

1 **612:20-2-17. Full-time administrators; Appeal of dismissal or**
2 **nonreemployment**

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4 (a) Whenever the Director, ~~Deputy Director~~ Chief of Staff or Superintendent
5 shall determine that the dismissal or nonreemployment of an administrator
6 from his/her administrative position should be effected, the administrator shall
7 be notified in writing of the proposed action. The notice shall state the
8 reason(s) for taking the action and shall inform the administrator of his/her
9 right to a hearing before the Director or the Director's designee prior to the
10 dismissal or nonreemployment.

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12 (b) The administrator may request a hearing within ten (10) calendar days
13 after receipt of the notice of proposed dismissal or nonreemployment. If the
14 administrator fails to request a hearing within the ten-day period, then the
15 administrator will have waived the right to such a hearing. The request for a
16 hearing shall be made in writing to the Director and sent by certified mail,
17 return receipt requested, or by substitute process as provided for by law.

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19 (c) Upon the receipt of a timely request, the Director shall schedule a hearing
20 to take place no more than ten (10) calendar days after receipt of the request.
21 The Director shall notify the administrator of the hearing by certified mail,
22 return receipt requested, or by substitute process as provided for by law. The
23 notice shall include a statement of the reasons for the recommendation for
24 dismissal or nonreemployment, the facts underlying the recommendation, and
25 a statement of the legal authority and jurisdiction under which the hearing is
26 to be held.

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28 (d) The Director or the Director's designee shall serve as the hearing officer.
29 The hearing shall be an individual proceeding pursuant to the Oklahoma
30 Administrative Procedures Act (70 O.S. § 250 et seq). Discovery may be
31 conducted by the parties pursuant to the Oklahoma Administrative
32 Procedures Act. The hearing officer shall be authorized to issue subpoenas
33 pursuant to 75 O.S. § 315.

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35 (e) The hearing shall be tape-recorded and a copy of the tape shall be
36 provided the administrator upon request.

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38 (f) If the hearing officer is the Director's designee:

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40 (1) The hearing officer shall deliver to the Director a decision within three
41 (3) workdays after the conclusion of the hearing. The decision shall
42 include findings of fact and conclusions of law, separately stated. The

- 43 hearing officer shall decide by a preponderance of the evidence whether
44 reason(s) exist for the dismissal or nonreemployment of the administrator.
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- 46 (2) In deciding whether to dismiss or to not reemploy the administrator,
47 the Director shall take the hearing officer's decision into consideration and
48 shall independently review the record of the case. The Director shall issue
49 a final agency order regarding the dismissal or nonreemployment of the
50 administrator within five (5) workdays after the date of the hearing officer's
51 decision. The Director shall notify the administrator of the order by
52 certified mail, return receipt requested, or by substitute process as
53 provided for by law. The order shall include findings of fact and
54 conclusions of law separately stated.
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- 56 (g) If the Director serves as the hearing officer, the Director shall issue a final
57 agency order regarding the dismissal or nonreemployment of the
58 administrator within five (5) workdays following the conclusion of the hearing.
59 The Director shall notify the administrator of the order by certified mail, return
60 receipt requested, or by substitute process as provided for by law. The order
61 shall include findings of fact and conclusions of law separately stated.
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- 63 (h) The administrator may seek a rehearing, reopening or reconsideration of
64 the final order pursuant to the Oklahoma Administrative Procedures Act at 75
65 O.S. § 317.
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- 67 (i) In the event that an administrator is dismissed or the administrator's
68 contract is not renewed, the Director shall notify the administrator of the right
69 to trial de novo within ten (10) days of the receipt of the final order of the
70 Director. The petition for a trial de novo must be filed within 10 days of receipt
71 of the final order of the Director.