9 currently employed by the requesting school district. The State
10 Board of Education shall notify the teacher subject to the
11 recommendation if such a request is made and provide the identity of
12 the school district that made such request. The State Board of
13 Education shall provide the requesting school district documents
14 related to the recommendation as well as any supplementary
15 information provided by the teacher subject to the recommendation,
16 and copies shall be contemporaneously forwarded to the teacher
17 subject to the recommendation. Records provided to a requesting
18 school district pursuant to this subsection shall be kept
19 confidential.

20 D. Except as provided for in subsection C of this section, the
21 State Board of Education shall keep recommendations submitted
22 pursuant to subsection B of this section confidential. Records
23 created pursuant to this section shall not be subject to disclosure
24 under the Oklahoma Open Records Act.

1 E. If the State Board of Education or a school district that
2 generated or received documents pursuant to subsection C of this
3 section is served a subpoena requesting disclosure of the documents,
4 the teacher subject to the recommendation shall immediately be
5 notified and be provided the opportunity to object to the subpoena.

6 SECTION 2. This act shall become effective July 1, 2015.

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

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