

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2260

By: Sterling

COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2021, Section 6-101.25, which relates to recommendations of the superintendent; including additional situations certain recommendations for revoking licenses may be made; describing said situations; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 6-101.25, is amended to read as follows:

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

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

1 If the teacher subject to such recommendation is a probationary
2 teacher, the recommendation shall specify the cause for which the
3 recommendation is based.

4 The superintendent shall also specify the underlying facts
5 supporting the recommendation.

6 B. If the recommendation includes grounds that could form the
7 basis of criminal charges sufficient to result in the denial or
8 revocation of a certificate for a reason set forth in subparagraph a
9 of paragraph 6 of Section 3-104 of this title, or if the
10 recommendation includes a reason set forth in subparagraph a of
11 paragraph 6 of Section 3-104 of this title and is based on an
12 agreement between the teacher and school district to avoid civil
13 litigation or a settlement of a civil action unless the court orders
14 the terms of such settlement to be kept confidential, a copy of the
15 recommendation shall also be forwarded to the State Board of
16 Education after the completion of due process procedures pursuant to
17 Section 6-101.26 of this title or after the teacher resigns.
18 Failure to forward a copy of the recommendation to the State Board
19 of Education shall not be the basis for any claim or action against
20 a public school, its board of education, employees, agents or other
21 representatives. If the school district forwards a copy of the
22 recommendation to the State Board of Education, the school district
23 shall contemporaneously forward a copy to the teacher subject to
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1 such recommendation. The teacher may provide supplementary
2 information to the State Board of Education.

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

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

22 E. If the State Board of Education or a school district that
23 generated or received documents pursuant to subsection C of this
24 section is served a subpoena requesting disclosure of the documents,

1 the teacher subject to the recommendation shall immediately be
2 notified and be provided the opportunity to object to the subpoena.

3 SECTION 2. This act shall become effective November 1, 2023.

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