1	STATE OF OKLAHOMA
2	2nd Session of the 58th Legislature (2022)
3	COMMITTEE SUBSTITUTE FOR ENGROSSED
4	SENATE BILL NO. 1535 By: Pugh of the Senate
5	and
6	Osburn of the House
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10	COMMITTEE SUBSTITUTE
11	[teachers - effective date -
12	emergency]
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16	BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
17	SECTION 1. AMENDATORY 70 O.S. 2021, Section 6-101.3, is
18	amended to read as follows:
19	Section 6-101.3 As used in Section 6-101 et seq. of this title:
20	1. "Administrator" means a duly certified person who devotes a
21	majority of time to service as a superintendent, elementary
22	superintendent, principal, supervisor, vice principal, or in any
23	other administrative or supervisory capacity in the school district;
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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;

- 3. "Nonreemployment" means the nonrenewal of the contract of an administrator or teacher upon expiration of the contract;
 - 4. "Career teacher" means a teacher who:

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- is employed by a school district prior to the 2017-2018 school year and has completed three (3) or more consecutive complete school years as a teacher in one school district under a written continuing or 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,

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:

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- 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 one school district under a written teaching contract,
- is employed for the first time by a school district

 under a written teaching contract during the 2017-2018

 school year and thereafter and 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;
- 8. "Teacher" means a person defined as a teacher has the same meaning as provided for in Section 1-116 of this title; 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.

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SECTION 2. AMENDATORY 70 O.S. 2021, Section 6-101.11, is amended to read as follows:

Section 6-101.11 Whenever any evaluation is made of a teacher or administrator, a true copy of the evaluation shall be presented to the person evaluated, who shall acknowledge the written evaluation by signing the original. Within two (2) weeks after the evaluation, the person evaluated may respond and said response shall be made part of the record. Except by order of a court of competent jurisdiction, evaluation documents and the responses thereto shall be available only to the evaluated person, the board of education, the administrative staff making the evaluation, the board and administrative staff of any school to which such evaluated person applies for employment, and such other persons as are specified by the teacher in writing and shall be subject to disclosure at any hearing involving a teacher or administrator's dismissal or nonrenewal from employment. Data collected pursuant to Section 6-101.10 shall be available to authorized representatives of the State Department of Education and its contracting designees who must be contractually bound to the Department to maintain confidentiality of all information received from the Department when such evaluation data is used by the Department for data collection/analysis purposes

SECTION 3. AMENDATORY 70 O.S. 2021, Section 6-101.16, is amended to read as follows:

Section 6-101.16 A. By December 15, 2011, the State Board of Education shall adopt a new statewide system of evaluation to be known as the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE). The Board shall work cooperatively with school districts to incorporate the components of the TLE in all school districts by the 2017-2018 school year as provided for in Section 6-101.10 of this title.

- B. The TLE shall include the following components:
- 1. Annual evaluations that provide feedback to improve student learning and outcomes, except as provided for in subsection $\frac{C}{D}$ of this section;
 - 2. A five-tier district evaluation rating system as follows:
 - a. superior,
 - b. highly effective,
- c. effective,

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- d. needs improvement, and
- e. ineffective;

- 3. An evidence-based qualitative assessment tool for the teacher qualitative portion of the TLE that will include observable and measurable characteristics of personnel and classroom practices that are correlated to student performance success, including, but not limited to:
 - a. organizational and classroom management skills,
 - b. ability to provide effective instruction,
 - c. focus on continuous improvement and professional growth,
 - d. interpersonal skills, and
 - e. leadership skills;

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- 4. An evidence-based qualitative assessment tool for the leader qualitative portion of the TLE that will include observable and measurable characteristics of personnel and site management practices that are correlated to student performance success, including, but not limited to:
 - a. organizational and school management, including retention and development of effective teachers and dismissal of ineffective teachers,
 - b. instructional leadership,
 - c. professional growth and responsibility,
 - d. interpersonal skills,
 - e. leadership skills, and
 - f. stakeholder perceptions;

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;

- $\frac{6.}{6.}$ 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 $\frac{1}{6.}$ E of this section; and
- 7. 6. 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.
- C. School districts may submit a request to the State Board of

 Education to use an alternate evaluation system other than the

 system selected by the Board pursuant to subsection A of this

 section if the school district establishes the capacity to implement

 a research-based performance review evaluation system which meets

 the criteria of the TLE system.
- $\underline{\text{D.}}$ Career teachers receiving a district evaluation rating of "superior" or "highly effective" under the TLE may be evaluated once every three (3) years.
- $\overline{\text{D.}}$ E. By December 1, 2015, the Teacher and Leader Effectiveness Commission shall recommend to the State Board of Education multiple

reliable, research-based measures to provide a quantitative evaluation component for teachers. The State Board of Education shall approve and publish a list of approved measures by February 1, 2016.

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

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

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

1 H. I. The State Department of Education may collect school district evaluation information only as is required for federal reporting. The State Department of Education shall keep all data collected pursuant to the TLE and records of annual evaluations received pursuant to this section confidential. Records created pursuant to this section which identify, in any way, a current or former public employee shall not be subject to disclosure under the Oklahoma Open Records Act. Nothing in this subsection shall be construed to prohibit disclosure otherwise required by this section; provided, however, any provisions requiring disclosure of TLE records shall be construed narrowly and all individually identifying information shall be removed from such records to the fullest extent possible.

14 SECTION 4. 70 O.S. 2021, Section 6-101.23, is AMENDATORY amended to read as follows: 15

Section 6-101.23 A. The dismissal, suspension, and nonreemployment provisions of the Teacher Due Process Act of 1990 shall not apply to:

Substitute teachers:

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- Adult education teachers; and 2.
- 3. Teachers who are employed on temporary contracts.
- 22 В. The dismissal and suspension provisions of the Teacher Due 23 Process Act of 1990 shall apply to teachers who are employed on 24 temporary contracts for a complete school year and to teachers who

are employed in positions fully funded by federal or private categorical grants, except that such teachers shall be employed only for the duration of the temporary contract or the grant.

- C. The evaluation provisions in Sections 6-101.10 and 6-101.11 of this title and in the Teacher Due Process Act of 1990 shall apply to teachers who are employed on temporary contracts for a complete school year and to teachers who are employed in positions fully funded by federal or private categorical grants, except that such teachers shall be employed only for the duration of the temporary contract or the grant.
- D. Teachers other than those specifically excepted in subsection A of this section who are employed on contracts shall be afforded all substantive and procedural rights set forth in the Teacher Due Process Act of 1990 including the dismissal, suspension, and nonreemployment provisions applicable to probationary or career teachers as defined in Section 6-101.3 of this title.
- $E.\ D.$ On and after the effective date of this act any teacher who has worked a complete school year under a temporary contract in a school district shall be granted a year of service credit toward career status in that district.
- F. E. No teacher shall be hired on a temporary contract by a school district for more than four semesters or on multiple temporary contracts by a school district that together are for more than four semesters, except for a:

1. Teacher hired to replace a teacher who is on an approved leave of absence and who is expected to return to employment with the school district; or

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- 2. Teacher who is a retired member of the Teachers' Retirement System of Oklahoma.
- G. F. No teacher shall be offered a temporary contract with a school district without a full written disclosure at the time a position is offered by the administration of the school district which sets forth the terms and conditions of the temporary contract. In the event the school district fails to provide such written disclosure, the teacher shall be considered as employed on a continuing contract basis.
- $\frac{H}{G}$. On and after the effective date of this act no teacher who is employed on a continuing contract basis by a school district shall be reemployed on a temporary contract in that school district.
- SECTION 5. AMENDATORY 70 O.S. 2021, Section 6-101.24, is amended to read as follows:

Section 6-101.24 A. Upon full implementation of the Oklahoma

Teacher and Leader Effectiveness Evaluation System (TLE) as set

forth in Section 6-101.10 of this title, when a teacher receives a

rating as measured pursuant to the TLE as set forth in Section 6
101.16 of this title that may lead to a recommendation for the

dismissal or nonreemployment of the teacher or when an administrator

identifies poor performance or conduct that the administrator

believes may lead to a recommendation for the dismissal or nonreemployment of the teacher, the administrator shall:

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- 1. Admonish the teacher, in writing, and make a reasonable effort to assist the teacher in correcting the poor performance or conduct; and
- 2. Establish a reasonable time for improvement, not to exceed two (2) months, taking into consideration the rating on the evaluation or the nature and gravity of the performance or conduct.
- B. If the teacher does not correct the poor performance or conduct cited in the admonition within the time specified, the administrator shall may make a recommendation to the superintendent of the school district for the dismissal or nonreemployment of the teacher.
- C. Whenever a member of the board of education, superintendent, or other administrator identifies poor performance or conduct that may lead to a recommendation for dismissal or nonreemployment of a teacher within the district, the administrator who has responsibility for evaluation of the teacher shall be informed, and that administrator shall comply with the procedures set forth in this section. If the administrator fails or refuses to admonish the teacher within ten (10) days after being so informed by the board, superintendent, or other administrator, such board, superintendent, or other administrator, such board, superintendent, or other administrator shall admonish the teacher pursuant to the provisions of this section.

D. Repeated negligence in performance of duty, willful neglect of duty, incompetency, instructional ineffectiveness, or unsatisfactory teaching performance, for a career teacher, or any cause related to inadequate teaching performance for a probationary teacher, shall not be a basis for a recommendation to dismiss or not reemploy a teacher unless and until the provisions of this section have been complied with.

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- 8 SECTION 6. AMENDATORY 70 O.S. 2021, Section 6-190, is 9 amended to read as follows:
 - Section 6-190. A. The board of education of each school district shall employ and contract in writing, as required in Section 6-101 of this title, only with persons certified to teach by the State Board of Education in accordance with the Oklahoma Teacher Preparation Act, except as otherwise provided for by Section 6-101 of this title and by other law.
 - B. The Board shall issue a certificate to teach to any person who:
- 18 1. Has successfully completed the teacher education program
 19 required by the Commission for Educational Quality and
 20 Accountability;
 - 2. Has graduated from an accredited institution of higher education that has approval or accreditation for teacher education;
- 3. Has met all other requirements as may be established by the Board;

- 4. Has made the necessary application and paid the competency examination fee in an amount and as prescribed by the Commission;
- 5. Has successfully completed the competency examination required in Section 6-187 of this title; and

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- 6. Beginning November 1, 2001, has on file with the Board a current Oklahoma criminal history record from the Oklahoma State Bureau of Investigation as well as a national criminal history record check as defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Upon receipt of the Oklahoma criminal history record, the Board may issue a temporary certificate which shall be effective until receipt of the national fingerprint-based criminal history record. The person applying for a certificate shall be responsible for the cost of the criminal history records.
- C. The Board shall issue a certificate to teach to any person who:
- 1. Holds an out-of-state certificate and meets the requirements set forth in subsection G of this section;
- 2. Holds certification from the National Board for Professional Teaching Standards;
- 3. Holds an out-of-country certificate and meets the requirements set forth in subsection F of this section; or
- 4. Has successfully completed a competency examination used in the majority of other states or comparable customized exam and meets the requirements set forth in subsection H of this section.

D. Beginning July 1, 2004, any person applying for initial Oklahoma certification shall have on file with the Board a current Oklahoma criminal history record from the Oklahoma State Bureau of Investigation as well as a national criminal history record check as defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Upon receipt of the Oklahoma criminal history record, the Board may issue a temporary certificate which shall be effective until receipt of the national fingerprint-based criminal history record. The person applying for a certificate shall be responsible for the cost of the criminal history records.

- E. Any person holding a valid certificate, issued prior to January 1, 1997, shall be a certified teacher for purposes of the Oklahoma Teacher Preparation Act, subject to any professional development requirements prescribed by the Oklahoma Teacher Preparation Act or by the State Board of Education.
- F. 1. The Board shall issue a certificate to teach to a person who holds a valid out-of-country certificate and meets any requirements established by the Board. The certificate to teach shall only be for those subject areas and grade levels most closely aligned to the subject areas and grade levels recognized on the out-of-country certificate.
- 2. A person who meets the requirements of paragraph 1 of this subsection shall not be required to take any competency examinations in those subject areas and grade levels most closely aligned to the

subject areas and grade levels recognized on the out-of-country certificate.

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- 3. A person who meets the requirements of paragraph 1 of this subsection shall have on file with the Board a current Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation as well as a national criminal history record check as defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Upon receipt of the Oklahoma criminal history record check, the Board may issue a temporary certificate which shall be effective until receipt of the national fingerprint-based criminal history record check.

 The person applying for a certificate shall be responsible for the cost of the criminal history record checks.
- 4. The Board shall promulgate rules establishing a process by which out-of-country certificates will be reviewed and evaluated for purposes of awarding a certificate to teach pursuant to this subsection.
- G. 1. The Board shall issue a certificate to teach to a person who holds a valid out-of-state certificate. The certificate to teach shall only be for those subject areas and grade levels most closely aligned to the subject areas and grade levels recognized on the out-of-state certificate.
- 2. A person who meets the requirements of paragraph 1 of this subsection shall not be required to take any competency examinations in those subject areas and grade levels most closely aligned to the

subject areas and grade levels recognized on the out-of-state certificate.

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- 3. A person who meets the requirements of this subsection shall have on file with the Board a current Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation as well as a national criminal history record check as defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Upon receipt of the Oklahoma criminal history record check, the Board may issue a temporary certificate which shall be effective until receipt of the national fingerprint-based criminal history record check. The person applying for a certificate shall be responsible for the cost of the criminal history record checks.
- H. 1. The Board shall issue a certificate to teach to a person who has successfully completed a competency exam used in a majority of the other states. The certificate to teach shall only be for those subject areas and grade levels that correspond with a certification area used in Oklahoma.
- 2. A person who meets the requirements of paragraph 1 of this subsection shall have on file with the Board a current Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation as well as a national criminal history record check as defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Upon receipt of the Oklahoma criminal history record check, the Board may issue a temporary certificate which shall be effective until receipt

- 1 of the national fingerprint-based criminal history record check.
- The person applying for a certificate shall be responsible for the cost of the criminal history record checks.
- 4 I. The Board shall issue a lead teaching certificate to any 5 person who upon application:
 - 1. Has successfully completed the requirements of this subsection;

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- 2. Has a minimum of five (5) years of experience as a teacher;
- 3. Participates in a meaningful individualized program of professional development, as provided for in Section 6-101.10 of this title;
- 4. Has earned a "highly effective" or "superior" rating pursuant to Section 6-101.16 of this title; and
 - $\frac{5.}{4.}$ May have a teaching load of not more than seventy-five percent (75%) student instruction to allow the teacher to mentor other teachers.
 - J. 1. The Board shall issue a master teaching certificate to any person who upon application:
 - a. has successfully completed the requirements of this subsection,
 - b. has a minimum of seven (7) years of experience as a teacher, and
 - c. (1) has earned a "superior" rating pursuant to Section 6-101.16 of this title, or

1	(2)	has earned a "highly effective" rating pursuant
2		to Section 6-101.16 of this title and holds or
3		has held a National Board certification from the
4		National Board for Professional Teaching
5		Standards.

- 2. Teachers with a master teaching certificate may assume leadership roles that include but are not limited to:
 - a. the planning and delivery of professional development activities designed to improve instructional strategies,
 - b. the facilitation of an instructional leadership team within the building or school district in which the lead teacher is assigned, and
 - c. the mentoring of other teachers and participation in evaluations of other teachers.
- 3. Teachers with a master teaching certificate may have a teaching load of not more than fifty percent (50%) student instruction to allow the lead teacher to spend time on:
 - a. co-teaching,

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- b. co-planning,
- c. peer reviews, and
- d. other duties mutually agreed upon by the superintendent and the master teacher, and may be used to satisfy the qualitative evaluation component for

teachers as required by Section 6-101.16 of this title by performing the duties set forth in this paragraph.

K. The State Board of Education shall adopt rules to implement a renewal schedule and associated fees for lead and master teaching certificates. The rules shall allow a teacher that no longer meets the requirements of a lead or master teaching certificate to make application for the standard teaching certificate.

- L. The terms of the contracts issued to those holding lead and master teaching certificates shall include the following:
- 1. Lead: an additional ten (10) days to be used to strengthen instructional leadership. A person with a lead teaching certificate shall receive an annual salary supplement of at least Three Thousand Dollars (\$3,000.00) or the district's daily rate of pay, whichever is higher, in addition to the salary for which the teacher qualifies pursuant to Section 18-114.14 of this title; and
- 2. Master: an additional fifteen (15) days to be used to strengthen leadership. A person with a master teaching certificate shall receive an annual salary supplement of at least Five Thousand Dollars (\$5,000.00) or the district's daily rate of pay, whichever is higher, in addition to the salary for which the teacher qualifies pursuant to Section 18-114.14 of this title.

If a person with a lead or master teaching certificate changes school districts during the life of the certificate, the terms of

the contracts required in this subsection shall be subject to approval by the new employing school district.

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- Any person who is eligible for a lead or master teaching 3 4 certificate described in this section shall make application for the 5 following school year with the State Board of Education. application shall include a recommendation from the local school 6 7 district board of education and determination that the applicant has met the statutory criteria. In reviewing an application, the local school district board of education and the superintendent shall 10 consider the ability of the school district to fulfill the 11 additional requirements described in subsections I and J of this section before making a recommendation to the State Board of 12 1.3 Education.
 - 2. The State Department of Education shall develop an application to implement the provisions of this subsection and make it available to school districts.
 - N. Beginning in the 2021-2022 school year, the Department shall make the teaching certificates provided for in this section available for any person who has received a recommendation from their local school district board of education and who meets the eligibility criteria.
 - O. For the 2019-2020 and 2020-2021 school years, the Department shall identify school districts to implement the teaching certificates provided for in this section on a pilot program basis

- with the assistance of public-private partnerships, funding from philanthropic organizations, or federal grants.
- P. The Department shall seek funding necessary for the administration of this section. If funding for the administration of the teaching certificates listed in subsections I and J of this section is not available, the Department shall not be required to fulfill the requirements listed in subsections L, M, N, and O of this section.
- Q. The State Board of Education shall promulgate rules to implement the provisions of this act.
- SECTION 7. REPEALER 70 O.S. 2021, Section 6-101.10, is hereby repealed.
- SECTION 8. This act shall become effective July 1, 2022.
 - SECTION 9. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

19 58-2-11338 MJ 04/12/22