

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 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, Sanders and
Bennett of the House

9 and

10 Ford of the Senate

11
12
13 COMMITTEE SUBSTITUTE

14 An Act relating to teacher evaluations; amending 70
15 O.S. 2011, Section 6-101.3, as last amended by
16 Section 1, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
17 2015, Section 6-101.3), which relates to definitions;
18 modifying certain definitions; adding definition;
19 amending 70 O.S. 2011, Section 6-101.10, as last
20 amended by Section 2, Chapter 365, O.S.L. 2015 (70
21 O.S. Supp. 2015, Section 6-101.10), which relates to
22 evaluation policies; requiring school district boards
23 of education to maintain and review certain policy of
24 professional development; removing outdated language;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 professional development plans; allowing
professional development plans 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),

1 which relates to due process; removing outdated
2 language; modifying reference to certain ratings;
3 amending 70 O.S. 2011, Section 6-101.16, as last
4 amended by Section 4, Chapter 365, O.S.L. 2015 (70
5 O.S. Supp. 2015, Section 6-101.16), which relates to
6 the Teacher and Leader Effectiveness Evaluation
7 System; removing requirement for the State Board of
8 Education to determine certain calculation and
9 system; modifying reference to certain ratings;
10 removing reference to certain quantitative and
11 qualitative ratings; removing language related to
12 evaluations for teachers of non-tested grades and
13 subjects; removing language related to first-year and
14 second-year teacher evaluations; removing language
15 related to evaluation of teachers who were previously
16 employed by another district or who entered post-
17 retirement employment; adding an individualized
18 professional development plan as a TLE component;
19 allowing districts to use certain quantitative
20 measure; requiring discussion of student performance
21 with teachers; removing reference to student academic
22 growth quantitative component; amending 70 O.S. 2011,
23 Section 6-101.22, as last amended by Section 5,
24 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; 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 1. "Administrator" means a duly certified person who devotes a
2 majority of time to service as a superintendent, elementary
3 superintendent, principal, supervisor, vice principal or in any
4 other administrative or supervisory capacity in the school district;

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

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

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

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

18 b. ~~for teachers~~ is employed for the first time by a
19 school district under a written continuing or
20 temporary teaching contract after full implementation
21 of the Oklahoma Teacher and Leader Effectiveness
22 Evaluation System (TLE) as set forth in Section 6-
23 101.10 of this title:
24

- (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

1 subparagraph a or b of this paragraph, only if
2 the principal of the school at which the teacher
3 is employed submits a petition to the
4 superintendent of the school district requesting
5 that the teacher be granted career status, the
6 superintendent agrees with the petition, and the
7 school district board of education approves the
8 petition. The principal shall specify in the
9 petition the underlying facts supporting the
10 granting of career status to the teacher;

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

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

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

1 teacher in one school district under a written
2 teaching contract, or
3 b. ~~for teachers~~ is employed for the first time by a
4 school district under a written teaching contract
5 after full implementation of the Oklahoma Teacher and
6 Leader Effectiveness Evaluation System (TLE) as set
7 forth in Section 6-101.10 of this title, has not met
8 the requirements for career teacher as provided in
9 paragraph 4 of this section;

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

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

18 9. "District evaluation rating" means the rating issued based
19 on the components of the TLE as set forth in subsection B of Section
20 6-101.16 of this title.

21 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.10, as
22 last amended by Section 2, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
23 2015, Section 6-101.10), is amended to read as follows:
24

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

16 1. Be based upon a set of minimum criteria developed by the
17 State Board of Education, which shall be revised and based upon the
18 Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE)
19 developed by the State Board of Education as provided in Section 6-
20 101.16 of this title. The revisions to each policy of evaluation
21 shall be phased in according to the following schedule:

22 a. ~~for evaluations of teachers and administrators~~
23 ~~conducted during the 2012-2013 school year, school~~
24 ~~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~~

1 ~~shall for purposes of testing the TLE incorporate on a~~
2 ~~trial basis the quantitative components of the TLE as~~
3 ~~provided for in subparagraph a of paragraph 4 of~~
4 ~~subsection B of Section 6-101.16 of this title into~~
5 ~~the evaluations used in all or a representative~~
6 ~~sampling of school sites within the district.~~

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

15 e. for evaluations of teachers and administrators
16 conducted during the 2014-2015 and 2015-2016 school
17 years, school districts shall for purposes of
18 establishing baseline data incorporate the
19 quantitative components of the TLE as provided for in
20 subparagraph a 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 2014-2015 and 2015-2016 school years, the evaluation
24 rating of teachers and administrators shall be based

on the qualitative component of the TLE. 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 2014-2015 and 2015-2016 school years, and

~~d.~~

b. for evaluations of teachers and administrators conducted during the 2016-2017 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~~ professional development components 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 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;

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) 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 through formal or informal observations by a principal, assistant principal, designee of the principal, supervisor, content expert, department

1 chair, peer committee or other trained ~~certified individual~~ persons
2 or groups of persons designated by the school district board of
3 education.

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

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

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

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

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

23 2. School districts shall monitor compliance with each
24 professional development plan implemented pursuant to this

1 subsection. All professional development completed pursuant to a
2 professional development plan shall count toward the total number of
3 points a teacher or administrator is required to complete as
4 established by a school district board of education pursuant to
5 Section 6-194 of this title. The implementation of the professional
6 development plan required by this subsection shall not be construed
7 as increasing the professional development points requirements.

8 3. Professional development plans required by this subsection
9 may include but are not limited to the following learning practices:

- 10 a. presenter-led workshops,
- 11 b. individual or faculty studies of books, scholarly
12 articles and video productions,
- 13 c. peer observations,
- 14 d. committee studies to address student achievement
15 issues,
- 16 e. work related to a specific subject area or areas that
17 is associated with obtaining an advanced degree or
18 professional certification,
- 19 f. action research projects designed to improve student
20 achievement, and
- 21 g. participation in local, regional or state initiatives
22 associated with the development or implementation of
23 curriculum standards.

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

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

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

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

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

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

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

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

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

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

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

20 B. Failure of the administrator to request a hearing before the
21 school district board of education within ten (10) days after
22 receiving the written statement shall constitute a waiver of the
23 right to a hearing. No decision of the board of education
24 concerning the dismissal or nonreemployment of a full-time certified

1 administrator shall be effective until the administrator has been
2 afforded due process as specified in this section. The decision of
3 the school district board of education concerning the dismissal or
4 nonreemployment, following the hearing, shall be final.

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

12 ~~D.~~ After full implementation of the TLE as set forth in Section
13 6-101.10 of this title, a principal who has received ~~qualitative or~~
14 ~~quantitative~~ district evaluation ratings of "ineffective" as
15 measured pursuant to the TLE as set forth in Section 6-101.16 of
16 this title for two (2) consecutive school years may be dismissed or
17 not reemployed by the school district, subject to the due process
18 procedures of this section.

19 SECTION 4. AMENDATORY 70 O.S. 2011, Section 6-101.16, as
20 last amended by Section 4, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
21 2015, Section 6-101.16), is 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 2016-2017
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 subparagraph a of paragraph 4~~
7 ~~of subsection B of this section and developing a teacher/student~~
8 ~~assignment verification system.~~

9 B. The TLE shall include the following components:

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

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

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

- 21 a. superior,
- 22 b. highly effective,
- 23 c. effective,
- 24 d. needs improvement, and

1 e. ineffective;

2 4. ~~a. The quantitative ratings of teachers and leaders shall~~
3 ~~be based on quantitative components which shall~~
4 ~~include performance measures of a teacher and leader~~
5 ~~that are based on student academic growth using~~
6 ~~multiple years of standardized test data, as~~
7 ~~available, and performance measures for teachers in~~
8 ~~grades and subjects for which there is no state-~~
9 ~~mandated testing measure, as approved by the State~~
10 ~~Board of Education pursuant to subsection E D of this~~
11 ~~section, and~~

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

15 ~~5.~~ An evidence-based qualitative assessment tool for the
16 teacher qualitative portion of the TLE that will include observable
17 and measurable characteristics of personnel and classroom practices
18 that are correlated to student performance success, including, but
19 not limited to:

- 20 a. organizational and classroom management skills,
21 b. ability to provide effective instruction,
22 c. focus on continuous improvement and professional
23 growth,
24 d. interpersonal skills, and

e. leadership skills;

~~6.~~ 5. 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~~

6. An individualized professional development plan 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;

7. For districts choosing to use 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

8. For all district evaluations, student performance, including performance on the statewide criterion-referenced tests if

1 available, shall be discussed with the teacher and may be one of the
2 considerations for the teacher's district evaluation rating.

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

7 ~~D. The Teacher and Leader Effectiveness Commission shall adopt~~
8 ~~the student academic growth quantitative components of the TLE as~~
9 ~~provided for in subparagraph a of paragraph 4 of subsection B of~~
10 ~~this section by May 1, 2014. The Commission shall provide oversight~~
11 ~~and advise the State Board of Education on the development and~~
12 ~~implementation of the TLE.~~

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

20 ~~F.~~ E. A school district with an average daily attendance of
21 more than thirty-five thousand (35,000) which has incorporated
22 quantitative components of the TLE into its evaluation system of
23 teachers and administrators prior to the 2015-2016 school year may
24 continue using its evaluation system, as defined by the school

1 district's written policies, notwithstanding the provisions of this
2 section and regardless of the State Board of Education's adoption of
3 quantitative components pursuant to this section.

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

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

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

1 information shall be removed from such records to the fullest extent
2 possible.

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

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

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

17 B. Subject to the provisions of the Teacher Due Process Act of
18 1990, a probationary teacher may be dismissed or not reemployed for
19 cause.

20 C. Upon full implementation of the Oklahoma Teacher and Leader
21 Effectiveness Evaluation System (TLE) as set forth in Section 6-
22 101.10 of this title:

- 23 1. A career teacher who has received a ~~qualitative and~~
24 ~~quantitative~~ district evaluation rating of "ineffective" for two (2)

1 consecutive school years ~~shall~~ may be dismissed or not reemployed on
2 the grounds of instructional ineffectiveness by the school district,
3 subject to the provisions of the Teacher Due Process Act of 1990;

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

9 However, the superintendent may recommend and the school district
10 board of education may approve continued employment of the teacher;
11 and

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

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

23 5. ~~A career teacher who has not averaged a qualitative and~~
24 ~~quantitative rating of at least "effective" as measured pursuant to~~

1 ~~the TLE over a five-year period shall be dismissed or not reemployed~~
2 ~~on the grounds of instructional ineffectiveness by the school~~
3 ~~district, subject to the provisions of the Teacher Due Process Act~~
4 ~~of 1990; and~~

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

11 D. Upon full implementation of the Oklahoma Teacher and Leader
12 Effectiveness Evaluation System (TLE) as set forth in Section 6-
13 101.10 of this title:

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

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

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

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

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

12 2. Any felony offense.

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

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

21 2. "Sexual misconduct" means the soliciting or imposing of
22 criminal sexual activity.

23 G. As used in this section, "abandonment of contract" means the
24 failure of a teacher to report at the beginning of the contract term

1 or otherwise perform the duties of a contract of employment when the
2 teacher has accepted other employment or is performing work for
3 another employer that prevents the teacher from fulfilling the
4 obligations of the contract of employment.

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

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

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

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