

1 ENGROSSED HOUSE
2 BILL NO. 3173

By: Henke and Blackwell of the
House

3 and

4 Sharp of the Senate
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8 An Act relating to schools; amending 51 O.S. 2011,
9 Section 24A.7, which relates to the confidentiality
10 of certain personnel records; requiring certain
11 records to be kept confidential; amending 70 O.S.
12 2011, Section 6-101.16, as last amended by Section 4,
13 Chapter 373, O.S.L. 2013 (70 O.S. Supp. 2013, Section
14 6-101.16), which relates to the Oklahoma Teacher and
15 Leader Effectiveness Evaluation System; prohibiting
16 certain records from being subject to disclosure
17 under certain act; providing for certain
18 interpretation; and providing an effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 51 O.S. 2011, Section 24A.7, is
18 amended to read as follows:

19 Section 24A.7 A. A public body may keep personnel records
20 confidential:

21 1. Which relate to internal personnel investigations including
22 examination and selection material for employment, hiring,
23 appointment, promotion, demotion, discipline, or resignation; or
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1 2. Where disclosure would constitute a clearly unwarranted
2 invasion of personal privacy such as employee evaluations, payroll
3 deductions, employment applications submitted by persons not hired
4 by the public body, and transcripts from institutions of higher
5 education maintained in the personnel files of certified public
6 school employees; provided, however, that nothing in this subsection
7 shall be construed to exempt from disclosure the degree obtained and
8 the curriculum on the transcripts of certified public school
9 employees.

10 B. All personnel records not specifically falling within the
11 exceptions provided in subsection A of this section shall be
12 available for public inspection and copying including, but not
13 limited to, records of:

- 14 1. An employment application of a person who becomes a public
15 official;
- 16 2. The gross receipts of public funds;
- 17 3. The dates of employment, title or position; and
- 18 4. Any final disciplinary action resulting in loss of pay,
19 suspension, demotion of position, or termination.

20 C. Except as may otherwise be made confidential by statute, an
21 employee of a public body shall have a right of access to his own
22 personnel file.

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1 D. Public bodies shall keep confidential the home address,
2 telephone numbers and social security numbers of any person employed
3 or formerly employed by the public body.

4 E. Except as otherwise required by Section 6-101.16 of Title 70
5 of the Oklahoma Statutes, public bodies shall keep confidential all
6 records created pursuant to the Oklahoma Teacher and Leader
7 Effectiveness Evaluation System (TLE) which identify a current or
8 former public employee and contain any evaluation, observation or
9 other TLE record of such employee.

10 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.16, as
11 last amended by Section 4, Chapter 373, O.S.L. 2013 (70 O.S. Supp.
12 2013, Section 6-101.16), is amended to read as follows:

13 Section 6-101.16 A. By December 15, 2011, the State Board of
14 Education shall adopt a new statewide system of evaluation to be
15 known as the Oklahoma Teacher and Leader Effectiveness Evaluation
16 System (TLE). The Board shall work cooperatively with school
17 districts to fully implement both the quantitative and qualitative
18 components of the TLE in all school districts by the 2015-2016
19 school year as provided for in Section 6-101.10 of this title,
20 including determining the final calculation of the student academic
21 growth measurement as provided for in division (1) of subparagraph a
22 of paragraph 4 of subsection B of this section and developing a
23 teacher/student assignment verification system.

24 B. The TLE shall include the following components:

1 1. A five-tier rating system as follows:

- 2 a. superior,
- 3 b. highly effective,
- 4 c. effective,
- 5 d. needs improvement, and
- 6 e. ineffective;

7 2. Annual evaluations that provide feedback to improve student
8 learning and outcomes, except as provided for in subsection C of
9 this section;

10 3. Comprehensive remediation plans and instructional coaching
11 for all teachers rated as needs improvement or ineffective;

12 4. Quantitative and qualitative assessment components measured
13 as follows:

- 14 a. fifty percent (50%) of the ratings of teachers and
15 leaders shall be based on quantitative components
16 which shall be divided as follows:

- 17 (1) thirty-five percentage points based on student
18 academic growth using multiple years of
19 standardized test data, as available, and

- 20 (2) fifteen percentage points based on other academic
21 measurements, and

- 22 b. fifty percent (50%) of the rating of teachers and
23 leaders shall be based on rigorous and fair
24 qualitative assessment components;

1 5. An evidence-based qualitative assessment tool for the
2 teacher qualitative portion of the TLE that will include observable
3 and measurable characteristics of personnel and classroom practices
4 that are correlated to student performance success, including, but
5 not limited to:

- 6 a. organizational and classroom management skills,
- 7 b. ability to provide effective instruction,
- 8 c. focus on continuous improvement and professional
9 growth,
- 10 d. interpersonal skills, and
- 11 e. leadership skills;

12 6. An evidence-based qualitative assessment tool for the leader
13 qualitative portion of the TLE that will include observable and
14 measurable characteristics of personnel and site management
15 practices that are correlated to student performance success,
16 including, but not limited to:

- 17 a. organizational and school management, including
18 retention and development of effective teachers and
19 dismissal of ineffective teachers,
- 20 b. instructional leadership,
- 21 c. professional growth and responsibility,
- 22 d. interpersonal skills,
- 23 e. leadership skills, and
- 24 f. stakeholder perceptions;

1 7. For those teachers in grades and subjects for which there is
2 no state-mandated testing measure to create a quantitative
3 assessment for the quantitative portion of the TLE, the State Board
4 of Education may adopt alternative percentages from those set forth
5 in paragraph 4 of this subsection. Emphasis shall be placed on the
6 observed qualitative assessment as well as contribution to the
7 overall school academic growth; and

8 8. For first-year teachers, evaluations shall be based solely
9 on qualitative components set forth in subparagraph b of paragraph 4
10 of this subsection and the State Board of Education shall adopt
11 alternative percentages from those set forth in paragraph 4 of this
12 subsection.

13 C. Career teachers receiving a "superior" or "highly effective"
14 rating under the TLE may be evaluated once every two (2) years.

15 D. The Teacher and Leader Effectiveness Commission shall adopt
16 the student academic growth and other academic measurement
17 quantitative components of the TLE as provided for in subparagraph a
18 of paragraph 4 of subsection B of ~~Section 6-101.16~~ of this ~~title~~
19 section by May 1, 2014. The Commission shall provide oversight and
20 advise the State Board of Education on the development and
21 implementation of the TLE.

22 E. A school district which has incorporated quantitative
23 components of the TLE pursuant to subparagraphs b and c of paragraph
24 1 of subsection A of Section ~~2~~ 6-101.10 of this ~~act~~ title may

1 continue using those quantitative components, as defined by the
2 school districts' written policies, regardless of the State Board of
3 Education's adoption of quantitative components pursuant to this
4 section.

5 F. The State Department of Education shall provide to the
6 Oklahoma State Regents for Higher Education and the Oklahoma
7 Commission for Teacher Preparation timely electronic data linked to
8 teachers and leaders derived from the TLE for purposes of providing
9 a basis for the development of accountability and quality
10 improvements of the teacher preparation system. The data shall be
11 provided in a manner and at such times as agreed upon between the
12 Department, the State Regents and the Commission.

13 G. For purposes of this section, "leader" means a principal,
14 assistant principal or any other school administrator who is
15 responsible for supervising classroom teachers.

16 H. The State Department of Education shall keep records of
17 annual evaluations received pursuant to this section confidential.
18 Records created pursuant to this section which identify, in any way,
19 a current or former public employee shall not be subject to
20 disclosure under the Oklahoma Open Records Act. Nothing in this
21 subsection shall be construed to prohibit disclosure otherwise
22 required by this section; provided, however, any provisions
23 requiring disclosure of TLE records shall be construed narrowly and
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1 all individually identifying information shall be removed from such
2 records to the fullest extent possible.

3 SECTION 3. This act shall become effective November 1, 2014.

4 Passed the House of Representatives the 24th day of February,
5 2014.

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7 Presiding Officer of the House
8 of Representatives

9 Passed the Senate the ___ day of _____, 2014.

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11 Presiding Officer of the Senate

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