An Act

ENROLLED SENATE
BILL NO. 711

By: Sparks, Loveless, Stanislawski, Jech, and Sharp of the Senate

and

Denney, Kern, Jordan and Biggs of the House

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.

SUBJECT: Teacher due process procedures

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:

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.

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

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

B. If the recommendation includes grounds that could form the basis of criminal charges sufficient to result in the denial or revocation of a certificate for a reason set forth in subparagraph a of paragraph 6 of Section 3-104 of this title, a copy of the recommendation shall also be forwarded to the State Board of Education after the completion of due process procedures pursuant to Section 6-101.26 of this title or after the teacher resigns. Failure to forward a copy of the recommendation to the State Board of Education shall not be the basis for any claim or action against a public school, its board of education, employees, agents or other representatives. If the school district forwards a copy of the recommendation to the State Board of Education, the school district shall contemporaneously forward a copy to the teacher subject to such recommendation. The teacher may provide supplementary information to the State Board of Education.

C. Only school districts may request a copy of the recommendation from the State Board of Education, and only if a teacher is being considered for new employment or a teacher is currently employed by the requesting school district. The State Board of Education shall notify the teacher subject to the

recommendation if such a request is made and provide the identity of the school district that made such request. The State Board of Education shall provide the requesting school district documents related to the recommendation as well as any supplementary information provided by the teacher subject to the recommendation, and copies shall be contemporaneously forwarded to the teacher subject to the recommendation. Records provided to a requesting school district pursuant to this subsection shall be kept confidential.

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

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

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

SECTION 3. 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 22nd day of May, 2015.

Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2015.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 22nd

day of May, 20 15, at 8:08 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 3rd

day of June, 20 15, at 3:21 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 3rd

day of June, 20 15, at 4:05 o'clock P. M.

By: Chris Benge