

1 If the teacher subject to such recommendation is a career
2 teacher, the recommendation shall specify the statutory grounds for
3 which the recommendation is based.

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

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

9 B. If the recommendation includes grounds that could form the
10 basis of criminal charges sufficient to result in the denial or
11 revocation of a certificate for a reason set forth in subparagraph a
12 of paragraph 6 of subsection A of Section 3-104 of this title, or if
13 the recommendation includes a reason set forth in subparagraph a of
14 paragraph 6 of subsection A of Section 3-104 of this title and is
15 based on an agreement between the teacher and school district to
16 avoid civil litigation or a settlement of a civil action unless the
17 court orders the terms of such settlement to be kept confidential, a
18 copy of the recommendation shall also be forwarded to the State
19 Board of Education after the completion of due process procedures
20 pursuant to Section 6-101.26 of this title or after the teacher
21 resigns. Failure to forward a copy of the recommendation to the
22 State Board of Education shall not be the basis for any claim or
23 action against a public school, its board of education, employees,
24 agents or other representatives. If the school district forwards a

1 copy of the recommendation to the State Board of Education, the
2 school district shall contemporaneously forward a copy to the
3 teacher subject to such recommendation. The teacher may provide
4 supplementary information to the State Board of Education.

5 C. Only school districts may request a copy of the
6 recommendation from the State Board of Education, and only if a
7 teacher is being considered for new employment or a teacher is
8 currently employed by the requesting school district. The State
9 Board of Education shall notify the teacher subject to the
10 recommendation if such a request is made and provide the identity of
11 the school district that made such request. The State Board of
12 Education shall provide the requesting school district documents
13 related to the recommendation as well as any supplementary
14 information provided by the teacher subject to the recommendation,
15 and copies shall be contemporaneously forwarded to the teacher
16 subject to the recommendation. Records provided to a requesting
17 school district pursuant to this subsection shall be kept
18 confidential.

19 D. Except as provided for in subsection C of this section, the
20 State Board of Education shall keep recommendations submitted
21 pursuant to subsection B of this section confidential. Records
22 created pursuant to this section shall not be subject to disclosure
23 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 November 1, 2023.

7 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
8 February 27, 2024 - DO PASS
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