

1 No. 2033 of the 2nd Session of the 52nd Oklahoma
2 Legislature, which relates to delayed implementation
3 of certain provisions of law; updating language;
4 modifying certain implementation date; providing an
5 effective date; and declaring an emergency.

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

7 SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.3, is
8 amended to read as follows:

9 Section 6-101.3 As used in Section 6-101 et seq. of this title:

10 1. "Administrator" means a duly certified person who devotes a
11 majority of time to service as a superintendent, elementary
12 superintendent, principal, supervisor, vice principal or in any
13 other administrative or supervisory capacity in the school district;

14 2. "Dismissal" means the discontinuance of the teaching service
15 of an administrator or teacher during the term of a written
16 contract, as provided by law;

17 3. "Nonreemployment" means the nonrenewal of the contract of an
18 administrator or teacher upon expiration of the contract;

19 4. "Career teacher" means a teacher who:

- 20 a. for teachers employed by a school district ~~during the~~
21 ~~2011-12 school year~~ prior to full implementation of
22 the Oklahoma Teacher and Leader Effectiveness
23 Evaluation System (TLE) as set forth in Section 6-
24 101.10 of this title, has completed three (3) or more
consecutive complete school years as a teacher in one

1 school district under a written continuing or
2 temporary teaching contract, or

3 b. for teachers employed for the first time by a school
4 district under a written continuing or temporary
5 teaching contract ~~on or after July 1, 2012~~ full
6 implementation of the Oklahoma Teacher and Leader
7 Effectiveness Evaluation System (TLE) as set forth in
8 Section 6-101.10 of this title:

9 (1) has completed three (3) consecutive complete
10 school years as a teacher in one school district
11 under a written continuing or temporary teaching
12 contract and has achieved a rating of "superior"
13 as measured pursuant to the ~~Oklahoma Teacher and~~
14 ~~Leader Effectiveness Evaluation System (TLE)~~ TLE
15 as set forth in Section ~~6~~ 6-101.16 of this ~~act~~
16 title for at least two (2) of the three (3)
17 school years, with no rating below "effective",

18 (2) has completed four (4) consecutive complete
19 school years as a teacher in one school district
20 under a written continuing or temporary teaching
21 contract, has averaged a rating of at least
22 "effective" as measured pursuant to the TLE for
23 the four-year period, and has received a rating
24

1 of at least "effective" for the last two (2)
2 years of the four-year period, or

3 (3) has completed four (4) or more consecutive
4 complete school years in one school district
5 under a written continuing or temporary teaching
6 contract and has not met the requirements of
7 subparagraph a or b of this paragraph, only if
8 the principal of the school at which the teacher
9 is employed submits a petition to the
10 superintendent of the school district requesting
11 that the teacher be granted career status, the
12 superintendent agrees with the petition, and the
13 school district board of education approves the
14 petition. The principal shall specify in the
15 petition the underlying facts supporting the
16 granting of career status to the teacher;

17 5. "Teacher hearing" means the hearing before a school district
18 board of education after a recommendation for dismissal or
19 nonreemployment of a teacher has been made but before any final
20 action is taken on the recommendation, held for the purpose of
21 affording the teacher all rights guaranteed by the United States
22 Constitution and the Constitution of Oklahoma under circumstances
23 and for enabling the board to determine whether to approve or
24 disapprove the recommendation;

1 6. "Probationary teacher" means a teacher who:

2 a. for teachers employed by a school district ~~during the~~
3 ~~2011-12 school year~~ prior to full implementation of
4 the Oklahoma Teacher and Leader Effectiveness
5 Evaluation System (TLE) as set forth in Section 6-
6 101.10 of this title, has completed fewer than three
7 (3) consecutive complete school years as a teacher in
8 one school district under a written teaching contract,
9 or

10 b. for teachers employed for the first time by a school
11 district under a written teaching contract ~~on or~~ after
12 ~~July 1, 2012~~ full implementation of the Oklahoma
13 Teacher and Leader Effectiveness Evaluation System
14 (TLE) as set forth in Section 6-101.10 of this title,
15 has not met the requirements for career teacher as
16 provided in paragraph 4 of this section;

17 7. "Suspension" or "suspended" means the temporary
18 discontinuance of the services of an administrator or teacher, as
19 provided by law; and

20 8. "Teacher" means a duly certified or licensed person who is
21 employed to serve as a counselor, librarian or school nurse or in
22 any instructional capacity; an administrator shall be considered a
23 teacher only with regard to service in an instructional,
24 nonadministrative capacity.

1 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.10, is
2 amended to read as follows:

3 Section 6-101.10 A. Each school district board of education
4 shall maintain and annually review, following consultation with or
5 involvement of representatives selected by local teachers, a written
6 policy of evaluation for all teachers and administrators. In those
7 school districts in which there exists a professional negotiations
8 agreement made in accordance with ~~Sections~~ Section 509.1 et seq. of
9 this title, the procedure for evaluating members of the negotiations
10 unit and any standards of performance and conduct proposed for
11 adoption beyond those established by the State Board of Education
12 shall be negotiable items. Nothing in this section shall be
13 construed to annul, modify or to preclude the renewal or continuing
14 of any existing agreement heretofore entered into between any school
15 district and any organizational representative of its employees.
16 Every policy of evaluation adopted by a board of education shall:

17 1. Be based upon a set of minimum criteria developed by the
18 State Board of Education, which ~~by no later than the 2013-14 school~~
19 ~~year,~~ shall be revised and based upon the Oklahoma Teacher and
20 Leader Effectiveness Evaluation System (TLE) developed by the State
21 Board of Education as provided in Section ~~6~~ 6-101.16 of this ~~act~~
22 title. The revisions to each policy of evaluation shall be phased
23 in according to the following schedule:
24

- 1 a. for evaluations of teachers and administrators
2 conducted during the 2012-2013 school year, school
3 districts shall for purposes of testing incorporate on
4 a trial basis the qualitative components of the TLE as
5 provided for in subparagraph b of paragraph 4 of
6 subsection B of Section 6-101.16 of this title into
7 the evaluations used in all or a representative
8 sampling of school sites within the district and may
9 at the option of the school district incorporate on a
10 trial basis the other academic measurement
11 quantitative components of the TLE as provided for in
12 division (2) of subparagraph a of paragraph 4 of
13 subsection B of Section 6-101.16 of this title into
14 the evaluations used in all or a representative
15 sampling of school sites within the district,
- 16 b. for evaluations of teachers and administrators
17 conducted during the 2013-2014 school year, school
18 districts shall incorporate and put into operation the
19 qualitative components of the TLE as provided for in
20 subparagraph b of paragraph 4 of subsection B of
21 Section 6-101.16 of this title into the evaluations
22 used in all school sites within the district. For the
23 2013-2014 school year and each school year thereafter
24 fifty percent (50%) of the evaluation rating of

1 teachers and administrators shall be based on the
2 qualitative component of the TLE. In addition, for
3 evaluations of teachers and administrators conducted
4 during the 2013-2014 school year, school districts
5 shall for purposes of testing incorporate on a trial
6 basis the student academic growth and other academic
7 measurement quantitative components of the TLE as
8 provided for in subparagraph a of paragraph 4 of
9 subsection B of Section 6-101.16 of this title into
10 the evaluations used in all or a representative
11 sampling of school sites within the district,

12 c. for evaluations of teachers and administrators
13 conducted during the 2014-2015 school year, school
14 districts shall for purposes of establishing baseline
15 data incorporate the student academic growth and other
16 academic measurement quantitative components of the
17 TLE as provided for in subparagraph a of paragraph 4
18 of subsection B of Section 6-101.16 of this title into
19 the evaluations used in all school sites within the
20 district. For the 2014-2015 school year no portion of
21 the evaluation rating of teachers and administrators
22 shall be based on the quantitative component of the
23 TLE, and

1 d. for evaluations of teachers and administrators
2 conducted during the 2015-2016 school year and each
3 school year thereafter, school districts shall fully
4 implement the TLE and incorporate and put into
5 operation both the qualitative components of the TLE
6 as provided for in subparagraph b of paragraph 4 of
7 subsection B of Section 6-101.16 of this title and the
8 student academic growth and other academic measurement
9 quantitative components of the TLE as provided for in
10 subparagraph a of paragraph 4 of subsection B of
11 Section 6-101.16 of this title into the evaluations
12 used in all school sites within the district. For the
13 2015-2016 school year and each school year thereafter
14 fifty percent (50%) of the evaluation rating of
15 teachers and administrators shall be based on the
16 qualitative component of the TLE and fifty percent
17 (50%) shall be based on the quantitative component of
18 the TLE;

19 2. Be prescribed in writing at the time of adoption and at all
20 times when amendments to the policy are adopted. The original
21 policy and all amendments to the policy shall be promptly made
22 available to all persons subject to the policy;
23
24

1 3. Provide that all evaluations be made in writing and that
2 evaluation documents and responses thereto be maintained in a
3 personnel file for each evaluated person;

4 4. Provide that every probationary teacher ~~be evaluated~~ receive
5 formative feedback from the evaluation process at least two times
6 per school year, once ~~prior to November 15~~ during the fall semester
7 and once ~~prior to February 10~~ during the spring semester of each
8 school year;

9 5. Provide that every teacher be evaluated once every year,
10 except as otherwise provided by law; and

11 6. Provide that, except for superintendents of independent and
12 elementary school districts and superintendents of area school
13 districts, who shall be evaluated by the school district board of
14 education, all certified personnel shall be evaluated by a
15 principal, assistant principal, or other trained certified
16 individual designated by the school district board of education.

17 B. All individuals designated by the school district board of
18 education to conduct the personnel evaluations shall be required to
19 participate in training conducted by the State Department of
20 Education or training provided by the school district using
21 guidelines and materials developed by the State Department of
22 Education prior to conducting evaluations.

1 C. The State Department of Education shall develop and conduct
2 workshops pursuant to statewide criteria which train individuals in
3 conducting evaluations.

4 D. The State Board of Education shall monitor compliance with
5 the provisions of this section by school districts.

6 E. Refusal by a school district to comply with the provisions
7 of this section shall be grounds for withholding State Aid funds
8 until compliance occurs.

9 SECTION 3. AMENDATORY 70 O.S. 2011, Section 6-101.13, is
10 amended to read as follows:

11 Section 6-101.13 A. Whenever the school district board of
12 education or the administration of a school district shall determine
13 that the dismissal or nonreemployment of a full-time certified
14 administrator from the administrative position within the school
15 district should be effected, the administrator shall be entitled to
16 the following due process procedures:

17 1. A statement shall be submitted to the administrator in
18 writing prior to the dismissal or nonreemployment which states the
19 proposed action, lists the reasons for effecting the action, and
20 notifies the administrator of his right to a hearing before the
21 school district board of education prior to the action; and

22 2. A hearing before the school district board of education
23 shall be granted upon the request of the administrator prior to the
24 dismissal or nonreemployment. A request for a hearing shall be

1 submitted to the board of education not later than ten (10) days
2 after the administrator has been notified of the proposed action.

3 B. Failure of the administrator to request a hearing before the
4 school district board of education within ten (10) days after
5 receiving the written statement shall constitute a waiver of the
6 right to a hearing. No decision of the board of education
7 concerning the dismissal or nonreemployment of a full-time certified
8 administrator shall be effective until the administrator has been
9 afforded due process as specified in this section. The decision of
10 the school district board of education concerning the dismissal or
11 nonreemployment, following the hearing, shall be final.

12 C. A After full implementation of the Oklahoma Teacher and
13 Leader Effectiveness Evaluation System (TLE) as set forth in Section
14 6-101.10 of this title, a principal who has received a rating of
15 "ineffective" as measured pursuant to the ~~Oklahoma Teacher and~~
16 ~~Leader Effectiveness Evaluation System (TLE)~~ TLE as set forth in
17 Section ~~6~~ 6-101.16 of this ~~act~~ title for two (2) consecutive school
18 years, shall not be reemployed by the school district, subject to
19 the due process procedures of this section.

20 SECTION 4. AMENDATORY 70 O.S. 2011, Section 6-101.16, is
21 amended to read as follows:

22 Section 6-101.16 A. By December 15, 2011, the State Board of
23 Education shall adopt a new statewide system of evaluation to be
24 known as the Oklahoma Teacher and Leader Effectiveness Evaluation

1 System (TLE). The Board shall work cooperatively with school
2 districts to fully implement both the quantitative and qualitative
3 components of the TLE in all school districts by the 2015-2016
4 school year as provided for in Section 6-101.10 of this title,
5 including determining the final calculation of the student academic
6 growth measurement as provided for in division (1) of subparagraph a
7 of paragraph 4 of subsection B of this section and developing a
8 teacher/student assignment verification system.

9 B. The TLE shall include the following components:

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

- 11 a. superior,
- 12 b. highly effective,
- 13 c. effective,
- 14 d. needs improvement, and
- 15 e. ineffective;

16 2. Annual evaluations that provide feedback to improve student
17 learning and outcomes;

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

20 4. Quantitative and qualitative assessment components measured
21 as follows:

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

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

4 (2) fifteen percentage points based on other academic
5 measurements, and

6 b. fifty percent (50%) of the rating of teachers and
7 leaders shall be based on rigorous and fair
8 qualitative assessment components;

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

- 14 a. organizational and classroom management skills,
- 15 b. ability to provide effective instruction,
- 16 c. focus on continuous improvement and professional
17 growth,
- 18 d. interpersonal skills, and
- 19 e. leadership skills;

20 6. An evidence-based qualitative assessment tool for the leader
21 qualitative portion of the TLE that will include observable and
22 measurable characteristics of personnel and site management
23 practices that are correlated to student performance success,
24 including, but not limited to:

- a. organizational and school management, including retention and development of effective teachers and dismissal of ineffective teachers,
- b. instructional leadership,
- c. professional growth and responsibility,
- d. interpersonal skills,
- e. leadership skills, and
- f. stakeholder perceptions; ~~and~~

7. For those teachers in grades and subjects for which there is no state-mandated testing measure to create a quantitative assessment for the quantitative portion of the TLE, ~~an assessment using objective measures of teacher effectiveness including student performance on unit or end-of-year tests~~ the State Board of Education may adopt alternative percentages from those set forth in paragraph 4 of this subsection. Emphasis shall be placed on the observed qualitative assessment as well as contribution to the overall school academic growth; and

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

1 C. The Teacher and Leader Effectiveness Commission shall
2 provide oversight and advise the State Board of Education on the
3 development and implementation of the TLE.

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

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

15 F. The State Department of Education shall keep records of
16 annual evaluations received pursuant to this section confidential.

17 SECTION 5. AMENDATORY 70 O.S. 2011, Section 6-101.22, is
18 amended to read as follows:

19 Section 6-101.22 A. Subject to the provisions of the Teacher
20 Due Process Act of 1990, a career teacher may be dismissed or not
21 reemployed for:

- 22 1. Willful neglect of duty;
- 23 2. Repeated negligence in performance of duty;
- 24 3. Mental or physical abuse to a child;

- 1 4. Incompetency;
- 2 5. Instructional ineffectiveness;
- 3 6. Unsatisfactory teaching performance;
- 4 7. Commission of an act of moral turpitude; or
- 5 8. Abandonment of contract.

6 B. Subject to the provisions of the Teacher Due Process Act of
7 1990, a probationary teacher may be dismissed or not reemployed for
8 cause.

9 C. Upon full implementation of the Oklahoma Teacher and Leader
10 Effectiveness Evaluation System (TLE) as set forth in Section 6-
11 101.10 of this title:

12 1. A career teacher who has been rated as "ineffective" as
13 measured pursuant to the ~~Oklahoma Teacher and Leader Effectiveness~~
14 ~~Evaluation System (TLE)~~ TLE as set forth in Section ~~6~~ 6-101.16 of
15 this ~~act~~ title for two (2) consecutive school years shall be
16 dismissed or not reemployed on the grounds of instructional
17 ineffectiveness by the school district, subject to the provisions of
18 the Teacher Due Process Act of 1990-i

19 2. A career teacher who has been rated as "needs improvement"
20 or lower pursuant to the TLE for three (3) consecutive school years
21 shall be dismissed or not reemployed on the grounds of instructional
22 ineffectiveness by the school district, subject to the provisions of
23 the Teacher Due Process Act of 1990-i; and

1 3. A career teacher who has not averaged a rating of at least
2 "effective" as measured pursuant to the TLE over a five-year period
3 shall be dismissed or not reemployed on the grounds of instructional
4 ineffectiveness by the school district, subject to the provisions of
5 the Teacher Due Process Act of 1990.

6 D. Upon full implementation of the Oklahoma Teacher and Leader
7 Effectiveness Evaluation System (TLE) as set forth in Section 6-
8 101.10 of this title:

9 1. A probationary teacher who has been rated as "ineffective"
10 as measured pursuant to the TLE for two (2) consecutive school years
11 shall be dismissed or not reemployed by the school district subject
12 to the provisions of the Teacher Due Process Act of 1990~~;~~ and

13 2. A probationary teacher who has not attained career teacher
14 status within a four-year period shall be dismissed or not
15 reemployed by the school district, subject to the provisions of the
16 Teacher Due Process Act of 1990.

17 E. A teacher shall be dismissed or not reemployed, unless a
18 presidential or gubernatorial pardon has been issued, if during the
19 term of employment the teacher is convicted in this state, the
20 United States or another state of:

21 1. Any sex offense subject to the Sex Offenders Registration
22 Act in this state or subject to another state's or the federal sex
23 offender registration provisions; or

24 2. Any felony offense.

1 F. A teacher may be dismissed, refused employment or not
2 reemployed after a finding that such person has engaged in criminal
3 sexual activity or sexual misconduct that has impeded the
4 effectiveness of the individual's performance of school duties. As
5 used in this subsection:

6 1. "Criminal sexual activity" means the commission of an act as
7 defined in Section 886 of Title 21 of the Oklahoma Statutes, which
8 is the act of sodomy; and

9 2. "Sexual misconduct" means the soliciting or imposing of
10 criminal sexual activity.

11 G. As used in this section, "abandonment of contract" means the
12 failure of a teacher to report at the beginning of the contract term
13 or otherwise perform the duties of a contract of employment when the
14 teacher has accepted other employment or is performing work for
15 another employer that prevents the teacher from fulfilling the
16 obligations of the contract of employment.

17 SECTION 6. AMENDATORY 70 O.S. 2011, Section 6-101.24, is
18 amended to read as follows:

19 Section 6-101.24 A. ~~When~~ Upon full implementation of the
20 Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as
21 set forth in Section 6-101.10 of this title, when a teacher receives
22 a rating as measured pursuant to the ~~Oklahoma Teacher and Leader~~
23 ~~Effectiveness Evaluation System (TLE)~~ TLE as set forth in Section ~~6~~
24 6-101.16 of this ~~act~~ title that may lead to a recommendation for the

1 dismissal or nonreemployment of the teacher or when an administrator
2 identifies poor performance or conduct that the administrator
3 believes may lead to a recommendation for the dismissal or
4 nonreemployment of the teacher, the administrator shall:

5 1. Admonish the teacher, in writing, and make a reasonable
6 effort to assist the teacher in correcting the poor performance or
7 conduct; and

8 2. Establish a reasonable time for improvement, not to exceed
9 two (2) months, taking into consideration the rating on the
10 evaluation or the nature and gravity of the performance or conduct.

11 B. If the teacher does not correct the poor performance or
12 conduct cited in the admonition within the time specified, the
13 administrator shall make a recommendation to the superintendent of
14 the school district for the dismissal or nonreemployment of the
15 teacher.

16 C. Whenever a member of the board of education, superintendent,
17 or other administrator identifies poor performance or conduct that
18 may lead to a recommendation for dismissal or nonreemployment of a
19 teacher within the district, the administrator who has
20 responsibility for evaluation of the teacher shall be informed, and
21 that administrator shall comply with the procedures set forth in
22 this section. If the administrator fails or refuses to admonish the
23 teacher within ten (10) days after being so informed by the board,
24 superintendent, or other administrator, such board, superintendent

1 or other administrator shall admonish the teacher pursuant to the
2 provisions of this section.

3 D. Repeated negligence in performance of duty, willful neglect
4 of duty, incompetency, instructional ineffectiveness or
5 unsatisfactory teaching performance, for a career teacher, or any
6 cause related to inadequate teaching performance for a probationary
7 teacher, shall not be a basis for a recommendation to dismiss or not
8 reemploy a teacher unless and until the provisions of this section
9 have been complied with.

10 SECTION 7. AMENDATORY 70 O.S. 2011, Section 6-101.31, is
11 amended to read as follows:

12 Section 6-101.31 ~~The~~ Upon full implementation of the Oklahoma
13 Teacher and Leader Effectiveness Evaluation System (TLE) as set
14 forth in Section 6-101.10 of this title, the primary basis used in
15 determining the retention or reassignment of affected teachers and
16 administrators when a school district implements a reduction-in-
17 force plan shall be the ratings of the teachers and administrators
18 as measured pursuant to the ~~Oklahoma Teacher and Leader~~
19 ~~Effectiveness Evaluation System (TLE)~~ TLE as set forth in Section 6
20 6-101.16 of this act title.

21 SECTION 8. AMENDATORY Section 17 of Enrolled Senate Bill
22 No. 2033 of the 2nd Session of the 52nd Oklahoma Legislature, is
23 amended to read as follows:

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1 Section 17. The State Board of Education may delay
2 implementation of Sections 8 through 14 of ~~this act~~ Enrolled Senate
3 Bill No. 2033 of the 2nd Session of the 52nd Oklahoma Legislature
4 for school districts which have not adopted a revised policy of
5 evaluation as required pursuant to the provisions of Section 6-
6 101.10 of Title 70 of the Oklahoma Statutes; provided, all school
7 districts shall be required to implement the provisions of Sections
8 8 through 14 of ~~this act~~ Enrolled Senate Bill No. 2033 of the 2nd
9 Session of the 52nd Oklahoma Legislature no later than July 1, ~~2013~~
10 2016.

11 SECTION 9. This act shall become effective July 1, 2013.

12 SECTION 10. It being immediately necessary for the preservation
13 of the public peace, health and safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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17 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04/03/2013
18 - DO PASS, As Amended.

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