

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2945

By: Henke

AS INTRODUCED

An Act relating to schools; 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 the establishment of a written policy of evaluation; deleting authorization for certain school districts to adopt quantitative components; deleting deadline for using the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) for employment purposes; 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 dismissal or nonreemployment process for administrators; deleting requirement to not reemploy an administrator based on certain TLE qualitative and quantitative rating; deleting quantitative rating as factor for making a dismissal or nonreemployment decision; 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 Oklahoma Teacher and Leader Effectiveness Evaluation System; deleting duty of the Teacher and Leader Effectiveness Commission to adopt certain components and make certain recommendations; deleting certain evaluation system option for certain-sized school districts; stating required uses of the quantitative ratings; allowing school districts the option to use the quantitative ratings for employment purposes; 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 grounds for dismissal or nonreemployment of teachers; deleting requirement to not reemploy a career and probationary teacher based on certain TLE qualitative and quantitative rating; deleting quantitative rating

1 as factor for making a dismissal or nonreemployment
2 decision; providing an effective date; and declaring
3 an emergency.

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

5 SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.10, as
6 last amended by Section 2, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
7 2015, Section 6-101.10), is amended to read as follows:

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

22 1. Be based upon a set of minimum criteria developed by the
23 State Board of Education, which shall be revised and based upon the
24

1 Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE)
2 developed by the State Board of Education as provided in Section 6-
3 101.16 of this title. The revisions to each policy of evaluation
4 shall be phased in according to the following schedule:

5 a. for evaluations of teachers and administrators
6 conducted during the 2012-2013 school year, school
7 districts shall for purposes of testing the TLE
8 incorporate on a trial basis the qualitative
9 components of the TLE as provided for in subparagraph
10 b of paragraph 4 of subsection B of Section 6-101.16
11 of this title into the evaluations used in all or a
12 representative sampling of school sites within the
13 district and may at the option of the school district
14 incorporate on a trial basis the quantitative
15 components of the TLE as provided for in subparagraph
16 a of paragraph 4 of subsection B of Section 6-101.16
17 of this title into the evaluations used in all or a
18 representative sampling of school sites within the
19 district,

20 b. for evaluations of teachers and administrators
21 conducted during the 2013-2014 school year, school
22 districts shall incorporate and put into operation the
23 qualitative components of the TLE as provided for in
24 subparagraph b of paragraph 4 of subsection B of

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

14 ~~However, nothing in this subparagraph shall preclude a~~
15 ~~school district with an average daily attendance of~~
16 ~~more than thirty-five thousand (35,000) from~~
17 ~~incorporating at its own expense the quantitative~~
18 ~~components of the TLE into its evaluation system of~~
19 ~~teachers and administrators, as defined by the~~
20 ~~district's written policy, during the 2013-2014 school~~
21 ~~year,~~

22 c. for evaluations of teachers and administrators
23 conducted during the 2014-2015 and 2015-2016 school
24 years, school districts shall for purposes of

1 establishing baseline data incorporate the
2 quantitative components of the TLE as provided for in
3 subparagraph a of paragraph 4 of subsection B of
4 Section 6-101.16 of this title into the evaluations
5 used in all school sites within the district. For the
6 2014-2015 and 2015-2016 school years, the evaluation
7 rating of teachers and administrators shall be based
8 on the qualitative component of the TLE. ~~However,~~
9 ~~nothing in this subparagraph shall preclude a school~~
10 ~~district with an average daily attendance of more than~~
11 ~~thirty five thousand (35,000) from incorporating at~~
12 ~~its own expense the quantitative components of the TLE~~
13 ~~into its evaluation system of teachers and~~
14 ~~administrators, as defined by the district's written~~
15 ~~policy, during the 2014-2015 and 2015-2016 school~~
16 ~~years, and~~

- 17 d. for evaluations of teachers and administrators
18 conducted during the 2016-2017 school year and each
19 school year thereafter, school districts shall fully
20 implement the TLE and incorporate and put into
21 operation both the qualitative and quantitative
22 components of the TLE as provided for in paragraph 4
23 of subsection B of Section 6-101.16 of this title into
24 the evaluations used in all school sites within the

1 district. For the 2016-2017 school year and each
2 school year thereafter, teachers and administrators
3 shall receive a qualitative rating based on the
4 qualitative component of the TLE and a quantitative
5 rating based on the quantitative component of the TLE;

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

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

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

17 5. Provide that every teacher be evaluated once every year,
18 except for career teachers receiving a qualitative rating of
19 "superior" or "highly effective" and a quantitative rating of
20 "superior" or "highly effective" under the TLE, who may be evaluated
21 once every two (2) years; and

22 6. Provide that, except for superintendents of independent and
23 elementary school districts and superintendents of area school
24 districts who shall be evaluated by the school district board of

1 education, all certified personnel shall be evaluated by a
2 principal, assistant principal, or other trained certified
3 individual designated by the school district board of education.

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

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

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

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

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

22 G. Data collected pursuant to this section shall not be subject
23 to the Oklahoma Open Meeting Act or the Oklahoma Open Records Act.
24

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

3 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.13, as
4 last amended by Section 3, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
5 2015, Section 6-101.13), is amended to read as follows:

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

12 1. A statement shall be submitted to the administrator in
13 writing prior to the dismissal or nonreemployment which states the
14 proposed action, lists the reasons for effecting the action, and
15 notifies the administrator of his right to a hearing before the
16 school district board of education prior to the action; and

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

22 B. Failure of the administrator to request a hearing before the
23 school district board of education within ten (10) days after
24 receiving the written statement shall constitute a waiver of the

1 right to a hearing. No decision of the board of education
2 concerning the dismissal or nonreemployment of a full-time certified
3 administrator shall be effective until the administrator has been
4 afforded due process as specified in this section. The decision of
5 the school district board of education concerning the dismissal or
6 nonreemployment, following the hearing, shall be final.

7 ~~C. After full implementation of the Oklahoma Teacher and Leader~~
8 ~~Effectiveness Evaluation System (TLE) as set forth in Section 6-~~
9 ~~101.10 of this title, a principal who has received qualitative and~~
10 ~~quantitative ratings of "ineffective" as measured pursuant to the~~
11 ~~TLE as set forth in Section 6-101.16 of this title for two (2)~~
12 ~~consecutive school years, shall not be reemployed by the school~~
13 ~~district, subject to the due process procedures of this section.~~

14 ~~D.~~ After full implementation of the TLE as set forth in Section
15 6-101.10 of this title, a principal who has received qualitative ~~or~~
16 ~~quantitative~~ ratings of "ineffective" as measured pursuant to the
17 TLE as set forth in Section 6-101.16 of this title for two (2)
18 consecutive school years may be dismissed or not reemployed by the
19 school district, subject to the due process procedures of this
20 section.

21 SECTION 3. AMENDATORY 70 O.S. 2011, Section 6-101.16, as
22 last amended by Section 4, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
23 2015, Section 6-101.16), is amended to read as follows:
24

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

12 B. The TLE shall include the following components:

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

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

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

- 23 a. superior,
- 24 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 of this section, and

- b. The qualitative ratings 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 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. 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

1 contribution to the overall school academic growth. For those
2 teachers who have at least one tested grade or subject, school
3 districts shall have the option of basing up to fifty percent (50%)
4 of the quantitative rating on evaluation methods chosen from a list
5 of reliable, research-based options approved by the State Board of
6 Education pursuant to subsection E of this section;

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

10 9. For teachers who were previously employed by a different
11 public school district and for teachers who enter into post-
12 retirement employment with a public school, school districts shall
13 have the option of basing those evaluations solely on the
14 qualitative components set forth in subparagraph b of paragraph 4 of
15 this subsection during their first year of employment.

16 C. Career teachers receiving a qualitative rating of "superior"
17 or "highly effective" and a quantitative rating of "superior" or
18 "highly effective" under the TLE may be evaluated once every two (2)
19 years.

20 D. ~~The Teacher and Leader Effectiveness Commission shall adopt~~
21 ~~the student academic growth quantitative components of the TLE as~~
22 ~~provided for in subparagraph a of paragraph 4 of subsection B of~~
23 ~~this section by May 1, 2014. The Commission shall provide oversight~~
24

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

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

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

18 G. The quantitative ratings of teachers and leaders shall be
19 used to inform teacher and leader evaluations and determine career
20 teacher status. Each school district board of education shall have
21 the option to choose whether or not to use the quantitative ratings
22 of teachers and leaders for purposes of employment matters. The
23 option selected by the board shall be included as part of the
24 written policy of evaluation for the school district.

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

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

13 ~~H.~~ G. The State Department of Education shall keep all data
14 collected pursuant to the TLE and records of annual evaluations
15 received pursuant to this section confidential. Records created
16 pursuant to this section which identify, in any way, a current or
17 former public employee shall not be subject to disclosure under the
18 Oklahoma Open Records Act. Nothing in this subsection shall be
19 construed to prohibit disclosure otherwise required by this section;
20 provided, however, any provisions requiring disclosure of TLE
21 records shall be construed narrowly and all individually identifying
22 information shall be removed from such records to the fullest extent
23 possible.
24

1 SECTION 4. AMENDATORY 70 O.S. 2011, Section 6-101.22, as
2 last amended by Section 5, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
3 2015, Section 6-101.22), is amended to read as follows:

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

- 7 1. Willful neglect of duty;
- 8 2. Repeated negligence in performance of duty;
- 9 3. Mental or physical abuse to a child;
- 10 4. Incompetency;
- 11 5. Instructional ineffectiveness;
- 12 6. Unsatisfactory teaching performance;
- 13 7. Commission of an act of moral turpitude; or
- 14 8. Abandonment of contract.

15 B. Subject to the provisions of the Teacher Due Process Act of
16 1990, a probationary teacher may be dismissed or not reemployed for
17 cause.

18 C. Upon full implementation of the Oklahoma Teacher and Leader
19 Effectiveness Evaluation System (TLE) as set forth in Section 6-
20 101.10 of this title:

- 21 1. ~~A career teacher who has received a qualitative and~~
22 ~~quantitative rating of "ineffective" for two (2) consecutive school~~
23 ~~years shall be dismissed or not reemployed on the grounds of~~

1 ~~instructional ineffectiveness by the school district, subject to the~~
2 ~~provisions of the Teacher Due Process Act of 1990;~~

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

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

13 ~~4.~~ 2. A career teacher who has received a qualitative ~~or~~
14 ~~quantitative~~ rating of "needs improvement" or lower for three (3)
15 consecutive school years may be dismissed or not reemployed on the
16 grounds of instructional ineffectiveness by the school district,
17 subject to the provisions of the Teacher Due Process Act of 1990;

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

1 ~~6.~~ 3. A career teacher who has not averaged a qualitative ~~or~~
2 ~~quantitative~~ rating of at least "effective" as measured pursuant to
3 the TLE over a five-year period may be dismissed or not reemployed
4 on the grounds of instructional ineffectiveness by the school
5 district, subject to the provisions of the Teacher Due Process Act
6 of 1990.

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

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

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

20 ~~3.~~ 2. A probationary teacher who has not attained career
21 teacher status within a four-year period shall be dismissed or not
22 reemployed by the school district, subject to the provisions of the
23 Teacher Due Process Act of 1990.
24

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

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

8 2. Any felony offense.

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

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

17 2. "Sexual misconduct" means the soliciting or imposing of
18 criminal sexual activity.

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

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

5 SECTION 5. This act shall become effective July 1, 2016.

6 SECTION 6. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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11 55-2-8277 KB 12/31/15
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