

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

☐ FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

☐ COMMITTEE AMENDMENT

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend House Bill No. 1161, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Stanislawski

Stanislawski-EB-FS-Req#1756  
4/20/2017 3:38 PM

(Floor Amendments Only)    Date and Time Filed: \_\_\_\_\_

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

FLOOR SUBSTITUTE  
FOR ENGROSSED

HOUSE BILL NO. 1161

By: Rogers of the House

and

Stanislawski of the Senate

FLOOR SUBSTITUTE

[ schools - deleting and modifying requirements for  
evaluation and professional development policies -  
repealer - ~~effective date~~ -

~~emergency~~ ]

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-116, as  
last amended by Section 1, Chapter 360, O.S.L. 2016 (70 O.S. Supp.  
2016, Section 1-116), is amended to read as follows:

Section 1-116. As used in this ~~title~~ act:

1. "Teacher" means any person who is employed to serve as  
district superintendent, principal, supervisor, a counselor,  
librarian, school nurse or classroom teacher or in any other  
instructional, supervisory or administrative capacity. The person  
shall not be deemed qualified unless the person holds a valid  
certificate issued by and in accordance with the rules of the State

1 Board of Education, to perform the particular services for which the  
2 person is employed;

3 2. "Superintendent" or "superintendent of schools" means the  
4 executive officer of the board of education and the administrative  
5 head of the school system of a district maintaining an accredited  
6 school, provided the person holds an administrator's certificate  
7 recognized by the State Board of Education;

8 3. "Principal" means any person other than a district  
9 superintendent of schools having supervisory or administrative  
10 authority over any school or school building having two or more  
11 teachers. A teaching principal shall be a principal who devotes at  
12 least one-half (1/2) the time school is in session to classroom  
13 teaching. Teaching principals shall be required to hold  
14 administrative certificates;

15 4. "Teachers" means, for purposes of complying with the State  
16 Aid Law and other statutes, but not any other provision of law,  
17 which apportion money on the basis of teaching units or the number  
18 of teachers employed or qualified, all persons holding proper  
19 certificates and connected in any capacity with the instruction of  
20 pupils;

21 5. "Resident teacher" means any certified teacher who is  
22 employed in a local school to serve as a classroom teacher under the  
23 guidance and assistance of a mentor teacher or teachers and  
24 residency committee. A resident teacher shall have completed the

1 college or school of education program of the accredited institution  
2 of higher learning from which the resident teacher graduated;

3 6. "Student teacher" means any student who is enrolled in an  
4 institution of higher learning approved by the State Board of  
5 Education for teacher training and who is jointly assigned by the  
6 institution of higher learning and a board of education of a school  
7 district to perform practice teaching under the direction of a  
8 regularly employed and certified teacher. A student teacher, while  
9 serving a nonsalaried internship under the supervision of a  
10 certified teacher, shall be accorded the same protection of the laws  
11 as that accorded the certified teacher;

12 7. "School nurse" means a person employed full time by a board  
13 of education who is a registered nurse licensed by the Oklahoma  
14 State Board of Nurse Registration and Nursing Education and is  
15 certified the same as a teacher by the State Board of Education.  
16 Provided, that any person who is employed as a full-time school  
17 nurse in any school district in Oklahoma who is not registered on  
18 the effective date of this act may continue to serve in the same  
19 capacity; however, such person shall, under rules adopted by the  
20 State Board of Education, attend classes in nursing and prepare to  
21 become registered.

22 A school nurse employed by a board of education shall be  
23 accorded the same protection of laws and all other benefits accorded  
24 a certified teacher; and

1        8. "Support employee" means an employee who provides those  
2 services which are not performed by certified teachers, principals,  
3 superintendents or administrators and which are necessary for the  
4 efficient and satisfactory functioning of a school district.

5        SECTION 2.        AMENDATORY        70 O.S. 2011, Section 6-101.3, as  
6 last amended by Section 2, Chapter 360, O.S.L. 2016 (70 O.S. Supp.  
7 2016, 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. ~~is employed by a school district prior to the 2017-~~  
21       ~~2018 school year and~~ has completed three (3) or more  
22       consecutive complete school years as a teacher in one  
23       school district under a written continuing or  
24       temporary teaching contract, ~~or~~

b. ~~is employed for the first time by a school district under a written continuing or temporary teaching contract 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 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,~~

~~(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 a district evaluation rating of at least "effective" as measured pursuant to the TLE for the four-year period, and has received district evaluation ratings of at least "effective" for the last two (2) years of the four-year period, or~~

~~(3) has completed four (4) or more consecutive complete school years in one school district under a written continuing or temporary teaching~~

~~contract and has not met the requirements of  
subparagraph a or b of this paragraph, only if  
the principal of the school at which the teacher  
is employed submits a petition to the  
superintendent of the school district requesting  
that the teacher be granted career status, the  
superintendent agrees with the petition, and the  
school district board of education approves the  
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. ~~is employed by a school district prior to the 2017-~~  
~~2018 school year and~~ has completed fewer than three  
(3) consecutive complete school years as a teacher in

1           one school district under a written teaching contract,  
2           or

3           b.    is employed for the first time by a school district  
4           under a written teaching contract ~~during the 2017-2018~~  
5           ~~school year~~ and thereafter and has not met the  
6           requirements for career teacher as provided in  
7           paragraph 4 of this section;

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

11          8.    "Teacher" means ~~a person defined as a teacher in Section 1-~~  
12          ~~116 of this title; and~~

13          9.    ~~"District evaluation rating" means the rating issued based~~  
14          ~~on the components of the TLE as set forth in subsection B of Section~~  
15          ~~6-101.16 of this title~~ any person who is employed to serve as a  
16          counselor, librarian or classroom teacher or in any other  
17          instructional capacity.

18          SECTION 3.        AMENDATORY        70 O.S. 2011, Section 6-101.10, as  
19          last amended by Section 2, Chapter 301, O.S.L. 2016 (70 O.S. Supp.  
20          2016, Section 6-101.10), is amended to read as follows:

21          Section 6-101.10.   A.   Each school district board of education  
22          shall maintain and annually review, following consultation with or  
23          involvement of representatives selected by local teachers, a written  
24          policy of evaluation and corresponding professional development for



1 all teachers and administrators. In those school districts in which  
2 there exists a professional negotiations agreement made in  
3 accordance with Section 509.1 et seq. of this title, the procedure  
4 for evaluating members of the negotiations unit and any standards of  
5 performance and conduct proposed for adoption beyond those  
6 established by the State Board of Education shall be negotiable  
7 items. Nothing in this section shall be construed to annul, modify  
8 or to preclude the renewal or continuing of any existing agreement  
9 heretofore entered into between any school district and any  
10 organizational representative of its employees.

11 B. Every policy of evaluation and corresponding professional  
12 development adopted by a board of education of a school district  
13 ~~shall: 1. Be based upon a set of minimum criteria developed by the~~  
14 ~~State Board of Education, which shall be revised and based upon the~~  
15 ~~Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE)~~  
16 ~~developed by the State Board of Education as provided in Section 6-~~  
17 ~~101.16 of this title. The revisions to each policy of evaluation~~  
18 ~~shall be phased in according to the following schedule:~~

19 ~~a. for the 2014-2015, 2015-2016 and 2016-2017 school~~  
20 ~~years, the evaluation rating of teachers and~~  
21 ~~administrators shall be based on the qualitative~~  
22 ~~component of the TLE. For the 2016-2017 school year,~~  
23 ~~the State Department of Education shall work with~~  
24 ~~school districts to develop individualized programs of~~

~~professional development as described in subsection B of this section. However, nothing in this subparagraph shall preclude a school district with an average daily attendance of more than thirty-five thousand (35,000) from continuing to use quantitative components which the district has incorporated at its own expense prior to the 2015-2016 school year into its evaluation system of teachers and administrators, as defined by the district's written policy,~~

b. ~~for evaluations of teachers and administrators conducted during the 2017-2018 school year, and each school year thereafter, school districts shall incorporate and put into operation the qualitative component of the TLE as provided for in subsection B of Section 6-101.16 of this title into the evaluations used in all school sites within the district. For the 2017-2018 school year, and each school year thereafter, teachers and administrators shall receive a district evaluation rating based on the components of the TLE as set forth in subsection B of Section 6-101.16 of this title. For the 2017-2018 school year, school districts shall incorporate the individualized programs of professional development as described in~~

~~subsection B of this section on a pilot program basis,~~  
~~and~~

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

~~2.~~

be a reflective practice model of teacher and administrator  
professionalism which includes an evaluation component and a  
professional development component.

C. The evaluation component of every policy of evaluation and  
corresponding professional development adopted by a school district  
board of education shall:

1. Incorporate a qualitative assessment tool adopted by the  
school district board of education for the purposes of the Oklahoma  
Teacher and Leader Effectiveness Evaluation System. The qualitative  
assessment tool may be any methods developed or adopted by the  
school district board of education for purposes of the Oklahoma  
Teacher and Leader Effectiveness Evaluation System which are valid,  
reliable, research-based and supported by a body of evidence;

2. Provide for the development of a focused and individualized  
professional development plan for the teacher or administrator that

1 is consistent with the qualitative assessment tool or tools  
2 criteria; and

3 3. School districts may choose to propose to the State  
4 Department of Education other models of qualitative evaluation that  
5 are valid, reliable, research-based and supported by a body of  
6 evidence. Proposed models of evaluation shall support a desire by a  
7 school district to provide an innovative approach that addresses  
8 local instructional philosophy and initiatives. The proposed  
9 evaluation tool may deviate from the current approved qualitative  
10 models and rating system but shall include individualized  
11 professional development plans. The proposed evaluation model shall  
12 be approved by the State Department of Education prior to  
13 implementation.

14 D. The professional development component of every policy of  
15 evaluation and corresponding professional development adopted by a  
16 school district board of education shall:

17 1. Establish an annual professional growth goal for the teacher  
18 or administrator that is developed by the teacher or administrator  
19 in collaboration with the evaluator;

20 2. Be tailored to address a specific area or criteria  
21 identified through the qualitative assessment tool or tools  
22 criteria;

1       3. Allow the teacher or administrator to actively engage with  
2 learning practices that are evidence-based, researched practices  
3 that are correlated with increased student achievement; and

4       4. Be supported by resources that are easily available and  
5 supplied by the school district and the State Department of  
6 Education.

7       E. School districts shall monitor compliance with each  
8 professional development plan as described in subsection D of this  
9 section. All professional development completed pursuant to a  
10 professional development plan shall count toward the total number of  
11 points a teacher or administrator is required to complete as  
12 established by the board of education of the school district  
13 pursuant to Section 6-194 of this title. The implementation of the  
14 professional development plan requirements pursuant to this section  
15 shall not be construed as increasing the professional development  
16 points requirement.

17       F. "Professional development" means professional learning  
18 experiences that are designed to improve an educator's capacity to  
19 serve students. Professional development plans as described in  
20 subsection D of this section may include, but are not limited to,  
21 the following learning practices:

22       1. Presenter-led workshops;

23       2. Individual or faculty studies of books, scholarly articles,  
24 video productions and/or any other instructional media;

1       3. Peer observations;

2       4. Committee studies to address student achievement issues;

3       5. Work related to a specific subject area or areas that is  
4 associated with obtaining an advanced degree or professional  
5 certification;

6       6. Action research projects designed to improve student  
7 achievement;

8       7. Participation in local, regional or state initiatives  
9 associated with the development or implementation of curriculum  
10 standards;

11       8. Participation as a mentor teacher to provide guidance,  
12 support, coaching and assistance to teachers;

13       9. Participation as a mentee teacher; and

14       10. Participation as a lead teacher to plan and deliver  
15 professional development activities designed to improve  
16 instructional strategies based on needs or requests of teachers in  
17 the school district.

18       G. In addition to the evaluation and professional development  
19 components that are required to be included in every policy of  
20 evaluation and corresponding professional development, a school  
21 district board of education may adopt additional components and  
22 procedures. The components adopted by the school district board of  
23 education may include:

1       1. Student learning components or quantitative assessment  
2 measures that are based on teacher or school district assessments  
3 developed or adopted by teachers or school districts that can be  
4 used to demonstrate student growth over one (1) academic year or  
5 multiple academic years as elected, approved and funded by the  
6 school district board of education; and

7       2. Teacher and administrator professionalism based on  
8 observable and measurable characteristics of professionalism  
9 including, but not limited to, interpersonal skills, parental  
10 involvement, continuous improvement and professional growth,  
11 classroom or school organization and management skills and  
12 leadership skills.

13       H. Every policy of evaluation and corresponding professional  
14 development adopted by a school district board of education shall  
15 include a five-tier rating system as follows:

- 16           1. Superior;
- 17           2. Highly effective;
- 18           3. Effective;
- 19           4. Needs improvement; and
- 20           5. Ineffective.

21       I. Every policy of evaluation and corresponding professional  
22 development adopted by a school district board of education shall:

23       1. 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.~~ 2. 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.~~ 3. 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.~~ 4. Provide that every career teacher be evaluated ~~once every~~  
11 ~~year, except for career teachers receiving a district evaluation~~  
12 ~~rating of "superior" or "highly effective" under the TLE who may be~~  
13 ~~evaluated~~ periodically based on his or her evaluation rating with a  
14 minimum of one evaluation once every three (3) years; and

15 5. Provide that every teacher who receives a rating below the  
16 acceptable level of performance as established by the board of  
17 education be provided a comprehensive remediation plan and  
18 instructional coaching;

19 6. Provide that, except for superintendents of independent and  
20 elementary school districts and superintendents of area school  
21 districts who shall be evaluated by the school district board of  
22 education, all certified personnel shall be evaluated through formal  
23 or informal observations by a principal, assistant principal,  
24 ~~designee of the principal, supervisor, content expert, department~~



~~chair, peer committee or other trained persons or groups of persons  
designated by the school district board of education or district  
level administrator; and~~

7. Provide that every career teacher shall participate in an  
annual professional growth plan review.

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

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

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

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

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

2. ~~School districts shall monitor compliance with each  
individualized program of professional development implemented  
pursuant to this subsection. All professional development completed  
pursuant to an individualized program of professional development  
shall count toward the total number of points a teacher or  
administrator is required to complete as established by a school  
district board of education pursuant to Section 6-194 of this title.  
The implementation of the individualized program of professional  
development required by this subsection shall not be construed as  
increasing the professional development points requirements.~~

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

- a. ~~presenter-led workshops,~~
- b. ~~individual or faculty studies of books, scholarly  
articles and video productions,~~
- c. ~~peer observations,~~
- d. ~~committee studies to address student achievement  
issues,~~

1           ~~e. work related to a specific subject area or areas~~  
2           ~~associated with obtaining an advanced degree or~~  
3           ~~professional certification,~~

4           ~~f. action research projects designed to improve student~~  
5           ~~achievement, and~~

6           ~~g. participation in local, regional or state initiatives~~  
7           ~~associated with the development or implementation of~~  
8           ~~curriculum standards.~~

9           ~~C. J.~~ All individuals designated by the school district board  
10 of education to conduct the personnel evaluations shall be required  
11 to participate in training conducted by the State Department of  
12 Education or training provided by the school district ~~using~~  
13 ~~guidelines and materials developed by the State Department of~~  
14 ~~Education~~ prior to conducting evaluations.

15           ~~D. The State Department of Education shall develop and conduct~~  
16 ~~workshops pursuant to statewide criteria which train individuals in~~  
17 ~~conducting evaluations.~~

18           ~~E. K.~~ The State Board of Education shall monitor compliance  
19 with the provisions of this section ~~by school districts.~~

20           ~~F. The State Board of Education shall study continued~~  
21 ~~implementation of the TLE to produce a system that promotes~~  
22 ~~reflection and professional growth for teachers and leaders.~~

1       ~~G.~~ L. Refusal by a school district to comply with the  
2 provisions of this section shall be grounds for withholding State  
3 Aid funds until compliance occurs.

4       ~~H.~~ M. Data collected pursuant to this section shall not be  
5 subject to the Oklahoma Open Meeting Act or the Oklahoma Open  
6 Records Act.

7       SECTION 4.       NEW LAW       A new section of law to be codified  
8 in the Oklahoma Statutes as Section 6-101.18 of Title 70, unless  
9 there is created a duplication in numbering, reads as follows:

10       A. For the 2014-2015, 2015-2016 and 2016-2017 school years, the  
11 evaluation rating of teachers and administrators shall be based on  
12 the qualitative component of the Oklahoma Teacher and Leader  
13 Effectiveness Evaluation System (TLE) as described in subsection C  
14 of Section 2 of this act.

15       B. For the 2016-2017 school year, the State Department of  
16 Education shall work with school districts to develop individualized  
17 programs of professional development as described in subsection D of  
18 Section 2 of this act.

19       C. For the 2017-2018 school year, school districts shall  
20 incorporate the individualized programs of professional development  
21 as described in subsection D of Section 2 of this act on a pilot  
22 program basis.

23       D. For evaluations of teachers and administrators conducted  
24 during the 2018-2019 school year, and each school year thereafter,

1 school districts shall fully incorporate and put into operation the  
2 individualized programs of professional development as described in  
3 subsection D of Section 2 of this act.

4 SECTION 5. REPEALER 70 O.S. 2011, Section 6-101.17 and  
5 Sections 1, 2 and 3, Chapter 275, O.S.L. 2016 (70 O.S. Supp. 2016,  
6 Sections 6-301, 6-302 and 6-303), are hereby repealed.

7 ~~SECTION 6. This act shall become effective August 1, 2017.~~

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

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