

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1161

By: Rogers

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to schools; amending 70 O.S. 2011,
10 Sections 6-101.3, as last amended by Section 2,
11 Chapter 360, O.S.L. 2016, 6-101.10, as last amended
12 by Section 2, Chapter 301, O.S.L. 2016 and 6-101.13,
13 as last amended by Section 3, Chapter 301, O.S.L.
14 2016 (70 O.S. Supp. 2016, Sections 6-101.3, 6-101.10
15 and 6-101.13), which relate to evaluations of
16 teachers and administrators; modifying certain
17 definitions; deleting and modifying requirements for
18 evaluation and professional development policies;
19 requiring policies to include certain components;
20 listing criteria for evaluation component; listing
21 criteria for professional development component;
22 requiring school districts to monitor compliance;
23 making professional development count toward total
24 required number of professional development points;
 stating construction; providing examples of
 professional development learning practices;
 providing for additional components and procedures;
 describing a student learning component or
 quantitative measure; describing a teacher and
 administrator professionalism component; authorizing
 boards of education to include certain rating system;
 directing school districts to define rating levels;
 encouraging school districts to seek certain input;
 modifying and adding certain requirements for
 policies of evaluation and corresponding professional
 development; deleting references to state guidelines,
 materials and criteria; providing manner of
 monitoring compliance; deleting certain Teacher and
 Leader Effectiveness Evaluation System (TLE) study

1 requirement; deleting authority to dismiss principals
2 based on district evaluation ratings; amending 70
3 O.S. 2011, Section 6-101.22, as last amended by
4 Section 5, Chapter 301, O.S.L. 2016 (70 O.S. Supp.
5 2016, Section 6-101.22), which relates to the
6 Teachers Due Process Act of 1990; deleting
7 requirements for dismissal or nonreemployment of
8 teachers; providing for the dismissal of teachers for
9 engaging in certain acts; defining terms; repealing
10 70 O.S. 2011, Sections 6-101.16, as last amended by
11 Section 4, Chapter 301, O.S.L. 2016, 6-101.17 and 6-
12 182, as last amended by Section 1, Chapter 108,
13 O.S.L. 2016 and Sections 1, 2 and 3, Chapter 275,
14 O.S.L. 2016 (70 O.S. Supp. 2016, Sections 6-101.16,
15 6-182, 6-301, 6-302 and 6-303), which relate to the
16 Oklahoma Teacher and Leader Effectiveness Evaluation
17 System, the Teacher and Leader Effectiveness
18 Commission, the Oklahoma Teacher Preparation Act and
19 the Empowering Teachers to Lead Act; providing an
20 effective date; and declaring an 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 2, Chapter 360, O.S.L. 2016 (70 O.S. Supp.
2016, 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. ~~is employed by a school district prior to the 2017-~~
5 ~~2018 school year and~~ has completed three (3) or more
6 consecutive complete school years as a teacher in one
7 school district under a written continuing or
8 temporary teaching contract, ~~or~~

9 b. ~~is employed for the first time by a school district~~
10 ~~under a written continuing or temporary teaching~~
11 ~~contract during the 2017-2018 school year and~~
12 ~~thereafter:~~

13 ~~(1) has completed three (3) consecutive complete~~
14 ~~school years as a teacher in one school district~~
15 ~~under a written continuing or temporary teaching~~
16 ~~contract and has achieved a district evaluation~~
17 ~~rating of "superior" as measured pursuant to the~~
18 ~~TLE as set forth in Section 6-101.16 of this~~
19 ~~title for at least two (2) of the three (3)~~
20 ~~school years,~~

21 ~~(2) has completed four (4) consecutive complete~~
22 ~~school years as a teacher in one school district~~
23 ~~under a written continuing or temporary teaching~~
24 ~~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

1 Constitution and the Constitution of Oklahoma under circumstances
2 and for enabling the board to determine whether to approve or
3 disapprove the recommendation;

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

5 a. ~~is employed by a school district prior to the 2017-~~
6 ~~2018 school year and has completed fewer than three~~
7 ~~(3) consecutive complete school years as a teacher in~~
8 ~~one school district under a written teaching contract,~~
9 ~~or~~

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

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

18 8. "Teacher" means ~~a person defined as a teacher in Section 1-~~
19 ~~116 of this title; and~~

20 9. ~~"District evaluation rating" means the rating issued based~~
21 ~~on the components of the TLE as set forth in subsection B of Section~~
22 ~~6-101.16 of this title~~ any person who is employed to serve as a
23 counselor, librarian or classroom teacher or in any other
24 instructional capacity.

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

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

18 B. Every policy of evaluation and corresponding professional
19 development adopted by a board of education of a school district
20 shall:

21 ~~1. Be based upon a set of minimum criteria developed by the~~
22 ~~State Board of Education, which shall be revised and based upon the~~
23 ~~Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE)~~
24 ~~developed by the State Board of Education as provided in Section 6-~~

~~101.16 of this title. The revisions to each policy of evaluation shall be phased in according to the following schedule:~~

- ~~a. for the 2014-2015, 2015-2016 and 2016-2017 school years, the evaluation rating of teachers and administrators shall be based on the qualitative component of the TLE. For the 2016-2017 school year, the State Department of Education shall work with 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~~

~~c. 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 or tools. The qualitative assessment tool or tools may be any methods developed or

1 adopted by the school district board of education for purposes of
2 the Oklahoma Teacher and Leader Effectiveness Evaluation System
3 which are valid, reliable, research-based and supported by a body of
4 evidence; and

5 2. Provide for the development of a focused and individualized
6 professional development plan for the teacher or administrator that
7 is consistent with the qualitative assessment tool or tools
8 criteria.

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

12 1. Establish an annual professional growth goal for the teacher
13 or administrator that is developed by the teacher or administrator
14 in collaboration with the evaluator;

15 2. Be tailored to address a specific area or criteria
16 identified through the qualitative assessment tool or tools
17 criteria;

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

21 4. Be supported by resources that are easily available and
22 supplied by the school district and the State Department of
23 Education.

24 E. School districts shall monitor compliance with each

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

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

- 15 1. Presenter-led workshops;
- 16 2. Individual or faculty studies of books, scholarly articles,
17 video productions and/or any other instructional media;
- 18 3. Peer observations;
- 19 4. Committee studies to address student achievement issues;
- 20 5. Work related to a specific subject area or areas that is
21 associated with obtaining an advanced degree or professional
22 certification;
- 23 6. Action research projects designed to improve student
24 achievement;

1 7. Participation in local, regional or state initiatives
2 associated with the development or implementation of curriculum
3 standards;
4 8. Participation as a mentor teacher to provide guidance,
5 support, coaching and assistance to teachers;
6 9. Participation as a mentee teacher; and
7 10. Participation as a lead teacher to plan and deliver
8 professional development activities designed to improve
9 instructional strategies based on needs or requests of teachers in
10 the school district.

11 G. In addition to the evaluation and professional development
12 components that are required to be included in every policy of
13 evaluation and corresponding professional development, a school
14 district board of education may adopt additional components and
15 procedures. The components adopted by the school district board of
16 education may include:

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

23 2. Teacher and administrator professionalism based on
24 observable and measurable characteristics of professionalism

1 including, but not limited to, interpersonal skills, parental
2 involvement, continuous improvement and professional growth,
3 classroom or school organization and management skills and
4 leadership skills.

5 H. 1. Every policy of evaluation and corresponding
6 professional development adopted by a school district board of
7 education may include a five-tier rating system as follows:

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

13 2. School districts shall define each rating level for
14 consistent and shared definitions.

15 3. School districts are encouraged to seek input from teachers
16 and administrators in establishing the parameters of each rating
17 level.

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

20 1. Be prescribed in writing at the time of adoption and at all
21 times when amendments to the policy are adopted. The original
22 policy and all amendments to the policy shall be promptly made
23 available to all persons subject to the policy;
24

1 ~~3.~~ 2. Provide that all evaluations be made in writing and that
2 evaluation documents and responses thereto be maintained in a
3 personnel file for each evaluated person;

4 ~~4.~~ 3. Provide that every probationary teacher receive formative
5 feedback from the evaluation process at least two times per school
6 year, once during the fall semester and once during the spring
7 semester;

8 ~~5.~~ 4. Provide that every career teacher be evaluated ~~once every~~
9 ~~year, except for career teachers receiving a district evaluation~~
10 ~~rating of "superior" or "highly effective" under the TLE who may be~~
11 ~~evaluated once every three (3) years~~ at the discretion of the school
12 district; provided, that every career teacher shall participate in
13 an annual or biannual professional growth plan review;

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

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

1 ~~designated by the school district board of education~~ or district
2 level administrator.

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

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

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

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

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

23 ~~2. School districts shall monitor compliance with each~~
24 ~~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,~~
- ~~e. work related to a specific subject area or areas associated with obtaining an advanced degree or professional certification,~~
- ~~f. action research projects designed to improve student achievement, and~~

1 ~~g. participation in local, regional or state initiatives~~
2 ~~associated with the development or implementation of~~
3 ~~curriculum standards.~~

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

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

13 ~~E.~~ K. The State Board of Education shall monitor compliance
14 with the provisions of this section ~~by~~ through the annual
15 accreditation of the school districts.

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

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

22 ~~H.~~ M. Data collected pursuant to this section shall not be
23 subject to the Oklahoma Open Meeting Act or the Oklahoma Open
24 Records Act.

1 SECTION 3. AMENDATORY 70 O.S. 2011, Section 6-101.13, as
2 last amended by Section 3, Chapter 301, O.S.L. 2016 (70 O.S. Supp.
3 2016, Section 6-101.13), is amended to read as follows:

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

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

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

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

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

5 ~~C. Beginning with the 2017-2018 school year and thereafter, a~~
6 ~~principal who has received district evaluation ratings of~~
7 ~~"ineffective" as measured pursuant to the TLE as set forth in~~
8 ~~Section 6-101.16 of this title for two (2) consecutive school years~~
9 ~~may be dismissed or not reemployed by the school district, subject~~
10 ~~to the due process procedures of this section.~~

11 SECTION 4. AMENDATORY 70 O.S. 2011, Section 6-101.22, as
12 last amended by Section 5, Chapter 301, O.S.L. 2016 (70 O.S. Supp.
13 2016, Section 6-101.22), is amended to read as follows:

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

- 17 1. Willful neglect of duty;
- 18 2. Repeated negligence in performance of duty;
- 19 3. Mental or physical abuse to a child;
- 20 4. Incompetency;
- 21 5. Instructional ineffectiveness;
- 22 6. Unsatisfactory teaching performance;
- 23 7. Commission of an act of moral turpitude; or
- 24 8. Abandonment of contract.

1 B. Subject to the provisions of the Teacher Due Process Act of
2 1990, a probationary teacher may be dismissed or not reemployed for
3 cause.

4 ~~C. During the 2017-2018 school year and thereafter:~~

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

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

17 ~~D. During the 2017-2018 school year and thereafter:~~

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

23 ~~2. A probationary teacher who has not attained career teacher~~
24 ~~status within a four-year period may be dismissed or not reemployed~~

1 by the school district, subject to the provisions of the Teacher Due
2 Process Act of 1990.

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

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

10 2. Any felony offense.

11 ~~F.~~ E. A teacher may be dismissed, refused employment or not
12 reemployed after a finding that such person has engaged in ~~acts that~~
13 ~~could form the basis of criminal charges sufficient to result in the~~
14 ~~denial or revocation of a certificate for a reason set forth in~~
15 ~~subparagraph a of paragraph 6 of Section 3-104 of this title~~ sexual
16 activity or sexual misconduct that has impeded the effectiveness of
17 the individual's performance of school duties. As used in this
18 subsection:

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

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

24

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

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

11 SECTION 5. REPEALER 70 O.S. 2011, Sections 6-101.16, as
12 last amended by Section 4, Chapter 301, O.S.L. 2016, 6-101.17 and 6-
13 182, as last amended by Section 1, Chapter 108, O.S.L. 2016 and
14 Sections 1, 2 and 3, Chapter 275, O.S.L. 2016 (70 O.S. Supp. 2016,
15 Sections 6-101.16, 6-182, 6-301, 6-302 and 6-303), are hereby
16 repealed.

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

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

22
23 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/28/2017
24 - DO PASS, As Amended.