

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend House Bill No. 2957, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Ford

Ford-EB-FS-Req#3330
4/19/2016 10:29 AM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

FLOOR SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 2957

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

and

Ford and Sykes of the
Senate

FLOOR SUBSTITUTE

[teacher evaluations - definitions - professional
development - due process - Teacher and Leader
Effectiveness Evaluation System - dismissal of career
teachers - ~~effective date~~ -
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~~ the 2017-2018 school
15 year, has completed three (3) or more consecutive
16 complete school years as a teacher in one school
17 district under a written continuing or temporary
18 teaching contract, or

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

~~101.10 of this title~~ during the 2017-2018 school year
and thereafter:

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

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

(3) has completed four (4) or more consecutive
complete school years in one school district

1 under a written continuing or temporary teaching
2 contract and has not met the requirements of
3 subparagraph a or b of this paragraph, only if
4 the principal of the school at which the teacher
5 is employed submits a petition to the
6 superintendent of the school district requesting
7 that the teacher be granted career status, the
8 superintendent agrees with the petition, and the
9 school district board of education approves the
10 petition. The principal shall specify in the
11 petition the underlying facts supporting the
12 granting of career status to the teacher;

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

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

- 22 a. ~~for teachers is~~ employed by a school district prior to
23 ~~full implementation of the Oklahoma Teacher and Leader~~
24 ~~Effectiveness Evaluation System (TLE) as set forth in~~

~~Section 6-101.10 of this title~~ the 2017-2018 school year, has completed fewer than three (3) consecutive complete school years as a teacher in one school district under a written teaching contract, or

b. ~~for teachers~~ is employed for the first time by a school district under a written teaching contract ~~after full implementation of the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.10 of this title~~ during the 2017-2018 school year and thereafter, has not met the requirements for career teacher as provided in paragraph 4 of this section;

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

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

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

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

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

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

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

16 ~~b. for evaluations of teachers and administrators~~
17 ~~conducted during the 2013-2014 school year, school~~
18 ~~districts shall incorporate and put into operation the~~
19 ~~qualitative components of the TLE as provided for in~~
20 ~~subparagraph b 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 ~~2013-2014 school year the evaluation rating of~~
24 ~~teachers and administrators shall be based on the~~

~~qualitative component of the TLE. In addition, for evaluations of teachers and administrators conducted during the 2013-2014 school year, school districts shall for purposes of testing the TLE incorporate on a trial basis the quantitative components of the TLE as provided for in subparagraph a of paragraph 4 of subsection B of Section 6-101.16 of this title into the evaluations used in all or a representative sampling of school sites within the district. However, nothing in this subparagraph shall preclude a school district with an average daily attendance of more than thirty-five thousand (35,000) from incorporating at its own expense the quantitative components of the TLE into its evaluation system of teachers and administrators, as defined by the district's written policy, during the 2013-2014 school year,~~

~~c. for evaluations of teachers and administrators conducted during the 2014-2015 and 2015-2016 school years, school districts shall for purposes of establishing baseline data incorporate the quantitative components of the TLE as provided for in subparagraph a of paragraph 4 of subsection B of Section 6-101.16 of this title into the evaluations~~

1 ~~used in all school sites within the district. For~~ for
2 the 2014-2015 ~~and,~~ 2015-2016 and 2016-2017 school
3 years, the evaluation rating of teachers and
4 administrators shall be based on the qualitative
5 component of the TLE. For the 2016-2017 school year,
6 the State Department of Education shall work with
7 school districts to develop individualized programs of
8 professional development as described in subsection B
9 of this section. However, nothing in this
10 subparagraph shall preclude a school district with an
11 average daily attendance of more than thirty-five
12 thousand (35,000) from ~~incorporating~~ continuing to use
13 quantitative components which the district has
14 incorporated at its own expense ~~the quantitative~~
15 ~~components of the TLE~~ prior to the 2015-2016 school
16 year into its evaluation system of teachers and
17 administrators, as defined by the district's written
18 policy, ~~during the 2014-2015 and 2015-2016 school~~
19 ~~years, and~~

20 ~~d.~~

21 b. for evaluations of teachers and administrators
22 conducted during the ~~2016-2017~~ 2017-2018 school year
23 and each school year thereafter, school districts
24 shall ~~fully implement the TLE and~~ incorporate and put

1 into operation ~~both the qualitative and quantitative~~
2 ~~components~~ component of the TLE as provided for in
3 ~~paragraph 4 of~~ subsection B of Section 6-101.16 of
4 this title into the evaluations used in all school
5 sites within the district. For the ~~2016-2017~~ 2017-
6 2018 school year and each school year thereafter,
7 teachers and administrators shall receive a
8 ~~qualitative~~ district evaluation rating based on the
9 ~~qualitative component of the~~ components of the TLE and
10 ~~a quantitative rating based on the quantitative~~
11 ~~component of the TLE~~ as set forth in subsection B of
12 Section 6-101.16 of this title. For the 2017-2018
13 school year, school districts shall incorporate the
14 individualized programs of professional development as
15 described in subsection B of this section on a pilot
16 program basis, and

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

23 2. Be prescribed in writing at the time of adoption and at all
24 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)~~ three (3) 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, designee of the principal,
20 supervisor, content expert, department chair, peer committee or
21 other trained ~~certified individual~~ persons or groups of persons
22 designated by the school district board of education.

23 B. 1. Every policy of professional development adopted by a
24 school district board of education shall provide for the development

1 of a focused and individualized program of professional development
2 for the teacher or administrator that is consistent with the
3 qualitative component of the TLE. The policy of professional
4 development shall:

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

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

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

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

19 2. School districts shall monitor compliance with each
20 individualized program of professional development implemented
21 pursuant to this subsection. All professional development completed
22 pursuant to an individualized program of professional development
23 shall count toward the total number of points a teacher or
24 administrator is required to complete as established by a school

1 district board of education pursuant to Section 6-194 of this title.
2 The implementation of the individualized program of professional
3 development required by this subsection shall not be construed as
4 increasing the professional development points requirements.

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

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

22 C. All individuals designated by the school district board of
23 education to conduct the personnel evaluations shall be required to
24 participate in training conducted by the State Department of

1 Education or training provided by the school district using
2 guidelines and materials developed by the State Department of
3 Education prior to conducting evaluations.

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

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

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

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

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

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

21 SECTION 3. AMENDATORY 70 O.S. 2011, Section 6-101.13, as
22 last amended by Section 3, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
23 2015, Section 6-101.13), is amended to read as follows:
24

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

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

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

17 B. Failure of the administrator to request a hearing before the
18 school district board of education within ten (10) days after
19 receiving the written statement shall constitute a waiver of the
20 right to a hearing. No decision of the board of education
21 concerning the dismissal or nonreemployment of a full-time certified
22 administrator shall be effective until the administrator has been
23 afforded due process as specified in this section. The decision of
24

1 the school district board of education concerning the dismissal or
2 nonreemployment, following the hearing, shall be final.

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

10 D. ~~After full implementation of the TLE as set forth in Section~~
11 ~~6-101.10 of this title~~ Beginning with the 2017-2018 school year and
12 thereafter, a principal who has received ~~qualitative or quantitative~~
13 district evaluation ratings of "ineffective" as measured pursuant to
14 the TLE as set forth in Section 6-101.16 of this title for two (2)
15 consecutive school years may be dismissed or not reemployed by the
16 school district, subject to the due process procedures of this
17 section.

18 SECTION 4. AMENDATORY 70 O.S. 2011, Section 6-101.16, as
19 last amended by Section 4, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
20 2015, Section 6-101.16), is amended to read as follows:

21 Section 6-101.16. A. By December 15, 2011, the State Board of
22 Education shall adopt a new statewide system of evaluation to be
23 known as the Oklahoma Teacher and Leader Effectiveness Evaluation
24 System (TLE). The Board shall work cooperatively with school

1 districts to ~~fully implement both~~ incorporate the ~~quantitative and~~
2 ~~qualitative~~ components of the TLE in all school districts by the
3 ~~2016-2017~~ 2017-2018 school year as provided for in Section 6-101.10
4 of this title, ~~including determining the final calculation of the~~
5 ~~student academic growth measurement as provided for in subparagraph~~
6 ~~a of paragraph 4 of subsection B of this section and developing a~~
7 ~~teacher/student assignment verification system.~~

8 B. The TLE shall include the following components:

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

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

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

- 19 a. superior,
- 20 b. highly effective,
- 21 c. effective,
- 22 d. needs improvement, and
- 23 e. ineffective;

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

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

14 ~~5.~~ 3. An evidence-based qualitative assessment tool for the
15 teacher qualitative portion of the TLE that will include observable
16 and measurable characteristics of personnel and classroom practices
17 that are correlated to student performance success, including, but
18 not limited to:

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

1 ~~6.~~ 4. An evidence-based qualitative assessment tool for the
2 leader qualitative portion of the TLE that will include observable
3 and measurable characteristics of personnel and site management
4 practices that are correlated to student performance success,
5 including, but not limited to:

- 6 a. organizational and school management, including
- 7 retention and development of effective teachers and
- 8 dismissal of ineffective teachers,
- 9 b. instructional leadership,
- 10 c. professional growth and responsibility,
- 11 d. interpersonal skills,
- 12 e. leadership skills, and
- 13 f. stakeholder perceptions;

14 ~~7. For those teachers in grades and subjects for which there is~~
15 ~~no state-mandated testing measure to create a quantitative~~
16 ~~assessment for the quantitative portion of the TLE, local school~~
17 ~~district boards of education shall choose evaluation methods from a~~
18 ~~list of reliable, research-based options approved by the State Board~~
19 ~~of Education pursuant to subsection E of this section. Emphasis~~
20 ~~shall be placed on the observed qualitative assessment as well as~~
21 ~~contribution to the overall school academic growth. For those~~
22 ~~teachers who have at least one tested grade or subject, school~~
23 ~~districts shall have the option of basing up to fifty percent (50%)~~
24 ~~of the quantitative rating on evaluation methods chosen from a list~~

~~of reliable, research-based options approved by the State Board of Education pursuant to subsection E of this section;~~

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

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

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

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

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

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

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

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

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

1 section and regardless of the State Board of Education's adoption of
2 quantitative components pursuant to this section.

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

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

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

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~~ During the 2017-2018 school year and
23 thereafter:
24

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

6 2. A career teacher who has received a ~~qualitative or~~
7 ~~quantitative~~ district evaluation rating of "ineffective" for two (2)
8 consecutive school years ~~may~~ shall be dismissed or not reemployed on
9 the grounds of instructional ineffectiveness by the school district,
10 subject to the provisions of the Teacher Due Process Act of 1990.
11 However, the superintendent may recommend and the school district
12 board of education may approve continued employment of the teacher;
13 and

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

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

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

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

13 ~~D. Upon full implementation of the Oklahoma Teacher and Leader~~
14 ~~Effectiveness Evaluation System (TLE) as set forth in Section 6-~~
15 ~~101.10 of this title During the 2017-2018 school year and~~
16 ~~thereafter:~~

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

22 ~~2. A probationary teacher who has received a qualitative or~~
23 ~~quantitative rating of "ineffective" as measured pursuant to the TLE~~
24 ~~for two (2) consecutive school years may be dismissed or not~~

1 ~~reemployed by the school district subject to the provisions of the~~
2 ~~Teacher Due Process Act of 1990; and~~

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

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

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

14 2. Any felony offense.

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

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

23 2. ~~"Sexual misconduct" means the soliciting or imposing of criminal~~
24 ~~sexual activity~~ acts that could form the basis of criminal charges

1 sufficient to result in the denial or revocation of a certificate
2 for a reason set forth in subparagraph a of paragraph 6 of Section
3 3-104 of this title.

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

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

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

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

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