An Act

ENROLLED SENATE
BILL NO. 283

By: Brecheen of the Senate

and

Thomsen of the House

An Act relating to school employees; amending 70 O.S. 2011, Section 5-144, which relates to notification of a superintendent of charges filed against a student or employee; requiring notification of the State Board of Education of certain charges; requiring the district court to notify the Board upon conviction of a school employee of certain crimes; 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.

SUBJECT: Requiring the provision of notice to the State Board of Education concerning certain school employees

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 with a felony or violent misdemeanor is a student or employee of a school district or a public school in the state, or an employee working on school property for an entity that provides services to a

school district or a public school on school property, with due regard for the provisions of subsection C of Section 2-6-102 of Title 10A of the Oklahoma Statutes, the district attorney shall notify the superintendent of the district of the charges filed against the student or employee. In addition to notifying the superintendent of the district when charges have been filed against an employee of the school district, the district attorney shall notify the State Board of Education.

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

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

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

Section 6-101.22 A. Subject to the provisions of the Teacher 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;

4. Incompetency;

5. Instructional ineffectiveness;

6. Unsatisfactory teaching performance;

7. Commission of an act of moral turpitude; or

8. Abandonment of contract.

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

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

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

3. A career teacher who has not averaged a rating of at least "effective" as measured pursuant to the TLE over a five-year period shall be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school district, subject to the provisions of the Teacher Due Process Act of 1990.

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

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

E. A teacher shall be dismissed or not reemployed, unless a presidential or gubernatorial pardon has been issued, if during the

term of employment the teacher is convicted in this state, the United States or another state of:

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

2. Any felony offense.

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

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

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

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

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

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

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

Passed the Senate the 7th day of May, 2013.

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of April, 2013.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 8th

day of May, 20 13, at 2:44 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 13th

day of May, 20 13, at 3:56 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 13th

day of May, 20 13, at 5:15 o'clock P. M.

By: Chris Mennion