

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 1350

By: Ford of the Senate

and

Casey of the House

COMMITTEE SUBSTITUTE

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 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; providing for district evaluation ratings to be comprised of certain components; removing reference to certain ratings; 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; modifying reference to certain ratings; 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; modifying reference to certain ratings; modifying description of quantitative component; removing language applicable to certain teachers; requiring discussion of student performance with certain teachers; 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; removing language regarding dismissal of teachers receiving

1 certain ratings; providing an effective date; and
2 declaring an emergency.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.3, as
6 last amended by Section 1, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
7 2015, Section 6-101.3), is amended to read as follows:

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

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

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

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

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

- 20 a. for teachers employed by a school district 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 three
24 (3) or more consecutive complete school years as a

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

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

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

1 received ~~qualitative and quantitative~~ district
2 evaluation ratings of at least "effective" for
3 the last two (2) years of the four-year period,
4 or

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

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

1 and for enabling the board to determine whether to approve or
2 disapprove the recommendation;

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

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

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

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

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

1 teacher only with regard to service in an instructional,
2 nonadministrative capacity; and

3 9. "District evaluation rating" means the rating issued based
4 on the qualitative component of the TLE as set forth in paragraph 5
5 of subsection B of Section 6-101.16 of this title or the rating
6 issued based on qualitative and quantitative components of the TLE,
7 as set forth in paragraphs 4 and 5 of subsection B of Section 6-
8 101.16, issued by a school district that has chosen to implement the
9 quantitative component for employment purposes, as set forth in
10 subparagraph d of paragraph 1 of subsection A of Section 6-101.10 of
11 this title.

12 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.10, as
13 last amended by Section 2, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
14 2015, Section 6-101.10), is amended to read as follows:

15 Section 6-101.10. A. Each school district board of education
16 shall maintain and annually review, following consultation with or
17 involvement of representatives selected by local teachers, a written
18 policy of evaluation for all teachers and administrators. In those
19 school districts in which there exists a professional negotiations
20 agreement made in accordance with Section 509.1 et seq. of this
21 title, the procedure for evaluating members of the negotiations unit
22 and any standards of performance and conduct proposed for adoption
23 beyond those established by the State Board of Education shall be
24 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

1 representative sampling of school sites within the
2 district,

- 3 b. for evaluations of teachers and administrators
4 conducted during the 2013-2014 school year, school
5 districts shall incorporate and put into operation the
6 qualitative components of the TLE as provided for in
7 subparagraph b of paragraph 4 of subsection B of
8 Section 6-101.16 of this title into the evaluations
9 used in all school sites within the district. For the
10 2013-2014 school year the evaluation rating of
11 teachers and administrators shall be based on the
12 qualitative component of the TLE. In addition, for
13 evaluations of teachers and administrators conducted
14 during the 2013-2014 school year, school districts
15 shall for purposes of testing the TLE incorporate on a
16 trial basis the quantitative components of the TLE as
17 provided for in subparagraph a of paragraph 4 of
18 subsection B of Section 6-101.16 of this title into
19 the evaluations used in all or a representative
20 sampling of school sites within the district.
21 However, nothing in this subparagraph shall preclude a
22 school district with an average daily attendance of
23 more than thirty-five thousand (35,000) from
24 incorporating at its own expense the quantitative

1 components of the TLE into its evaluation system of
2 teachers and administrators, as defined by the
3 district's written policy, during the 2013-2014 school
4 year,

- 5 c. for evaluations of teachers and administrators
6 conducted during the 2014-2015 and 2015-2016 school
7 years, school districts shall for purposes of
8 establishing baseline data incorporate the
9 quantitative components of the TLE as provided for in
10 subparagraph a of paragraph 4 of subsection B of
11 Section 6-101.16 of this title into the evaluations
12 used in all school sites within the district. For the
13 2014-2015 and 2015-2016 school years, the evaluation
14 rating of teachers and administrators shall be based
15 on the qualitative component of the TLE. However,
16 nothing in this subparagraph shall preclude a school
17 district with an average daily attendance of more than
18 thirty-five thousand (35,000) from incorporating at
19 its own expense the quantitative components of the TLE
20 into its evaluation system of teachers and
21 administrators, as defined by the district's written
22 policy, during the 2014-2015 and 2015-2016 school
23 years, and
24

d. 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 components of the TLE as provided for in ~~paragraph~~ paragraphs 4 and 5 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:

- (1) the qualitative component of the TLE and a quantitative rating based on the quantitative component of the TLE as set forth in paragraph 5 of subsection B of Section 6-101.16 of this title; or
- (2) the qualitative and quantitative components of the TLE, as set forth in paragraphs 4 and 5 of subsection B of Section 6-101.16 of this title for a district that has chosen to implement the quantitative component for employment purposes;

2. Be prescribed in writing at the time of adoption and at all times when amendments to the policy are adopted. The original

1 policy and all amendments to the policy shall be promptly made
2 available to all persons subject to the policy;

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

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

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

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

21 B. All individuals designated by the school district board of
22 education to conduct the personnel evaluations shall be required to
23 participate in training conducted by the State Department of
24 Education or training provided by the school district using

1 guidelines and materials developed by the State Department of
2 Education prior to conducting evaluations.

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

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

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

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

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

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

19 SECTION 3. AMENDATORY 70 O.S. 2011, Section 6-101.13, as
20 last amended by Section 3, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
21 2015, Section 6-101.13), is amended to read as follows:

22 Section 6-101.13. A. Whenever the school district board of
23 education or the administration of a school district shall determine
24 that the dismissal or nonreemployment of a full-time certified

1 administrator from the administrative position within the school
2 district should be effected, the administrator shall be entitled to
3 the following due process procedures:

4 1. A statement shall be submitted to the administrator in
5 writing prior to the dismissal or nonreemployment which states the
6 proposed action, lists the reasons for effecting the action, and
7 notifies the administrator of his right to a hearing before the
8 school district board of education prior to the action; and

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

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

23 C. After full implementation of the Oklahoma Teacher and Leader
24 Effectiveness Evaluation System (TLE) as set forth in Section 6-

1 101.10 of this title, a principal who has received ~~qualitative and~~
2 ~~quantitative~~ district evaluation ratings of "ineffective" as
3 measured pursuant to the TLE as set forth in Section 6-101.16 of
4 this title for two (2) consecutive school years, shall not be
5 reemployed by the school district, subject to the due process
6 procedures of this section.

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

14 SECTION 4. AMENDATORY 70 O.S. 2011, Section 6-101.16, as
15 last amended by Section 4, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
16 2015, Section 6-101.16), is amended to read as follows:

17 Section 6-101.16. A. By December 15, 2011, the State Board of
18 Education shall adopt a new statewide system of evaluation to be
19 known as the Oklahoma Teacher and Leader Effectiveness Evaluation
20 System (TLE). The Board shall work cooperatively with school
21 districts to fully implement both the quantitative and qualitative
22 components of the TLE in all school districts by the 2016-2017
23 school year as provided for in Section 6-101.10 of this title,
24 ~~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~~ district evaluation 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~~ evaluation 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~~ shall include a minimum of one of the reliable, research-based measures, 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. 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 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.~~

1 ~~8.~~ For first-year and second-year teachers, evaluations shall
2 be based solely on qualitative components set forth in ~~subparagraph~~
3 ~~b of paragraph 4~~ 5 of this subsection; ~~and~~

4 ~~9.~~ 8. For teachers who were previously employed by a different
5 public school district and for teachers who enter into post-
6 retirement employment with a public school, school districts shall
7 have the option of basing those evaluations solely on the
8 qualitative components set forth in ~~subparagraph b of paragraph 4~~ 5
9 of this subsection during their first year of employment; and

10 9. Student performance on the statewide criterion-referenced
11 tests, if available, shall be discussed with the teacher and may be
12 one of the considerations for the quantitative component of the
13 teacher's district evaluation.

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

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

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

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

16 ~~G.~~ F. The State Department of Education shall provide to the
17 Oklahoma State Regents for Higher Education and the Oklahoma
18 Commission for Educational Quality and Accountability timely
19 electronic data linked to teachers and leaders derived from the TLE
20 for purposes of providing a basis for the development of
21 accountability and quality improvements of the teacher preparation
22 system. The data shall be provided in a manner and at such times as
23 agreed upon between the Department, the State Regents and the
24 Commission.

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

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

15 SECTION 5. AMENDATORY 70 O.S. 2011, Section 6-101.22, as
16 last amended by Section 5, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
17 2015, Section 6-101.22), is amended to read as follows:

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

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

1. A career teacher who has received a ~~qualitative and quantitative~~ district evaluation 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; and

~~2. A career teacher who has received a qualitative or quantitative rating of "ineffective" for two (2) 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;~~

~~3.~~ 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 be dismissed or

1 not reemployed on the grounds of instructional ineffectiveness by
2 the school district, subject to the provisions of the Teacher Due
3 Process Act of 1990;

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

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

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

21 D. Upon full implementation of the Oklahoma Teacher and Leader
22 Effectiveness Evaluation System (TLE) as set forth in Section 6-
23 101.10 of this title:
24

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

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

11 ~~3.~~ A probationary teacher who has not attained career teacher
12 status within a four-year period 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 E. A teacher shall be dismissed or not reemployed, unless a
16 presidential or gubernatorial pardon has been issued, if during the
17 term of employment the teacher is convicted in this state, the
18 United States or another state of:

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

22 2. Any felony offense.

23 F. A teacher may be dismissed, refused employment or not
24 reemployed after a finding that such person has engaged in criminal

1 sexual activity or sexual misconduct that has impeded the
2 effectiveness of the individual's performance of school duties. As
3 used in this subsection:

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

7 2. "Sexual misconduct" means the soliciting or imposing of
8 criminal sexual activity.

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

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

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

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

24 55-2-3074 EB 2/18/2016 3:55:06 PM