ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 2957

By: Rogers, Park, Montgomery, Cannaday, Kannady, Strohm, Caldwell, Pfeiffer, Murdock, Dunlap, Fisher, Wood, Sears, Wallace, Lepak, Roberts (Dustin), Leewright, Nollan, Jordan, Casey, Walker and Sanders of the House

and

Ford of the Senate

An Act relating to schools; amending 70 O.S. 2011, Section 6-101.3, as last amended by Section 1, *** certain implementation schedule; requiring policies professional development component; *** development learning practices; providing for additional ***describing a teacher and administrator professionalism component; *** deleting references to state guidelines, materials and criteria; providing manner of monitoring compliance;; *** which relates to the grounds for dismissal or nonreemployment of teachers; *** repealing 70 O.S. 2011, Section 6-101.17, which relates to the Teacher and Leader Effectiveness Commission; providing an effective date; and declaring an emergency.

AUTHOR: Add the following House Coauthors: Bennett and Cockroft

AUTHOR: Add the following Senate Coauthor: Sykes

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and entire bill and insert

"An Act relating to teacher evaluations; amending 70 O.S. 2011, Section 6-101.3, as last amended by Section 1, Chapter 365, O.S.L. 2015 (70 O.S. Supp. 2015, Section 6-101.3), which relates to definitions; modifying certain definitions; adding definition; amending 70 O.S. 2011, Section 6-101.10, as last amended by Section 2, Chapter 365, O.S.L. 2015 (70 O.S. Supp. 2015, Section 6-101.10), which relates to evaluation policies; directing the State Department of Education to work with school districts to develop individualized programs of professional development during certain year; directing school districts to incorporate certain programs of professional development during certain year on a pilot program basis; directing school districts to put into operation programs of professional development; removing outdated language; updating certain references; allowing certain designees to conduct evaluations; requiring policies of professional development to address certain components; requiring districts to monitor compliance with programs of professional development; allowing programs of professional development to include certain learning practices; removing requirement for certain consultation; amending 70 O.S. 2011, Section 6-101.13, as last amended by Section 3, Chapter 365, O.S.L. 2015 (70 O.S. Supp. 2015, Section 6-101.13), which relates to due process; removing outdated language; updating references; amending 70 O.S. 2011, Section 6-101.16, as last amended by Section 4, Chapter 365, O.S.L. 2015 (70 O.S. Supp. 2015, Section 6-101.16), which relates to the Teacher and Leader Effectiveness Evaluation System; removing requirement for the State Board of Education to determine certain calculation and system; removing language related to remediation plans and instructional coaching; modifying reference to certain ratings; removing reference to certain quantitative and qualitative ratings; removing language related to evaluations for teachers of non-tested grades and subjects; removing language related to first-year and second-year teacher evaluations; removing language related to evaluation of teachers who were previously employed by another district or who entered post-retirement employment; adding an individualized program of professional development as a TLE component; allowing districts to use certain quantitative measure at

their own expense; requiring discussion of student performance with teachers; removing reference to student academic growth quantitative component; amending 70 O.S. 2011, Section 6-101.22, as last amended by Section 5, Chapter 365, O.S.L. 2015 (70 O.S. Supp. 2015, Section 6-101.22), which relates to dismissal of career teachers; modifying reference to certain ratings; allowing a superintendent to recommend continued employment of teachers receiving certain ratings; removing language regarding dismissal of teachers receiving certain ratings; modifying language regarding dismissal of teachers for engaging in certain acts; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.3, as last amended by Section 1, Chapter 365, O.S.L. 2015 (70 O.S. Supp. 2015, Section 6-101.3), is amended to read as follows:

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

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

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

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

4. "Career teacher" means a teacher who:

a. ~~for teachers~~ is employed by a school district prior to ~~full implementation of the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.10 of this title~~ the 2017-2018 school year, has completed three (3) or more consecutive complete school years as a teacher in one school district under a written continuing or temporary teaching contract, or

b. ~~for teachers~~ is employed for the first time by a school district under a written continuing or temporary teaching contract ~~after full implementation of the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.10 of this title~~ during the 2017-2018 school year and thereafter:

(1) has completed three (3) consecutive complete school years as a teacher in one school district under a written continuing or temporary teaching contract and has achieved ~~qualitative and quantitative ratings~~ a district evaluation rating of "superior" as measured pursuant to the TLE as set forth in Section 6-101.16 of this title for

at least two (2) of the three (3) school years~~,~~ ~~with no rating below "effective"~~,

(2) has completed four (4) consecutive complete school years as a teacher in one school district under a written continuing or temporary teaching contract, has averaged ~~qualitative and quantitative ratings~~ a district evaluation rating of at least "effective" as measured pursuant to the TLE for the four-year period, and has received ~~qualitative and quantitative~~ district evaluation ratings of at least "effective" for the last two (2) years of the four-year period, or

(3) has completed four (4) or more consecutive complete school years in one school district under a written continuing or temporary teaching contract and has not met the requirements of subparagraph a or b of this paragraph, only if the principal of the school at which the teacher is employed submits a petition to the superintendent of the school district requesting that the teacher be granted career status, the superintendent agrees with the petition, and the school district board of education approves the

petition. The principal shall specify in the petition the underlying facts supporting the granting of career status to the teacher;

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

6. "Probationary teacher" means a teacher who:

a. ~~for teachers~~ is employed by a school district prior to ~~full implementation of the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.10 of this title~~ the 2017-2018 school year, has completed fewer than three (3) consecutive complete school years as a teacher in one school district under a written teaching contract, or

b. ~~for teachers~~ is employed for the first time by a school district under a written teaching contract ~~after full implementation of the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.10 of this title~~ during the

2017-2018 school year and thereafter, has not met the requirements for career teacher as provided in paragraph 4 of this section;

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

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

9. "District evaluation rating" means the rating issued based on the components of the TLE as set forth in subsection B of Section 6-101.16 of this title.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.10, as last amended by Section 2, Chapter 365, O.S.L. 2015 (70 O.S. Supp. 2015, Section 6-101.10), is amended to read as follows:

Section 6-101.10. A. Each school district board of education shall maintain and annually review, following consultation with or involvement of representatives selected by local teachers, a written policy of evaluation and corresponding professional development for all teachers and administrators. In those school districts in which there exists a professional negotiations agreement made in accordance with Section 509.1 et seq. of this title, the procedure

for evaluating members of the negotiations unit and any standards of performance and conduct proposed for adoption beyond those established by the State Board of Education shall be negotiable items. Nothing in this section shall be construed to annul, modify or to preclude the renewal or continuing of any existing agreement heretofore entered into between any school district and any organizational representative of its employees. Every policy of evaluation adopted by a board of education shall:

1. Be based upon a set of minimum criteria developed by the State Board of Education, which shall be revised and based upon the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) developed by the State Board of Education as provided in Section 6-101.16 of this title. The revisions to each policy of evaluation shall be phased in according to the following schedule:

a. ~~for evaluations of teachers and administrators conducted during the 2012-2013 school year, school districts shall for purposes of testing the TLE incorporate on a trial basis the qualitative components of the TLE as provided for in subparagraph b of paragraph 4 of subsection B of Section 6-101.16 of this title into the evaluations used in all or a representative sampling of school sites within the district and may at the option of the school district incorporate on a trial basis the quantitative~~

~~components of the TLE as provided for in subparagraph a of paragraph 4 of subsection B of Section 6-101.16 of this title into the evaluations used in all or a representative sampling of school sites within the district,~~

~~b. for evaluations of teachers and administrators conducted during the 2013-2014 school year, school districts shall incorporate and put into operation the qualitative components of the TLE as provided for in subparagraph b of paragraph 4 of subsection B of Section 6-101.16 of this title into the evaluations used in all school sites within the district. For the 2013-2014 school year the evaluation rating of teachers and administrators shall be based on the qualitative component of the TLE. In addition, for evaluations of teachers and administrators conducted during the 2013-2014 school year, school districts shall for purposes of testing the TLE incorporate on a trial basis the quantitative components of the TLE as provided for in subparagraph a of paragraph 4 of subsection B of Section 6-101.16 of this title into the evaluations used in all or a representative sampling of school sites within the district. However, nothing in this subparagraph shall preclude a~~

~~school district with an average daily attendance of more than thirty-five thousand (35,000) from incorporating at its own expense the quantitative components of the TLE into its evaluation system of teachers and administrators, as defined by the district's written policy, during the 2013-2014 school year,~~

~~c. for evaluations of teachers and administrators conducted during the 2014-2015 and 2015-2016 school years, school districts shall for purposes of establishing baseline data incorporate the quantitative components of the TLE as provided for in subparagraph a of paragraph 4 of subsection B of Section 6-101.16 of this title into the evaluations used in all school sites within the district. For~~ for the 2014-2015 ~~and~~, 2015-2016 and 2016-2017 school years, the evaluation rating of teachers and administrators shall be based on the qualitative component of the TLE. For the 2016-2017 school year, the State Department of Education shall work with school districts to develop individualized programs of professional development as described in subsection B of this section. However, nothing in this subparagraph shall preclude a school district with an

average daily attendance of more than thirty-five thousand (35,000) from ~~incorporating~~ continuing to use quantitative components which the district has incorporated at its own expense ~~the quantitative components of the TLE~~ prior to the 2015-2016 school year into its evaluation system of teachers and administrators, as defined by the district's written policy~~, during the 2014-2015 and 2015-2016 school years~~, ~~and~~

~~d.~~

b. for evaluations of teachers and administrators conducted during the ~~2016-2017~~ 2017-2018 school year and each school year thereafter, school districts shall ~~fully implement the TLE and~~ incorporate and put into operation ~~both~~ the qualitative ~~and quantitative components~~ component of the TLE as provided for in ~~paragraph 4 of~~ subsection B of Section 6-101.16 of this title into the evaluations used in all school sites within the district. For the ~~2016-2017~~ 2017-2018 school year and each school year thereafter, teachers and administrators shall receive a ~~qualitative~~ district evaluation rating based on ~~the qualitative component of~~ the components of the TLE ~~and a quantitative rating based on the quantitative~~

~~component of the TLE~~ as set forth in subsection B of Section 6-101.16 of this title. For the 2017-2018 school year, school districts shall incorporate the individualized programs of professional development as described in subsection B of this section on a pilot program basis, and

c. for evaluations of teachers and administrators conducted during the 2018-2019 school year and each school year thereafter, school districts shall fully incorporate and put into operation the individualized programs of professional development as described in subsection B of this section;

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

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

4. Provide that every probationary teacher receive formative feedback from the evaluation process at least two times per school year, once during the fall semester and once during the spring semester;

5. Provide that every teacher be evaluated once every year, except for career teachers receiving a ~~qualitative~~ district evaluation rating of "superior" or "highly effective" ~~and a quantitative rating of "superior" or "highly effective"~~ under the TLE, who may be evaluated once every ~~two (2)~~ three (3) years; and

6. Provide that, except for superintendents of independent and elementary school districts and superintendents of area school districts who shall be evaluated by the school district board of education, all certified personnel shall be evaluated by a principal, assistant principal, designee of the principal, supervisor, content expert, department chair, peer committee or other trained ~~certified individual~~ persons or groups of persons designated by the school district board of education.

B. 1. Every policy of professional development adopted by a school district board of education shall provide for the development of a focused and individualized program of professional development for the teacher or administrator that is consistent with the qualitative component of the TLE. The policy of professional development shall:

a. establish an annual professional growth goal for the teacher or administrator that is developed by the teacher or administrator in collaboration with the evaluator,

b. be tailored to address a specific area or criteria identified through the qualitative component of the TLE,

c. allow the teacher or administrator to actively engage with learning practices that are evidence-based, researched practices that are correlated with increased student achievement, and

d. be supported by resources that are easily available and supplied by the school district and the State Department of Education.

2. School districts shall monitor compliance with each individualized program of professional development implemented pursuant to this subsection. All professional development completed pursuant to an individualized program of professional development shall count toward the total number of points a teacher or administrator is required to complete as established by a school district board of education pursuant to Section 6-194 of this title. The implementation of the individualized program of professional development required by this subsection shall not be construed as increasing the professional development points requirements.

3. Individualized programs of professional development required by this subsection may include but are not limited to the following learning practices:

a. presenter-led workshops,

b. individual or faculty studies of books, scholarly articles and video productions,

c. peer observations,

d. committee studies to address student achievement issues,

e. work related to a specific subject area or areas associated with obtaining an advanced degree or professional certification,

f. action research projects designed to improve student achievement, and

g. participation in local, regional or state initiatives associated with the development or implementation of curriculum standards.

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

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

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

~~E.~~ F. The State Board of Education~~, in consultation with the Teacher and Leader Effectiveness Commission,~~ shall study continued implementation of the TLE to produce a system that promotes reflection and professional growth for teachers and leaders.

~~F.~~ G. Refusal by a school district to comply with the provisions of this section shall be grounds for withholding State Aid funds until compliance occurs.

~~G.~~ H. Data collected pursuant to this section shall not be subject to the Oklahoma Open Meeting Act or the Oklahoma Open Records Act.

~~H. Full implementation of the TLE for the purposes of employment shall occur during the 2017-2018 school year.~~

SECTION 3. AMENDATORY 70 O.S. 2011, Section 6-101.13, as last amended by Section 3, Chapter 365, O.S.L. 2015 (70 O.S. Supp. 2015, Section 6-101.13), is amended to read as follows:

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

1. A statement shall be submitted to the administrator in writing prior to the dismissal or nonreemployment which states the proposed action, lists the reasons for effecting the action, and

notifies the administrator of his or her right to a hearing before the school district board of education prior to the action; and

2. A hearing before the school district board of education shall be granted upon the request of the administrator prior to the dismissal or nonreemployment. A request for a hearing shall be submitted to the board of education not later than ten (10) days after the administrator has been notified of the proposed action.

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

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

~~D. After full implementation of the TLE as set forth in Section 6-101.10 of this title~~ Beginning with the 2017-2018 school year and thereafter, a principal who has received ~~qualitative or quantitative~~ district evaluation ratings of "ineffective" as measured pursuant to the TLE as set forth in Section 6-101.16 of this title for two (2) consecutive school years may be dismissed or not reemployed by the school district, subject to the due process procedures of this section.

SECTION 4. AMENDATORY 70 O.S. 2011, Section 6-101.16, as last amended by Section 4, Chapter 365, O.S.L. 2015 (70 O.S. Supp. 2015, Section 6-101.16), is amended to read as follows:

Section 6-101.16. A. By December 15, 2011, the State Board of Education shall adopt a new statewide system of evaluation to be known as the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE). The Board shall work cooperatively with school districts to ~~fully implement both~~ incorporate the ~~quantitative and qualitative~~ components of the TLE in all school districts by the ~~2016-2017~~ 2017-2018 school year as provided for in Section 6-101.10 of this title~~, including determining the final calculation of the student academic growth measurement as provided for in subparagraph a of paragraph 4 of subsection B of this section and developing a teacher/student assignment verification system~~.

B. The TLE shall include the following components:

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

2. ~~Comprehensive remediation plans and instructional coaching for all teachers who receive qualitative or quantitative ratings of "needs improvement" or "ineffective" in accordance with the rating system established in paragraph 3 of this subsection;~~

~~3.~~ A five-tier district evaluation rating system ~~for both the qualitative and quantitative components set forth in paragraph 4 of this subsection~~ as follows:

a. superior,

b. highly effective,

c. effective,

d. needs improvement, and

e. ineffective;

~~4. a. The quantitative ratings of teachers and leaders shall be based on quantitative components which shall include performance measures of a teacher and leader that are based on student academic growth using multiple years of standardized test data, as available, and performance measures for teachers in grades and subjects for which there is no state-mandated testing measure, as approved by the State~~

~~Board of Education pursuant to subsection E~~ D ~~of this section, and~~

~~b. The qualitative ratings of teachers and leaders shall be based on rigorous and fair qualitative assessment components;~~

~~5.~~ 3. 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 that are correlated to student performance success, including, but not limited to:

a. organizational and classroom management skills,

b. ability to provide effective instruction,

c. focus on continuous improvement and professional growth,

d. interpersonal skills, and

e. leadership skills;

~~6.~~ 4. An evidence-based qualitative assessment tool for the leader qualitative portion of the TLE that will include observable and measurable characteristics of personnel and site management practices that are correlated to student performance success, 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;

~~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, local school district boards of education shall choose evaluation methods from a list of reliable, research-based options approved by the State Board of Education pursuant to subsection E of this section. Emphasis shall be placed on the observed qualitative assessment as well as contribution to the overall school academic growth. For those teachers who have at least one tested grade or subject, school districts shall have the option of basing up to fifty percent (50%) of the quantitative rating on evaluation methods chosen from a list of reliable, research-based options approved by the State Board of Education pursuant to subsection E of this section;~~

~~8. For first-year and second-year teachers, evaluations shall be based solely on qualitative components set forth in subparagraph b of paragraph 4 of this subsection; and~~

~~9. For teachers who were previously employed by a different public school district and for teachers who enter into post-retirement employment with a public school, school districts shall~~

~~have the option of basing those evaluations solely on the qualitative components set forth in subparagraph b of paragraph 4 of this subsection during their first year of employment~~

5. An individualized program of professional development for all teachers and administrators as adopted by the school district board of education as set forth in subsection B of Section 6-101.10 of this title;

6. For districts choosing to use, at their own expense, quantitative measures of teachers and leaders as part of the district evaluation rating, such measures shall include a minimum of one reliable, research-based measure as approved by the State Board of Education pursuant to subsection D of this section; and

7. For all district evaluations, student performance, including performance on the statewide criterion-referenced tests if available, shall be discussed with the teacher and may be one of the considerations for the teacher's district evaluation rating.

C. Career teachers receiving a ~~qualitative~~ district evaluation rating of "superior" or "highly effective" ~~and a quantitative rating of "superior" or "highly effective"~~ under the TLE may be evaluated once every ~~two (2)~~ three (3) years.

D. ~~The Teacher and Leader Effectiveness Commission shall adopt the student academic growth quantitative components of the TLE as provided for in subparagraph a of paragraph 4 of subsection B of this section by May 1, 2014. The Commission shall provide oversight~~

~~and advise the State Board of Education on the development and implementation of the TLE.~~

~~E.~~ By December 1, 2015, the Teacher and Leader Effectiveness Commission shall recommend to the State Board of Education multiple reliable, research-based measures ~~for providing~~ to provide a quantitative evaluation component for teachers ~~in grades and subjects for which there is no state-mandated testing measure~~. The State Board of Education shall approve and publish a list of approved measures by February 1, 2016.

~~F.~~ E. A school district with an average daily attendance of more than thirty-five thousand (35,000) which has incorporated quantitative components of the TLE into its evaluation system of teachers and administrators prior to the 2015-2016 school year may continue using its evaluation system, as defined by the school district's written policies, notwithstanding the provisions of this section and regardless of the State Board of Education's adoption of quantitative components pursuant to this section.

~~G.~~ F. The State Department of Education shall provide to the Oklahoma State Regents for Higher Education and the Oklahoma Commission for Educational Quality and Accountability timely electronic data linked to teachers and leaders derived from the TLE for purposes of providing a basis for the development of accountability and quality improvements of the teacher preparation system. The data shall be provided in a manner and at such times as

agreed upon between the Department, the State Regents and the Commission.

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

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

SECTION 5. AMENDATORY 70 O.S. 2011, Section 6-101.22, as last amended by Section 5, Chapter 365, O.S.L. 2015 (70 O.S. Supp. 2015, Section 6-101.22), is amended to read as follows:

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

1. Willful neglect of duty;

2. Repeated negligence in performance of duty;

3. Mental or physical abuse to a child;

4. Incompetency;

5. Instructional ineffectiveness;

6. Unsatisfactory teaching performance;

7. Commission of an act of moral turpitude; or

8. Abandonment of contract.

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

C. ~~Upon full implementation of the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.10 of this title~~ During the 2017-2018 school year and thereafter:

1. ~~A career teacher who has received a qualitative and quantitative rating of "ineffective" for two (2) consecutive school years shall be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school district, subject to the provisions of the Teacher Due Process Act of 1990;~~

~~2.~~ A career teacher who has received a ~~qualitative or quantitative~~ district evaluation rating of "ineffective" for two (2) consecutive school years ~~may~~ shall be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school district, subject to the provisions of the Teacher Due Process Act of 1990. However, the superintendent may recommend and the school district

board of education may approve continued employment of the teacher; and

~~3.~~ 2. A career teacher who has received a ~~qualitative and quantitative~~ district evaluation rating of "needs improvement" or lower for three (3) consecutive school years ~~shall~~ may be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school district, subject to the provisions of the Teacher Due Process Act of 1990~~;~~

~~4. A career teacher who has received a qualitative or quantitative rating of "needs improvement" or lower for three (3) consecutive school years may be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school district, subject to the provisions of the Teacher Due Process Act of 1990;~~

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

~~6. A career teacher who has not averaged a qualitative or quantitative rating of at least "effective" as measured pursuant to the TLE over a five-year period may be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school~~

~~district, subject to the provisions of the Teacher Due Process Act of 1990~~.

D. ~~Upon full implementation of the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.10 of this title~~ During the 2017-2018 school year and thereafter:

1. A probationary teacher who has received a ~~qualitative and quantitative~~ district evaluation rating of "ineffective" as measured pursuant to the TLE for two (2) consecutive school years ~~shall~~ may be dismissed or not reemployed by the school district subject to the provisions of the Teacher Due Process Act of 1990; and

2. ~~A probationary teacher who has received a qualitative or quantitative rating of "ineffective" as measured pursuant to the TLE for two (2) consecutive school years may be dismissed or not reemployed by the school district subject to the provisions of the Teacher Due Process Act of 1990; and~~

~~3.~~ A probationary teacher who has not attained career teacher status within a four-year period ~~shall~~ may be dismissed or not reemployed by the school district, subject to the provisions of the Teacher Due Process Act of 1990.

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

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

2. Any felony offense.

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

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

~~2. "Sexual misconduct" means the soliciting or imposing of criminal sexual activity~~ acts that could form the basis of criminal charges sufficient to result in the denial or revocation of a certificate for a reason set forth in subparagraph a of paragraph 6 of Section 3-104 of this title.

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

H. A school district shall notify the State Board of Education within ten (10) days of the dismissal or nonreemployment of a probationary or career teacher for reasons outlined in subsection F of this section.

SECTION 6. This act shall become effective July 1, 2016.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the Senate the 20th day of April, 2016.

_____
Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2016.

_____
Presiding Officer of the House of Representatives