

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 711

By: Sparks and Loveless of the  
Senate

6 and

7 Denney, Kern and Jordan of  
the House

8  
9  
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to the Teacher Due Process Act of  
12 1990; amending 70 O.S. 2011, Section 6-101.25, which  
13 relates to recommendations to dismiss or not reemploy  
14 a teacher; directing recommendations that meet  
15 certain criteria to be forwarded to the State Board  
16 of Education; providing for effect if the  
17 recommendation is not forwarded; requiring copies to  
18 also be forwarded to certain teacher; allowing  
19 certain teacher to provide supplementary information;  
20 allowing certain school districts to request copies  
21 of recommendations; requiring certain notice to a  
22 teacher upon certain request; requiring copies of  
23 documents to be provided to certain teacher;  
24 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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