

## SUSPENSION, DISMISSAL AND NON RE-EMPLOYMENT OF TEACHERS

### 1. Definitions and Scope

- A. "Teacher" means a duly certified or licensed person who is employed to serve as a counselor, librarian, school nurse, or any instructional capacity. An administrator shall be considered a "teacher" only with regard to service in an instructional, nonadministrative capacity.
- B. "Dismissal" means the discontinuance of the teaching service of a teacher during the term of a written contract.
- C. "Non re-employment" means the nonrenewal of a teacher's contract upon expiration of the contract.
- D. "Suspension" means the temporary discontinuance of a teacher's services during the term of a contract pending dismissal or non re-employment.
- E. "Career teacher" means a teacher who:
- i. was employed by the School District in 2011-2012 and has completed three (3) or more consecutive complete school years in such capacity in the School District under a written teaching contract; or
  - ii. was first employed by the School District on or after July 1, 2012 under a written continuing or temporary teacher contract and:
    - completed three (3) consecutive, complete school years in the District under a written continuing or temporary teacher contract with a rating of "superior" for at least two (2) of those years with no rating below "effective" as measured pursuant to the District's Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE); or
    - completed four (4) consecutive, complete school years in the District under a written continuing or temporary teacher contract with a rating of "effective" or higher for the four (4) year period with a rating of at least "effective" for the last two (2) of the four (4) years as measured pursuant to the District's TLE; or
    - completed four (4) consecutive, complete school years in the District under a written continuing or temporary teacher contract and was granted career status by the board of education after the applicable principal and superintendent petitioned the board to grant career status. (The principal must specify in the petition the underlying facts supporting the granting of career status.)
- F. "Probationary teacher" means a teacher who:
- i. was employed by the District during the 2011-2012 school year and has completed fewer than three (3) consecutive, complete school years in such capacity in the School District under a written teaching contract; or

**SUSPENSION, DISMISSAL AND NON RE-EMPLOYMENT OF TEACHERS (Cont.)**

- ii. was employed by the District on or after July 1, 2012 under a written teaching contract and has not met the requirements to be a career teacher as described above.

G. "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. This policy does not apply to:

- i. substitute teachers,
- ii. adult education teachers or instructors,
- iii. nonrenewal of teachers employed on temporary contracts for a complete year;
- iv. nonrenewal and dismissal of teachers employed on temporary contracts for less than a complete school year.
- v. administrators, except with regard to service in an instructional, nonadministrative position.

I. This policy does apply to teachers employed in positions fully funded by federal or private categorical grants in regard to dismissals or suspensions during the term of employment under the grant, but not in regard to "non re-employment" at the expiration of the grant.

2. Grounds for Dismissal or Non Re-employment

A. A career teacher may be dismissed or not reemployed for:

- i. willful neglect of duty,
- ii. repeated negligence in performance of duty,
- iii. incompetency,
- iv. unsatisfactory teaching performance,
- v. instructional ineffectiveness,
- vi. mental or physical abuse to a child,
- vii. commission of an act of moral turpitude,
- viii. abandonment of contract,

**SUSPENSION, DISMISSAL AND NON RE-EMPLOYMENT OF TEACHERS (Cont.)**

- ix. criminal sexual activity or sexual misconduct (as those terms are defined by law) which has impeded the effectiveness of the teacher's performance of school duties,
- x. failure to meet local school board staff development requirements (non re-employment only), and
- xi. any other grounds hereafter allowed by law.

B. A career teacher shall be dismissed or not reemployed for

- i. conviction of a felony,
- ii. conviction of any sex offense subject to Oklahoma's Sex Offenders Registration Act or another state's or the Federal Sex Offender Registration Provisions,
- iii. an "ineffective" rating, as measured pursuant to the district's TLE, for two (2) consecutive school years,
- iv. a "needs improvement" rating or lower, as measured pursuant to the district's TLE, for three (3) consecutive school years,
- v. a rating below "effective," as measured pursuant to the district's TLE, for a five (5) year average.

C. A probationary teacher may be dismissed or not reemployed for cause.

D. A probationary teacher shall be dismissed or not reemployed for

- i. conviction of a felony,
- ii. conviction of any sex offense subject to Oklahoma's Sex Offenders Registration Act or another state's or the Federal Sex Offender Registration Provisions,
- iii. an "ineffective" rating, as measured pursuant to the district's TLE, for two (2) consecutive school years,
- iv. failure to attain career teacher status within a four-year period.

E. A cause listed 2, A, (i) - (v) for a career teacher, or any cause related to inadequate teaching performance for a probationary teacher, shall not be a basis for a recommendation to dismiss or not reemploy a teacher unless corrective action procedures involving admonishment / plan for improvement have been followed. Dismissal or non re-employment for any cause not listed in 2, A, (i) - (v) for a career teacher, or not related to inadequate teaching performance for a probationary teacher, shall not require corrective action procedures (i.e. admonishment) to be followed,

F. Corrective Action - Admonishment / Plan for Improvement

**SUSPENSION, DISMISSAL AND NON RE-EMPLOYMENT OF TEACHERS (Cont.)**

- i. When the administrator who has evaluated a teacher pursuant to School District policy identifies poor performance, conduct or a TLE evaluation rating that the administrator believes may lead to a recommendation for the teacher's dismissal or non re-employment, the administrator shall:
  - admonish the teacher, in writing, and make a reasonable effort to assist the teacher in correcting the poor performance or conduct; and
  - establish a reasonable time for improvement, not to exceed two (2) months, taking into consideration the rating on the evaluation or the nature and gravity of the teacher's performance or conduct.
- ii. Whenever a member of the board of education, superintendent, or other administrator identifies poor performance or conduct that may lead to a recommendation for dismissal or non re-employment of a teacher, the administrator who has responsibility for evaluation of the teacher shall be informed and shall admonish the teacher as described above. If the administrator fails or refuses to admonish the teacher within ten (10) days after being informed of the problem, the board, superintendent or other administrator who identified the problem shall admonish the teacher.
- iii. If the teacher does not correct the poor performance or conduct cited in the admonition within the time specified, the administrator (or other admonishing official) shall make a recommendation to the superintendent for the dismissal or non re-employment of the teacher. The superintendent shall furnish a copy of the recommendation to the board of education.

**3. Procedures for Dismissal or Non Re-employment****A. Commencement of Action**

- i. Whenever the superintendent determines that cause exists for the dismissal or non-reemployment of a teacher employed within the School District, the superintendent shall submit a recommendation in writing to the board of education. The recommendation shall state the one or more specific grounds (statutory grounds, in the case of a career teacher) and specify the underlying facts on which the recommended dismissal or non re-employment is based.
- ii. In the absence of a recommendation from the superintendent pursuant to this section, or when the board of education chooses not to accept the superintendent's recommendation as to reemployment of a teacher, the board may initiate dismissal or non re-employment action without a recommendation provided that it adheres to the other provisions of this policy and that the corrective action procedures, if applicable, have been followed.

**B. Suspension**

Whenever the superintendent has reason to believe that cause exists for the dismissal of a teacher and is of the opinion that the immediate suspension of the teacher would be in the best interests of the children in the district, the superintendent, or the board of education on the recommendation of the

**SUSPENSION, DISMISSAL AND NON RE-EMPLOYMENT OF TEACHERS (Cont.)**

superintendent, may suspend the teacher without notice or hearing. The suspension shall not deprive the teacher of any teaching compensation or other benefits to which he/she would otherwise be entitled under the teaching contract or pursuant to law. Within ten (10) days after the suspension becomes effective, the board of education shall initiate a hearing for dismissal pursuant to this policy. However, in a case involving a criminal charge or indictment, such suspension may extend to such time as the teacher's case is finally adjudicated, except such extension shall not include any appeal process.

**C. Notice and Hearing**

- i. Prior to the time that the board of education takes any action to dismiss or non-reemploy a teacher, whether the board is acting on its own volition or on a recommendation of the superintendent, the clerk of the board or other individual designated by the board shall deliver to the teacher a copy of the recommendation (or a comparable statement of grounds and underlying facts, if the board is acting on its own volition), and a notice that the teacher has a right to a hearing before the board stating the date, time and place set by the board for the teacher hearing. Delivery of the recommendation shall be by any of the following: (1) certified mail, restricted delivery, return receipt requested; (2) personal delivery to the teacher with a signed acknowledgment of receipt; or (3) process server. In the same manner the board or individual designated by the board shall notify the teacher of the right to a hearing before the board and the date, time and place for the hearing. The hearing shall be held no fewer than 20 days and no more than 60 days after the receipt of the notice by the teacher, or after the date on the personal receipt by hand delivery to the teacher, or after the date of delivery by process server. Notice of a recommendation of non re-employment or possible non re-employment action by the board acting on its own volition shall be given to the teacher prior to the first Monday in June.
- ii. The teacher hearing before the board of education shall be conducted pursuant to procedures established by the State Department of Education. In the absence of or to the extent not inconsistent with those procedures, the hearing shall be conducted as prescribed in the paragraphs below.
- iii. The hearing shall commence with a statement to the teacher of the teacher's rights at the hearing. Following this statement, the school administration shall present facts showing the cause for the teacher's dismissal or non re-employment. The teacher shall then have the right to present the teacher's side of the matter. After both the school administration and the teacher have fully presented their respective positions, the board of education shall deliberate on the evidence regarding the teacher's dismissal or non re-employment in executive session.
- iv. At the hearing, the teacher shall be entitled to be represented by counsel, to cross-examine witnesses presented by the school administration, to present witnesses on the teacher's behalf and to present any relevant evidence or statement which the teacher desires to offer. The burden of proof for any dismissal or non re-employment shall be on the superintendent (or designee), and the standard of proof shall be a preponderance of the evidence.
- v. After due consideration of the evidence and testimony presented at the teacher's hearing, the board shall vote, in open session, on the following: (1) findings of fact based on the evidence

**SUSPENSION, DISMISSAL AND NON RE-EMPLOYMENT OF TEACHERS (Cont.)**

submitted and (2) whether to dismiss or non-reemploy the teacher. The decision shall be made by a majority of the board of education members present at the meeting and shall be final and nonappealable.

The motion to dismiss or non-reemploy the teacher should state the specific cause for dismissal or non re-employment, although such cause need not be a statutory cause for a probationary teacher.

- vi. The teacher shall be sent notice of the board's decision by certified mail, restricted delivery, return receipt requested, or substitute process. The notice shall state the basis for the board's decision.
- vii. The teacher shall receive any compensation or benefits to which the teacher is entitled until such time as the board's decision is final. If the teacher's hearing is for non re-employment, and not for dismissal, the teacher's compensation and benefits may continue only until the end of the teacher's current contract.