

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 3173

By: Blackwell

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5
6 AS INTRODUCED

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

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

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

21 Section 24A.7 A. A public body may keep personnel records
22 confidential:

23 1. Which relate to internal personnel investigations including
24 examination and selection material for employment, hiring,

appointment, promotion, demotion, discipline, or resignation; or

2. Where disclosure would constitute a clearly unwarranted
invasion of personal privacy such as employee evaluations, payroll

1 deductions, employment applications submitted by persons not hired
2 by the public body, and transcripts from institutions of higher
3 education maintained in the personnel files of certified public
4 school employees; provided, however, that nothing in this subsection
5 shall be construed to exempt from disclosure the degree obtained and
6 the curriculum on the transcripts of certified public school
7 employees.

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

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

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

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

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

7 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.16, as
8 last amended by Section 4, Chapter 373, O.S.L. 2013 (70 O.S. Supp.
9 2013, Section 6-101.16), is amended to read as follows:

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

21 B. The TLE shall include the following components:

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

- 23 a. superior,
24 b. highly effective,

- c. effective,
- d. needs improvement, and
- e. ineffective;

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

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

4. Quantitative and qualitative assessment components measured as follows:

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

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

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

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

5. An evidence-based qualitative assessment tool for the teacher qualitative portion of the TLE that will include observable and measurable characteristics of personnel and classroom practices

1 that are correlated to student performance success, including, but
2 not limited to:

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

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

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

22 7. For those teachers in grades and subjects for which there is
23 no state-mandated testing measure to create a quantitative
24 assessment for the quantitative portion of the TLE, the State Board

1 of Education may adopt alternative percentages from those set forth
2 in paragraph 4 of this subsection. Emphasis shall be placed on the
3 observed qualitative assessment as well as contribution to the
4 overall school academic growth; and

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

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

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

19 E. A school district which has incorporated quantitative
20 components of the TLE pursuant to subparagraphs b and c of paragraph
21 1 of subsection A of Section ~~2~~ 6-101.10 of this ~~act~~ title may
22 continue using those quantitative components, as defined by the
23 school districts' written policies, regardless of the State Board of
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1 Education's adoption of quantitative components pursuant to this
2 section.

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

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

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

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

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