

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED

SENATE BILL NO. 706

By: Ford and Pittman of the
Senate

and

Casey and Cockroft of the
House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to teachers; amending 70 O.S. 2011, Section 6-101.3, as last amended by Section 5, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2014, 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 1, Chapter 331, O.S.L. 2014 (70 O.S. Supp. 2014, Section 6-101.10, which relates to evaluation policies; directing certain evaluation components to be used during certain school years; modifying reference to certain ratings; directing the State Board of Education, in certain consultation, to conduct certain study; providing date for full implementation for certain purpose; amending 70 O.S. 2011, Section 6-101.13, as amended by Section 3, Chapter 373, O.S.L. 2013 (70 O.S. Supp. 2014, 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 29 of Enrolled Senate Bill No. 831 of the 1st Session of the 55th Oklahoma Legislature, which relates to the Teacher and Leader Effectiveness Evaluation System; delaying implementation of certain system; providing for qualitative and quantitative ratings; specifying components of ratings; directing school districts to adopt certain evaluation methods from certain approved options; allowing school districts to base certain evaluation percentage on

1 certain methods; allowing school districts to provide
2 only a qualitative rating for certain teachers;
3 directing the Teacher and Leader Effectiveness
4 Commission to recommend certain measures by certain
5 date; directing the State Board of Education to adopt
6 certain measures by certain date; allowing certain
7 school districts to continue using certain evaluation
8 system; updating reference; amending 70 O.S. 2011,
9 Section 6-101.22, as last amended by Section 5,
10 Chapter 373, O.S.L. 2013 (70 O.S. Supp. 2014, Section
11 6-101.22), which relates to dismissal of career
12 teachers; modifying criteria for which career and
13 probationary teachers may be dismissed; directing
14 promulgation of rules; providing for codification;
15 providing an effective date; and declaring an
16 emergency.

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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 5, Chapter 124, O.S.L. 2014 (70 O.S. Supp.
2014, Section 6-101.3), is amended to read as follows:

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

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

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

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

3 4. "Career 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 three
8 (3) or more consecutive complete school years as a
9 teacher in one school district under a written
10 continuing or temporary teaching contract, or

11 b. for teachers employed for the first time by a school
12 district under a written continuing or temporary
13 teaching contract after full implementation of the
14 Oklahoma Teacher and Leader Effectiveness Evaluation
15 System (TLE) as set forth in Section 6-101.10 of this
16 title:

17 (1) has completed three (3) consecutive complete
18 school years as a teacher in one school district
19 under a written continuing or temporary teaching
20 contract and has achieved ~~a rating~~ qualitative
21 and quantitative ratings of "superior" as
22 measured pursuant to the TLE as set forth in
23 Section 6-101.16 of this title for at least two
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1 (2) of the three (3) school years, with no rating
2 below "effective",

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

13 (3) has completed four (4) or more consecutive
14 complete school years in one school district
15 under a written continuing or temporary teaching
16 contract and has not met the requirements of
17 subparagraph a or b of this paragraph, only if
18 the principal of the school at which the teacher
19 is employed submits a petition to the
20 superintendent of the school district requesting
21 that the teacher be granted career status, the
22 superintendent agrees with the petition, and the
23 school district board of education approves the
24 petition. The principal shall specify in the

petition the underlying facts supporting the
granting of career status to the teacher;

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

6. "Probationary teacher" means a teacher who:

- a. for teachers employed by a school district prior to full implementation of the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.10 of this title, has completed fewer than three (3) consecutive complete school years as a teacher in one school district under a written teaching contract, or
- b. for teachers employed for the first time by a school district under a written teaching contract after full implementation of the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.10 of this title, has not met the

1 requirements for career teacher as provided in
2 paragraph 4 of this section;

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

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

11 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.10, as
12 last amended by Section 1, Chapter 331, O.S.L. 2014 (70 O.S. Supp.
13 2014, Section 6-101.10), is amended to read as follows:

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

1 existing agreement heretofore entered into between any school
2 district and any organizational representative of its employees.
3 Every policy of evaluation adopted by a board of education shall:

4 1. Be based upon a set of minimum criteria developed by the
5 State Board of Education, which shall be revised and based upon the
6 Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE)
7 developed by the State Board of Education as provided in Section 6-
8 101.16 of this title. The revisions to each policy of evaluation
9 shall be phased in according to the following schedule:

10 a. for evaluations of teachers and administrators
11 conducted during the 2012-2013 school year, school
12 districts shall for purposes of testing the TLE
13 incorporate on a trial basis the qualitative
14 components of the TLE as provided for in subparagraph
15 b of paragraph 4 of subsection B of Section 6-101.16
16 of this title into the evaluations used in all or a
17 representative sampling of school sites within the
18 district and may at the option of the school district
19 incorporate on a trial basis the ~~other academic~~
20 ~~measurement~~ quantitative components of the TLE as
21 provided for in ~~division (2)~~ of subparagraph a of
22 paragraph 4 of subsection B of Section 6-101.16 of
23 this title into the evaluations used in all or a
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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 ~~one hundred percent (100%) of~~
11 the evaluation rating of teachers and administrators
12 shall be based on the qualitative component of the
13 TLE. In addition, for evaluations of teachers and
14 administrators conducted during the 2013-2014 school
15 year, school districts shall for purposes of testing
16 the TLE incorporate on a trial basis the ~~student~~
17 ~~academic growth and other academic measurement~~
18 quantitative components of the TLE as provided for in
19 subparagraph a of paragraph 4 of subsection B of
20 Section 6-101.16 of this title into the evaluations
21 used in all or a representative sampling of school
22 sites within the district. However, nothing in this
23 subparagraph shall preclude a school district with an
24 average daily attendance of more than thirty-five

thousand (35,000) from incorporating at its own expense the quantitative ~~model~~ components of the TLE and ~~basing up to fifty percent (50%) of the evaluation rating of~~ into its evaluation system of teachers and administrators ~~on the quantitative components of the TLE,~~ as defined by the district's written policy, during the 2013-2014 school year,

- c. for evaluations of teachers and administrators conducted during the 2014-2015 and 2015-2016 school ~~year~~ years, school districts shall for purposes of establishing baseline data incorporate the ~~student academic growth and other academic measurement~~ quantitative components of the TLE as provided for in subparagraph a of paragraph 4 of subsection B of Section 6-101.16 of this title into the evaluations used in all school sites within the district. For the 2014-2015 and 2015-2016 school ~~year one hundred percent (100%) of~~ years, the evaluation rating of teachers and administrators shall be based on the qualitative component of the TLE, ~~and no portion of the evaluation rating shall be based on the quantitative components of the TLE.~~ However, nothing in this subparagraph shall preclude a school district with an average daily attendance of more than thirty-

1 five thousand (35,000) from incorporating at its own
2 expense the quantitative ~~model~~ components of the TLE
3 ~~and basing up to fifty percent (50%) of the evaluation~~
4 ~~rating of~~ into its evaluation system of teachers and
5 administrators ~~on the quantitative components of the~~
6 ~~TLE~~, as defined by the district's written policy,
7 during the 2014-2015 and 2015-2016 school ~~year~~ years,
8 and

- 9 d. for evaluations of teachers and administrators
10 conducted during the ~~2015-2016~~ 2016-2017 school year
11 and each school year thereafter, school districts
12 shall fully implement the TLE and incorporate and put
13 into operation both the qualitative and quantitative
14 components of the TLE as provided for in ~~subparagraph~~
15 ~~b of~~ paragraph 4 of subsection B of Section 6-101.16
16 of this title ~~and the student academic growth and~~
17 ~~other academic measurement quantitative components of~~
18 ~~the TLE as provided for in subparagraph a of paragraph~~
19 ~~4 of subsection B of Section 6-101.16 of this title~~
20 into the evaluations used in all school sites within
21 the district. For the ~~2015-2016~~ 2016-2017 school year
22 and each school year thereafter, ~~fifty percent (50%)~~
23 ~~of the evaluation rating of~~ teachers and
24 administrators shall ~~be~~ receive a qualitative rating

1 based on the qualitative component of the TLE and
2 ~~fifty percent (50%) shall be~~ a quantitative rating
3 based on the quantitative component of the TLE;

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

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

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

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

20 6. Provide that, except for superintendents of independent and
21 elementary school districts and superintendents of area school
22 districts who shall be evaluated by the school district board of
23 education, all certified personnel shall be evaluated by a
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1 principal, assistant principal, or other trained certified
2 individual designated by the school district board of education.

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

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

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

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

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

21 ~~F.~~ G. Data collected pursuant to this section shall not be
22 subject to the Oklahoma Open Meeting Act or the Oklahoma Open
23 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 3. AMENDATORY 70 O.S. 2011, Section 6-101.13, as
4 amended by Section 3, Chapter 373, O.S.L. 2013 (70 O.S. Supp. 2014,
5 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 ~~a rating~~
10 qualitative and quantitative ratings of "ineffective" as measured
11 pursuant to the TLE as set forth in Section 6-101.16 of this title
12 for two (2) consecutive school years, shall not be reemployed by the
13 school district, subject to the due process procedures of this
14 section.

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

22 SECTION 4. AMENDATORY 70 O.S. 2011, Section 6-101.16, as
23 last amended by Section 29 of Enrolled Senate Bill No. 831 of the
24

1 1st Session of the 55th Oklahoma Legislature, is amended to read as
2 follows:

3 Section 6-101.16. A. By December 15, 2011, the State Board of
4 Education shall adopt a new statewide system of evaluation to be
5 known as the Oklahoma Teacher and Leader Effectiveness Evaluation
6 System (TLE). The Board shall work cooperatively with school
7 districts to fully implement both the quantitative and qualitative
8 components of the TLE in all school districts by the ~~2015-2016~~ 2016-
9 2017 school year as provided for in Section 6-101.10 of this title,
10 including determining the final calculation of the student academic
11 growth measurement as provided for in ~~division (1) of~~ subparagraph a
12 of paragraph 4 of subsection B of this section and developing a
13 teacher/student assignment verification system.

14 B. The TLE shall include the following components:

15 1. ~~A five-tier rating system as follows:~~

16 a. ~~superior,~~

17 b. ~~highly effective,~~

18 c. ~~effective,~~

19 d. ~~needs improvement, and~~

20 e. ~~ineffective;~~

21 ~~2.~~ Annual evaluations that provide feedback to improve student
22 learning and outcomes, except as provided for in subsection C of
23 this section;
24

1 ~~3.~~ 2. Comprehensive remediation plans and instructional
2 coaching for all teachers ~~rated as needs improvement or ineffective~~
3 who receive qualitative or quantitative ratings of "needs
4 improvement" or "ineffective" in accordance with the rating system
5 established in paragraph 3 of this subsection;

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

- 9 a. superior,
- 10 b. highly effective,
- 11 c. effective,
- 12 d. needs improvement, and
- 13 e. ineffective;

14 4. a. ~~Quantitative and qualitative assessment components~~
15 ~~measured as follows:~~

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

19 ~~(1) thirty-five percentage points~~ include performance
20 measures of a teacher and leader that are based
21 on student academic growth using multiple years
22 of standardized test data, as available, and
23 performance measures for teachers in grades and
24 subjects for which there is no state-mandated

1 testing measure, as approved by the State Board
2 of Education pursuant to subsection E of this
3 section

4 ~~(2) fifteen percentage points based on other academic~~
5 ~~measurements, and~~

6 b. ~~fifty percent (50%) of the rating~~ The qualitative
7 ratings of teachers and leaders shall be based on
8 rigorous and fair qualitative assessment components;

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

- 14 a. organizational and classroom management skills,
- 15 b. ability to provide effective instruction,
- 16 c. focus on continuous improvement and professional
17 growth,
- 18 d. interpersonal skills, and
- 19 e. leadership skills;

20 6. An evidence-based qualitative assessment tool for the leader
21 qualitative portion of the TLE that will include observable and
22 measurable characteristics of personnel and site management
23 practices that are correlated to student performance success,
24 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, ~~the State Board of Education may adopt alternative percentages from those set forth in paragraph 4 of this subsection~~ 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; and

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 of this subsection ~~and the State Board of Education~~
4 ~~shall adopt alternative percentages from those set forth in~~
5 ~~paragraph 4 of this subsection; and~~

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

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

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

22 E. By December 1, 2015, the Teacher and Leader Effectiveness
23 Commission shall recommend to the State Board of Education multiple
24 reliable, research-based measures for providing a quantitative

1 evaluation component for teachers in grades and subjects for which
2 there is no state-mandated testing measure. The State Board of
3 Education shall approve and publish a list of approved measures by
4 February 1, 2016.

5 F. A school district with an average daily attendance of more
6 than thirty-five thousand (35,000) which has incorporated
7 quantitative components of the TLE pursuant to subparagraphs b and e
8 of paragraph 1 of subsection A of Section 6-101.10 of this title
9 into its evaluation system of teachers and administrators prior to
10 the 2015-2016 school year may continue using those quantitative
11 components its evaluation system, as defined by the school
12 districts' district's written policies, notwithstanding the
13 provisions of this section and regardless of the State Board of
14 Education's adoption of quantitative components pursuant to this
15 section.

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

1 ~~G.~~ H. 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.~~ I. 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 373, O.S.L. 2013 (70 O.S. Supp.
17 2014, 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 ~~been rated as~~ received a qualitative and quantitative rating of "ineffective" as measured pursuant to the TLE as set forth in Section 6-101.16 of this title for two (2) consecutive school years shall be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school district, subject to the provisions of the Teacher Due Process Act of 1990;

2. A career teacher who has received a qualitative or quantitative 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 ~~been rated as~~ received a qualitative and quantitative rating of "needs improvement" or lower

1 ~~pursuant to the TLE~~ for three (3) consecutive school years shall be
2 dismissed or not reemployed on the grounds of instructional
3 ineffectiveness by the school district, subject to the provisions of
4 the Teacher Due Process Act of 1990; ~~and~~

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

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

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

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

1 1. A probationary teacher who has ~~been rated as~~ received a
2 qualitative and quantitative 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. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 6-101.32 of Title 70, unless
21 there is created a duplication in numbering, reads as follows:

22 The State Board of Education shall promulgate rules necessary to
23 implement the provisions of this act.

24 SECTION 7. This act shall become effective July 1, 2015.

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

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