

SUSPENSION, DISMISSAL AND NON-REEMPLOYMENT OF TEACHERS

Definitions and Scope

1. "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, non-administrative capacity.
2. "Dismissal" means the discontinuance of the teaching service of a teacher during the term of a written contract.
3. "Non-reemployment" means the nonrenewal of a teacher's contract upon expiration of the contract.
4. "Suspension" means the temporary discontinuance of a teacher's services during the term of a contract pending dismissal or non-reemployment.
5. "Career teacher" means a teacher who:
 - a. was employed by the technology center under a written teaching contract and completed three (3) or more consecutive complete school years in such capacity in the technology center under a written teaching contract; or
 - b. completed four (4) consecutive, complete school years in the district with averaged ratings of "effective" or higher for the four (4) year period with ratings of at least "effective" for the last two (2) of the four (4) years; or
 - c. completed four (4) consecutive, complete school years in the district and was granted career status by the board of education after the applicable administrator and superintendent petitioned the board to grant the teacher career status. (The administrator's petition must specify the facts which support granting career status.)
6. "Probationary teacher" means a teacher who:
 - a. was employed by the district under a written teaching contract and has not met the requirements to be a career teacher as described above.
7. "Abandonment of contract" means a teacher's failure to report at the beginning of the contract term or otherwise perform the assigned duties when the teacher has accepted other employment or is performing work for another employer that prevents the teacher from fulfilling the obligations of the employment contract.
8. This policy does not apply to:
 - a. substitute teachers,
 - b. adult education teachers or instructors,
 - c. nonrenewal of teachers employed on temporary contracts for a complete year;
 - d. nonrenewal and dismissal of teachers employed on temporary contracts for less than a complete school year.
 - e. administrators, except with regard to service in an instructional, non-administrative position.
9. 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-reemployment" at the expiration of the grant.

Grounds for Dismissal or Non-reemployment

1. A career teacher may be dismissed or not reemployed for:
 - a. willful neglect of duty,
 - b. repeated negligence in performance of duty,
 - c. incompetency,
 - d. unsatisfactory teaching performance,
 - e. instructional ineffectiveness includes, but is not limited to, being evaluated as “needs improvement” or lower for 3 consecutive years,
 - f. mental or physical abuse to a child,
 - g. commission of an act of moral turpitude,
 - h. abandonment of contract,
 - i. 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,
 - j. failure to meet local school board staff development requirements (non-reemployment only),
 - k. engaging in acts which could form the basis of criminal charges sufficient to result in denial/revocation of a teaching certificate,
 - l. any other grounds hereafter allowed by law.
2. A career teacher shall be dismissed or not reemployed for
 - a. conviction of a felony,
 - b. conviction of any sex offense subject to Oklahoma’s Sex Offenders Registration Act or another state’s or the Federal Sex Offender Registration Provisions, or
 - c. instructional ineffectiveness; starting in 2017-2018, this includes teachers with an ineffective rating for 2 consecutive school years.
3. A probationary teacher may be dismissed or not reemployed for cause, including but not limited to engaging in acts which could form the basis of criminal charges sufficient to result in denial/revocation of a teaching certificate. Cause includes, but is not limited to, an ineffective rating for 2 consecutive school years or failure to obtain career status in 4 years.
4. A probationary teacher shall be dismissed or not reemployed for
 - a. conviction of a felony,
 - b. conviction of any sex offense subject to Oklahoma’s Sex Offenders Registration Act or another state’s or the Federal Sex Offender Registration Provisions,
5. A cause listed 1(a)-(e) 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-reemployment for any cause not listed in 1(a)-(e) 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.

Corrective Action – Admonishment / Plan for Improvement

1. When an evaluator who has evaluated a teacher pursuant to technology center policy identifies poor performance, conduct, or evaluation rating which the evaluator believes may lead to a recommendation for the teacher's dismissal or non-reemployment, the evaluator shall:

- a. admonish the teacher, in writing, and make a reasonable effort to assist the teacher in correcting the poor performance or conduct; and
 - b. 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.
2. 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-reemployment of a teacher, the evaluator who has responsibility for evaluation of the teacher shall be informed and shall admonish the teacher as described above. If the evaluator 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.
3. If the teacher does not correct the poor performance or conduct cited in the admonition within the time specified, the admonishing official shall make a recommendation to the superintendent for the teacher's dismissal or non-reemployment. The superintendent shall furnish a copy of the recommendation to the board of education.
4. The technology center will not prohibit, or take disciplinary action against, a teacher for:
 - a. Disclosing public information to correct what the teacher reasonably believes evidences a violation of the Oklahoma Constitution or law or rule promulgated pursuant to law;
 - b. Reporting a violation of the Oklahoma Constitution, or state or federal law; or
 - c. Taking any of the above actions without giving prior notice to the teacher's supervisor or anyone else in the teacher's chain of command.

Reporting means providing a spoken or written account to a supervising teacher, administrator, school board member, representative from the State Department of Education, law enforcement official, district attorney and/or parent or legal guardian of a student directly impacted by the actions.

The technology center may discipline any teacher who violates a student or parent/legal guardian's confidentiality rights and protections pursuant to the Family Educational Rights and Privacy Act (FERPA) and any other state or federal law which requires confidentiality of information concerning students.

Procedures for Dismissal or Non-reemployment

1. Commencement of Action
 - a. Whenever the superintendent determines that cause exists for a teacher's dismissal or non-reemployment, the superintendent shall submit a written recommendation to the board of education. The recommendation shall state the specific ground(s) (statutory grounds, in the case of a career teacher) and specify the underlying facts on which the recommended action is based.
2. Suspension
 - a. Whenever the superintendent believes cause exists for a teacher's dismissal and that the immediate suspension of the teacher would be in the best interests of students, the superintendent, or the board of education on the recommendation of the 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 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.

3. Notice and Hearing

- a. Prior to taking action to dismiss or non-reemploy a teacher, the board clerk or designee shall deliver a copy of the recommendation (or comparable statement of the grounds and underlying facts if the board is acting on its own volition) and notice of hearing rights to the affected teacher. The notice shall contain the date, time, and location of the hearing and shall be delivered by (i) certified mail, restricted delivery, return receipt requested; (ii) personal delivery, with a signed acknowledgment of receipt from the teacher; or (iii) process server. Delivery must be made to the teacher prior to the first Monday in June for a non-reemployment. The hearing shall be held between 20 and 60 days from the teacher's receipt of the hearing notice.
- b. 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.
- c. 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-reemployment. 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-reemployment in executive session.
- d. 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-reemployment shall be on the superintendent (or designee), and the standard of proof shall be a preponderance of the evidence.
- e. 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 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 non-appealable
 - i. The motion to dismiss or non-reemploy the teacher should state the specific cause for dismissal or non-reemployment, although such cause need not be a statutory cause for a probationary teacher.

- f. 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.
 - g. 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-reemployment, and not for dismissal, the teacher's compensation and benefits may continue only until the end of the teacher's current contract.
- 4. Criminal Matters
 - a. Whenever the superintendent (or board) makes a recommendation for a teacher's termination based on conduct which could form the basis of criminal charges sufficient to warrant revocation of the teacher's certificate, the superintendent shall forward a copy of the recommendation to the Oklahoma State Department of Education and the teacher at the conclusion of any due process provided to the teacher or upon acceptance of the teacher's resignation.

Reference: 70 O.S. §6-101, OAC 210-1-5-8