

1 ENGROSSED SENATE
2 BILL NO. 1535

By: Pugh of the Senate

3 and

4 Osburn of the House
5

6 An Act relating to teachers; amending 51 O.S. 2021,
7 Section 24A.7, which relates to confidentiality of
8 certain personnel records; removing language
9 regarding confidentiality of records created pursuant
10 to certain evaluation system; amending 70 O.S. 2021,
11 Section 5-141, which relates to school district
12 minimum salary schedules; removing language allowing
13 additional compensation for certain evaluation
14 ratings; updating statutory reference; amending 70
15 O.S. 2021, Section 5-141.2, which relates to model
16 incentive pay plans; removing statutory reference;
17 amending 70 O.S. 2021, Section 5-141.4, which relates
18 to teacher incentive pay awards; removing language
19 allowing an incentive pay plan to be based on
20 performance measured by certain system; updating
21 language; providing definition; amending 70 O.S.
22 2021, Section 6-101.3, which relates to definitions
23 related to teachers; modifying definitions; amending
24 70 O.S. 2021, Section 6-101.10, which relates to
school district evaluation policies; removing
reference to certain professional development;
allowing rather than requiring school districts to
adopt certain evaluation policies; removing
references to implementation of the Oklahoma Teacher
and Leader Effectiveness Evaluation System; providing
for contents that may be included in an evaluation
policy; removing requirement for an individualized
program of professional development; removing
requirement for training of certain evaluation
personnel; allowing rather than requiring the State
Department of Education to conduct certain workshops;
removing language directing the State Board of
Education to monitor certain compliance; amending 70
O.S. 2021, Section 6-101.11, which relates to copies
of evaluations; providing statutory reference;
removing language regarding availability of certain
evaluation data; amending 70 O.S. 2021, Section 6-

1 101.13, which relates to due process procedures;
2 removing language allowing dismissal or
3 nonreemployment of a principal who receives certain
4 evaluation rating; amending 70 O.S. 2021, Section 6-
5 101.22, which relates to reasons to dismiss career
6 teachers; removing language requiring dismissal or
7 nonreemployment of teachers who receive certain
8 evaluation ratings; amending 70 O.S. 2021, Section 6-
9 101.23, which relates to inapplicability of certain
10 due process provisions; removing language requiring
11 application of certain evaluation provisions to
12 certain teachers; amending 70 O.S. 2021, Section 6-
13 101.24, which relates to identification of poor
14 teacher performance; removing language regarding
15 actions to be taken upon implementation of certain
16 evaluation system; allowing rather than requiring
17 certain recommendation for dismissal or
18 nonreemployment to be made; providing statutory
19 reference; amending 70 O.S. 2021, Section 6-190,
20 which relates to contracting with teachers; removing
21 qualifications for certain teacher certificates
22 related to evaluation ratings; repealing 70 O.S.
23 2021, Section 6-101.16, which relates to adoption of
24 the Oklahoma Teacher and Leader Effectiveness
Evaluation System; repealing 70 O.S. 2021, Section 6-
101.31, which relates to basing retention or
reassignment decisions on certain evaluation ratings;
providing an effective date; and declaring an
emergency.

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

SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.7, is
amended to read as follows:

Section 24A.7. A. A public body may keep personnel records
confidential:

1 1. Which relate to internal personnel investigations including
2 examination and selection material for employment, hiring,
3 appointment, promotion, demotion, discipline, or resignation; or

4 2. Where disclosure would constitute a clearly unwarranted
5 invasion of personal privacy such as employee evaluations, payroll
6 deductions, employment applications submitted by persons not hired
7 by the public body, and transcripts from institutions of higher
8 education maintained in the personnel files of certified public
9 school employees; provided, however, that nothing in this subsection
10 shall be construed to exempt from disclosure the degree obtained and
11 the curriculum on the transcripts of certified public school
12 employees.

13 B. All personnel records not specifically falling within the
14 exceptions provided in subsection A or D of this section shall be
15 available for public inspection and copying including, but not
16 limited to, records of:

17 1. An employment application of a person who becomes a public
18 official;

19 2. The gross receipts of public funds;

20 3. The dates of employment, title or position; and

21 4. Any final disciplinary action resulting in loss of pay,
22 suspension, demotion of position, or termination.

1 C. Except as may otherwise be made confidential by statute, an
2 employee of a public body shall have a right of access to his own
3 personnel file.

4 D. The home addresses, home telephone numbers, Social Security
5 numbers, private email addresses, and private mobile phone numbers
6 of current and former public employees shall not be open to public
7 inspection or disclosure; provided, however, that nothing in this
8 subsection shall be construed to exempt from disclosure public
9 records created using a private email address or private mobile
10 phone.

11 ~~E. Except as otherwise required by Section 6-101.16 of Title 70~~
12 ~~of the Oklahoma Statutes, public bodies shall keep confidential all~~
13 ~~records created pursuant to the Oklahoma Teacher and Leader~~
14 ~~Effectiveness Evaluation System (TLE) which identify a current or~~
15 ~~former public employee and contain any evaluation, observation or~~
16 ~~other TLE record of such employee.~~

17 SECTION 2. AMENDATORY 70 O.S. 2021, Section 5-141, is
18 amended to read as follows:

19 Section 5-141. A. Each school district of this state shall
20 adopt a minimum salary schedule and shall transmit a copy of it to
21 the State Board of Education within thirty (30) days after adoption.
22 A school district shall not calculate salaries of teachers solely as
23 a proportion of the salaries of the administrators of the district.

1 B. Districts shall be encouraged to provide compensation
2 schedules to reflect district policies and circumstances, including
3 differential pay for different subject areas and special incentives
4 for teachers in districts with specific geographical attributes.
5 ~~Districts may also adopt a salary schedule that provides additional~~
6 ~~compensation for achieving certain ratings under the Oklahoma~~
7 ~~Teacher and Leader Effectiveness Evaluation System (TLE) as set~~
8 ~~forth in Section 6 of this act.~~ Any salary schedule adopted by a
9 district pursuant to this section shall not set salaries at amounts
10 less than those set pursuant to Section ~~18-114.12~~ 18-114.14 of this
11 title.

12 C. The State Department of Education shall compile a report of
13 the minimum salary schedules for every school district in the state
14 and shall submit the report to the Governor, Speaker of the House of
15 Representatives, and President Pro Tempore of the Senate no later
16 than December 15 of each year.

17 D. Each school district shall file within fifteen (15) days of
18 signing the contract, the employment contract of the superintendent
19 of the school district with the State Department of Education. The
20 Department shall keep all contracts available for inspection by the
21 public. The school district shall not be authorized to pay any
22 salary, benefits, or other compensation to a superintendent which
23 are not specified in the contract on file and shall not pay
24 administrators any amounts for accumulated sick leave that are not

1 calculated on the same formula used for determining payment for
2 accumulated sick leave benefits for other full-time employees of
3 that school district and shall not pay administrators any amounts
4 for accumulated vacation leave benefits that are not calculated on
5 the same formula used for determining payment for accumulated
6 vacation leave benefits for other twelve-month full-time employees
7 of that school district.

8 E. By October 1 of each year each district board of education
9 shall prepare a schedule of salaries and fringe benefits paid
10 administrators employed by the district, including a description of
11 the fringe benefits. The schedule shall be a public record and
12 shall be disclosed as required by the Oklahoma Open Records Act.
13 The board shall file a copy of the schedule with the State
14 Department of Education within one week of completion.

15 F. For purposes of this section the term "administrator" shall
16 include employees who are employed and certified as superintendents,
17 assistant superintendents, principals, and assistant principals and
18 who have responsibilities for supervising classroom teachers.

19 SECTION 3. AMENDATORY 70 O.S. 2021, Section 5-141.2, is
20 amended to read as follows:

21 Section 5-141.2. A. ~~In addition to incentive pay plans~~
22 ~~authorized pursuant to Section 4 of this act, the~~ The State Board of
23 Education shall develop not fewer than five different model
24 incentive pay plans and shall distribute information about each plan

1 to every school district board of education. No plan developed by
2 the Board or implemented by a school district board of education
3 shall permit payment in any one (1) year of incentives to any one
4 teacher amounting to more than fifty percent (50%) of the regular
5 salary of the teacher, exclusive of fringe benefits or extra duty
6 pay. Any incentive pay award shall be an annual award and shall not
7 be a part of a continuing contract of a teacher. Any incentive pay
8 awards received shall be excluded from the compensation of a teacher
9 for purposes of calculating retirement pursuant to the Teachers'
10 Retirement System of Oklahoma and shall not be subject to taxes
11 levied by the Federal Insurance Contributions Act (F.I.C.A.), to the
12 extent an exemption is provided by federal law.

13 B. A school district board of education may adopt an
14 academically based, district incentive pay plan for the classroom
15 teachers in the district. The district may adopt any incentive pay
16 plan consistent with the requirements of this section, which may
17 include any incentive pay plan developed by the State Board of
18 Education pursuant to this section. The school district board of
19 education shall appoint an advisory committee consisting of
20 teachers, parents, business persons or farmers, and other local
21 citizens to advise the board in formulating an incentive pay plan.
22 Prior to the adoption of a plan, the board of education shall place
23 the plan on the school board agenda for public comment and shall
24 submit the plan to the State Board of Education for final approval

1 on or before March 1 prior to implementation of the plan during the
2 succeeding school year. The board of education shall comply with
3 the provisions of this subsection for any year a plan is to be
4 modified.

5 C. A school district shall be required to adopt and implement
6 an academically based, district incentive pay plan for any school
7 year following the receipt by the school district board of
8 education, of a petition signed by twenty percent (20%) of the
9 classroom teachers employed in the district which calls for the
10 adoption of an incentive pay plan for the district.

11 D. Student test scores shall not be the sole criterion for
12 allocation of incentive pay under any plan developed or approved by
13 the Board.

14 E. For the purposes of this section only, "classroom teacher"
15 shall mean any employee who holds certification and assignment
16 outside the classification of administrator.

17 F. The State Board of Education shall promulgate rules
18 necessary for the effective implementation and administration of
19 this section.

20 G. Each school district board of education shall provide for a
21 local evaluation committee which shall advise the board on which
22 teachers are to receive incentive pay awards and the amount of each
23 incentive pay award according to the plan.

1 H. Nothing herein shall preclude a school district from
2 supplementing any monies appropriated to the district for the
3 purposes of funding the incentive pay plan of the district with
4 monies from the general fund for the district.

5 SECTION 4. AMENDATORY 70 O.S. 2021, Section 5-141.4, is
6 amended to read as follows:

7 Section 5-141.4. A. ~~1. In addition to incentive pay plans~~
8 ~~authorized pursuant to Section 5-141.2 of this title, beginning with~~
9 ~~the 2012-13 school year, a school district may implement an~~
10 ~~incentive pay plan that rewards teachers who are increasing student~~
11 ~~and school growth in achievement.~~

12 ~~2. Teacher performance shall be measured using the Oklahoma~~
13 ~~Teacher and Leader Effectiveness Evaluation System (TLE) as set~~
14 ~~forth in Section 6-101.16 of this title.~~

15 ~~3. Individual teacher incentive pay awards shall be based upon:~~

16 ~~a. achieving either a "superior" or "highly effective"~~
17 ~~rating under the TLE, and~~

18 ~~b. grade level, subject area, or school level performance~~
19 ~~success.~~

20 ~~B. 1. Beginning with the 2012-13 school year, a school~~
21 ~~district may implement an incentive pay plan as authorized pursuant~~
22 ~~to this section.~~

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

4 ~~3. School leader effectiveness shall be measured using the~~
5 ~~Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as~~
6 ~~set forth in Section 6-101.16 of this title.~~

7 ~~4. Individual school leader incentive pay awards shall be based~~
8 ~~upon:~~

9 ~~a. achieving either a "superior" or "highly effective"~~
10 ~~rating under the TLE, and~~

11 ~~b. grade level, subject area, or school level performance~~
12 ~~success.~~

13 ~~C. Incentive pay plans implemented pursuant to subsections A~~
14 ~~and B of this section shall be developed through a collaborative~~
15 ~~planning process involving stakeholders, including teachers and~~
16 ~~school leaders.~~

17 ~~D. In addition to individual teacher and leader incentive pay~~
18 ~~plans, as authorized pursuant to this section, School districts may~~
19 ~~develop and implement incentive pay systems for:~~

20 1. Teaching in critical shortage subject areas including, but
21 not limited to, foreign language;

22 2. Teachers and leaders who work in schools identified as in
23 need of improvement as determined by the State Board of Education;

1 3. Teaching in the subject areas of ~~Science~~ science, ~~Technology~~
2 technology, ~~Engineering~~ engineering, and ~~Math~~ mathematics (STEM); or

3 4. Teachers and leaders who work in schools or school districts
4 designated by the State Board of Education as hard-to-staff. For
5 purposes of this section, "leader" means a principal, assistant
6 principal, or any other school administrator who is responsible for
7 supervising classroom teachers.

8 ~~E.~~ B. 1. Prior to implementation of any incentive pay plan
9 developed pursuant to this section, the school district board of
10 education shall place the plan on the agenda for public comment at a
11 meeting of the district board of education.

12 2. After approval of the incentive pay plan, the school
13 district board of education shall submit the plan to the State Board
14 of Education for final approval. Within sixty (60) days of receipt
15 of the plan, the State Board shall review and approve or reject the
16 plan. If it is determined that the plan meets the requirements of
17 this section, the State Board shall approve the plan. If the plan
18 does not meet the requirements of this section, the State Board
19 shall reject the plan and provide written notification to the school
20 district board of education along with the grounds for rejection.

21 3. The district board of education shall comply with the
22 provisions of this subsection for any year a plan is to be modified.

23 ~~F.~~ C. Any incentive pay award shall be an annual award and
24 shall not be a part of a continuing contract for an employee. Any

1 incentive pay award to any teacher or leader shall not exceed more
2 than fifty percent (50%) of the regular salary of the teacher or
3 leader, exclusive of fringe benefits or extra duty pay. Any
4 incentive pay awards received shall be excluded from compensation
5 for purposes of calculating retirement pursuant to the Teachers'
6 Retirement System of Oklahoma and shall not be subject to taxes
7 levied by the Federal Insurance Contributions Act (F.I.C.A.), to the
8 extent such exemption is provided by federal law.

9 SECTION 5. AMENDATORY 70 O.S. 2021, Section 6-101.3, is
10 amended to read as follows:

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

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

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

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

22 4. "Career teacher" means a teacher who-

23 a. ~~is employed by a school district prior to the 2017-~~

24 ~~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;~~

~~(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÷

- 1 ~~a. is employed by a school district prior to the 2017-~~
2 ~~2018 school year and has completed fewer than three~~
3 ~~(3) consecutive complete school years as a teacher in~~
4 ~~one school district under a written teaching contract,~~
5 ~~or~~
6 ~~b. is employed for the first time by a school district~~
7 ~~under a written teaching contract during the 2017-2018~~
8 ~~school year and thereafter and has not met the~~
9 ~~requirements for career teacher as provided in~~
10 ~~paragraph 4 of this section;~~

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

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

16 ~~9. "District evaluation rating" means the rating issued based~~
17 ~~on the components of the TLE as set forth in subsection B of Section~~
18 ~~6-101.16 of this title.~~

19 SECTION 6. AMENDATORY 70 O.S. 2021, Section 6-101.10, is
20 amended to read as follows:

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

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

11 ~~Every A school district~~ policy of evaluation ~~adopted by a board of~~
12 ~~education shall~~ may:

13 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~~

1 ~~subsection B of this section on a pilot program basis,~~
2 and
3 ~~c. for evaluations of teachers and administrators~~
4 ~~conducted during the 2018-2019 school year, and each~~
5 ~~school year thereafter, school districts shall fully~~
6 ~~incorporate and put into operation the individualized~~
7 ~~programs of professional development as described in~~
8 ~~subsection B of this section~~ school district board of
9 education;

10 2. Be prescribed in writing at the time of adoption and at all
11 times when amendments to the policy are adopted. The original
12 policy and all amendments to the policy shall be promptly made
13 available to all persons subject to the policy;

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

17 4. Provide that every probationary teacher receive formative
18 feedback from the evaluation process at least two times per school
19 year, once during the fall semester and once during the spring
20 semester;

21 5. Provide for the development of a focused and individualized
22 program of professional development for the teacher or
23 administrator;

1 6. Provide that ~~every teacher be evaluated once every year,~~
2 ~~except for career teachers receiving a district evaluation rating of~~
3 ~~"superior" or "highly effective" under the TLE who may be evaluated~~
4 ~~once every three (3) years~~ for the frequency of evaluation of
5 teachers and administrators; and

6 ~~6.~~ 7. Provide that, ~~except for the evaluation of~~
7 superintendents of independent and elementary school districts and
8 superintendents of area school districts ~~who shall be evaluated by~~
9 the school district board of education, ~~all~~ and the evaluation of
10 certified personnel ~~shall be evaluated by a principal, assistant~~
11 principal, designee of the principal, supervisor, content expert,
12 department chair, peer committee, or other ~~trained~~ persons or groups
13 of persons designated by the school district board of education.

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

20 a. ~~establish an annual professional growth goal for the~~
21 teacher or administrator that is developed by the
22 teacher or administrator in collaboration with the
23 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,~~

1 ~~b. individual or faculty studies of books, scholarly~~
2 ~~articles and video productions,~~

3 ~~c. peer observations,~~

4 ~~d. committee studies to address student achievement~~
5 ~~issues,~~

6 ~~e. work related to a specific subject area or areas~~
7 ~~associated with obtaining an advanced degree or~~
8 ~~professional certification,~~

9 ~~f. action research projects designed to improve student~~
10 ~~achievement, and~~

11 ~~g. participation in local, regional or state initiatives~~
12 ~~associated with the development or implementation of~~
13 ~~curriculum standards.~~

14 ~~C. All individuals designated by the school district board of~~
15 ~~education to conduct the personnel evaluations shall be required to~~
16 ~~participate in training conducted by the State Department of~~
17 ~~Education or training provided by the school district using~~
18 ~~guidelines and materials developed by the State Department of~~
19 ~~Education prior to conducting evaluations.~~

20 ~~D. The State Department of Education shall~~ may ~~develop and~~
21 ~~conduct workshops pursuant to statewide criteria which train~~
22 ~~individuals in conducting evaluations.~~

23 ~~E. The State Board of Education shall monitor compliance with~~
24 ~~the provisions of this section by school districts.~~

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

4 ~~G. Refusal by a school district to comply with the provisions~~
5 ~~of this section shall be grounds for withholding State Aid funds~~
6 ~~until compliance occurs.~~

7 H. C. Data collected ~~pursuant to this section~~ pursuant to a
8 school district's evaluation policy shall not be subject to the
9 Oklahoma Open Meeting Act or the Oklahoma Open Records Act.

10 SECTION 7. AMENDATORY 70 O.S. 2021, Section 6-101.11, is
11 amended to read as follows:

12 Section 6-101.11. Whenever any evaluation is made of a teacher
13 or administrator pursuant to the provisions of Section 6-101.10 of
14 this title, a true copy of the evaluation shall be presented to the
15 person evaluated, who shall acknowledge the written evaluation by
16 signing the original. Within two (2) weeks after the evaluation,
17 the person evaluated may respond and said response shall be made
18 part of the record. Except by order of a court of competent
19 jurisdiction, evaluation documents and the responses thereto shall
20 be available only to the evaluated person, the board of education,
21 the administrative staff making the evaluation, the board and
22 administrative staff of any school to which such evaluated person
23 applies for employment, and such other persons as are specified by
24 the teacher in writing and shall be subject to disclosure at any

1 hearing involving a teacher or administrator's dismissal or
2 nonrenewal from employment. ~~Data collected pursuant to Section 6-~~
3 ~~101.10 shall be available to authorized representatives of the State~~
4 ~~Department of Education and its contracting designees who must be~~
5 ~~contractually bound to the Department to maintain confidentiality of~~
6 ~~all information received from the Department when such evaluation~~
7 ~~data is used by the Department for data collection/analysis purposes~~
8 ~~under the Oklahoma Teacher and Leader Effectiveness Evaluation~~
9 ~~System, and such other persons as are specified by the teacher in~~
10 ~~writing and shall be subject to disclosure at any hearing involving~~
11 ~~a teacher or administrator's dismissal or nonrenewal from~~
12 ~~employment.~~

13 SECTION 8. AMENDATORY 70 O.S. 2021, Section 6-101.13, is
14 amended to read as follows:

15 Section 6-101.13. A. Whenever the school district board of
16 education or the administration of a school district shall determine
17 that the dismissal or nonreemployment of a full-time certified
18 administrator from the administrative position within the school
19 district should be effected, the administrator shall be entitled to
20 the following due process procedures:

21 1. A statement shall be submitted to the administrator in
22 writing prior to the dismissal or nonreemployment which states the
23 proposed action, lists the reasons for effecting the action, and
24

1 notifies the administrator of his or her right to a hearing before
2 the school district board of education prior to the action; and

3 2. A hearing before the school district board of education
4 shall be granted upon the request of the administrator prior to the
5 dismissal or nonreemployment. A request for a hearing shall be
6 submitted to the board of education not later than ten (10) days
7 after the administrator has been notified of the proposed action.

8 B. Failure of the administrator to request a hearing before the
9 school district board of education within ten (10) days after
10 receiving the written statement shall constitute a waiver of the
11 right to a hearing. No decision of the board of education
12 concerning the dismissal or nonreemployment of a full-time certified
13 administrator shall be effective until the administrator has been
14 afforded due process as specified in this section. The decision of
15 the school district board of education concerning the dismissal or
16 nonreemployment, following the hearing, shall be final.

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

23 SECTION 9. AMENDATORY 70 O.S. 2021, Section 6-101.22, is
24 amended to read as follows:

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

- 4 1. Willful neglect of duty;
- 5 2. Repeated negligence in performance of duty;
- 6 3. Mental or physical abuse to a child;
- 7 4. Incompetency;
- 8 5. Instructional ineffectiveness;
- 9 6. Unsatisfactory teaching performance;
- 10 7. Commission of an act of moral turpitude; or
- 11 8. Abandonment of contract.

12 B. Subject to the provisions of the Teacher Due Process Act of
13 1990, a probationary teacher may be dismissed or not reemployed for
14 cause.

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

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

23 ~~2. A career teacher who has received a district evaluation~~
24 ~~rating of "needs improvement" or lower for three (3) consecutive~~

~~school years may be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school district, subject to the provisions of the Teacher Due Process Act of 1990.~~

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

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

~~2. A probationary teacher who has not attained career teacher status within a four-year period may be dismissed or not reemployed by the school district, subject to the provisions of the Teacher Due Process Act of 1990.~~

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

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

~~2. Any felony offense.~~

~~F. D. A teacher may be dismissed, refused employment, or not reemployed after a finding that such person has engaged in acts that could form the basis of criminal charges sufficient to result in the~~

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

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

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

13 SECTION 10. AMENDATORY 70 O.S. 2021, Section 6-101.23,
14 is amended to read as follows:

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

- 18 1. Substitute teachers;
- 19 2. Adult education teachers; and
- 20 3. Teachers who are employed on temporary contracts.

21 B. The dismissal and suspension provisions of the Teacher Due
22 Process Act of 1990 shall apply to teachers who are employed on
23 temporary contracts for a complete school year and to teachers who
24 are employed in positions fully funded by federal or private

1 categorical grants, except that such teachers shall be employed only
2 for the duration of the temporary contract or the grant.

3 ~~C. The evaluation provisions in Sections 6-101.10 and 6-101.11~~
4 ~~of this title and in the Teacher Due Process Act of 1990 shall apply~~
5 ~~to teachers who are employed on temporary contracts for a complete~~
6 ~~school year and to teachers who are employed in positions fully~~
7 ~~funded by federal or private categorical grants, except that such~~
8 ~~teachers shall be employed only for the duration of the temporary~~
9 ~~contract or the grant.~~

10 ~~D.~~ Teachers other than those specifically excepted in
11 subsection A of this section who are employed on contracts shall be
12 afforded all substantive and procedural rights set forth in the
13 Teacher Due Process Act of 1990 including the dismissal, suspension,
14 and nonreemployment provisions applicable to probationary or career
15 teachers as defined in Section 6-101.3 of this title.

16 ~~E.~~ D. On and after the effective date of this act any teacher
17 who has worked a complete school year under a temporary contract in
18 a school district shall be granted a year of service credit toward
19 career status in that district.

20 ~~F.~~ E. No teacher shall be hired on a temporary contract by a
21 school district for more than four semesters or on multiple
22 temporary contracts by a school district that together are for more
23 than four semesters, except for a:
24

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

4 2. Teacher who is a retired member of the Teachers' Retirement
5 System of Oklahoma.

6 ~~G.~~ F. No teacher shall be offered a temporary contract with a
7 school district without a full written disclosure at the time a
8 position is offered by the administration of the school district
9 which sets forth the terms and conditions of the temporary contract.
10 In the event the school district fails to provide such written
11 disclosure, the teacher shall be considered as employed on a
12 continuing contract basis.

13 ~~H.~~ G. On and after the effective date of this act no teacher
14 who is employed on a continuing contract basis by a school district
15 shall be reemployed on a temporary contract in that school district.

16 SECTION 11. AMENDATORY 70 O.S. 2021, Section 6-101.24,
17 is amended to read as follows:

18 Section 6-101.24. A. ~~Upon full implementation of the Oklahoma~~
19 ~~Teacher and Leader Effectiveness Evaluation System (TLE) as set~~
20 ~~forth in Section 6-101.10 of this title, when a teacher receives a~~
21 ~~rating as measured pursuant to the TLE as set forth in Section 6-~~
22 ~~101.16 of this title that may lead to a recommendation for the~~
23 ~~dismissal or nonreemployment of the teacher or when~~ When an
24 administrator who has the responsibility of evaluating a teacher

1 under an evaluation policy adopted pursuant to Section 6-101.10 of
2 this title identifies poor performance or conduct that the
3 administrator believes may lead to a recommendation for the
4 dismissal or nonreemployment of the teacher, the administrator
5 shall:

6 1. Admonish the teacher, in writing, and make a reasonable
7 effort to assist the teacher in correcting the poor performance or
8 conduct; and

9 2. Establish a reasonable time for improvement, not to exceed
10 two (2) months, taking into consideration ~~the rating on the~~
11 ~~evaluation or~~ the nature and gravity of the performance or conduct.

12 B. If the teacher does not correct the poor performance or
13 conduct cited in the admonition within the time specified, the
14 administrator ~~shall~~ may make a recommendation to the superintendent
15 of the school district for the dismissal or nonreemployment of the
16 teacher.

17 C. Whenever a member of the board of education, superintendent,
18 or other administrator identifies poor performance or conduct that
19 may lead to a recommendation for dismissal or nonreemployment of a
20 teacher within the district, the administrator who has
21 responsibility for evaluation of the teacher under an evaluation
22 policy adopted pursuant to Section 6-101.10 of this title shall be
23 informed, and that administrator shall comply with the procedures
24 set forth in this section. If the administrator fails or refuses to

1 admonish the teacher within ten (10) days after being so informed by
2 the board, superintendent, or other administrator, such board,
3 superintendent, or other administrator shall admonish the teacher
4 pursuant to the provisions of this section.

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

12 SECTION 12. AMENDATORY 70 O.S. 2021, Section 6-190, is
13 amended to read as follows:

14 Section 6-190. A. The board of education of each school
15 district shall employ and contract in writing, as required in
16 Section 6-101 of this title, only with persons certified to teach by
17 the State Board of Education in accordance with the Oklahoma Teacher
18 Preparation Act, except as otherwise provided for by Section 6-101
19 of this title and by other law.

20 B. The Board shall issue a certificate to teach to any person
21 who:

22 1. Has successfully completed the teacher education program
23 required by the Commission for Educational Quality and
24 Accountability;

1 2. Has graduated from an accredited institution of higher
2 education that has approval or accreditation for teacher education;

3 3. Has met all other requirements as may be established by the
4 Board;

5 4. Has made the necessary application and paid the competency
6 examination fee in an amount and as prescribed by the Commission;

7 5. Has successfully completed the competency examination
8 required in Section 6-187 of this title; and

9 6. Beginning November 1, 2001, has on file with the Board a
10 current Oklahoma criminal history record from the Oklahoma State
11 Bureau of Investigation as well as a national criminal history
12 record check as defined in Section 150.9 of Title 74 of the Oklahoma
13 Statutes. Upon receipt of the Oklahoma criminal history record, the
14 Board may issue a temporary certificate which shall be effective
15 until receipt of the national fingerprint-based criminal history
16 record. The person applying for a certificate shall be responsible
17 for the cost of the criminal history records.

18 C. The Board shall issue a certificate to teach to any person
19 who:

20 1. Holds an out-of-state certificate and meets the requirements
21 set forth in subsection G of this section;

22 2. Holds certification from the National Board for Professional
23 Teaching Standards;

1 3. Holds an out-of-country certificate and meets the
2 requirements set forth in subsection F of this section; or

3 4. Has successfully completed a competency examination used in
4 the majority of other states or comparable customized exam and meets
5 the requirements set forth in subsection H of this section.

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

16 E. Any person holding a valid certificate, issued prior to
17 January 1, 1997, shall be a certified teacher for purposes of the
18 Oklahoma Teacher Preparation Act, subject to any professional
19 development requirements prescribed by the Oklahoma Teacher
20 Preparation Act or by the State Board of Education.

21 F. 1. The Board shall issue a certificate to teach to a person
22 who holds a valid out-of-country certificate and meets any
23 requirements established by the Board. The certificate to teach
24 shall only be for those subject areas and grade levels most closely

1 aligned to the subject areas and grade levels recognized on the out-
2 of-country certificate.

3 2. A person who meets the requirements of paragraph 1 of this
4 subsection shall not be required to take any competency examinations
5 in those subject areas and grade levels most closely aligned to the
6 subject areas and grade levels recognized on the out-of-country
7 certificate.

8 3. A person who meets the requirements of paragraph 1 of this
9 subsection shall have on file with the Board a current Oklahoma
10 criminal history record check from the Oklahoma State Bureau of
11 Investigation as well as a national criminal history record check as
12 defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Upon
13 receipt of the Oklahoma criminal history record check, the Board may
14 issue a temporary certificate which shall be effective until receipt
15 of the national fingerprint-based criminal history record check.
16 The person applying for a certificate shall be responsible for the
17 cost of the criminal history record checks.

18 4. The Board shall promulgate rules establishing a process by
19 which out-of-country certificates will be reviewed and evaluated for
20 purposes of awarding a certificate to teach pursuant to this
21 subsection.

22 G. 1. The Board shall issue a certificate to teach to a person
23 who holds a valid out-of-state certificate. The certificate to
24 teach shall only be for those subject areas and grade levels most

1 closely aligned to the subject areas and grade levels recognized on
2 the out-of-state certificate.

3 2. A person who meets the requirements of paragraph 1 of this
4 subsection shall not be required to take any competency examinations
5 in those subject areas and grade levels most closely aligned to the
6 subject areas and grade levels recognized on the out-of-state
7 certificate.

8 3. A person who meets the requirements of this subsection shall
9 have on file with the Board a current Oklahoma criminal history
10 record check from the Oklahoma State Bureau of Investigation as well
11 as a national criminal history record check as defined in Section
12 150.9 of Title 74 of the Oklahoma Statutes. Upon receipt of the
13 Oklahoma criminal history record check, the Board may issue a
14 temporary certificate which shall be effective until receipt of the
15 national fingerprint-based criminal history record check. The
16 person applying for a certificate shall be responsible for the cost
17 of the criminal history record checks.

18 H. 1. The Board shall issue a certificate to teach to a person
19 who has successfully completed a competency exam used in a majority
20 of the other states. The certificate to teach shall only be for
21 those subject areas and grade levels that correspond with a
22 certification area used in Oklahoma.

23 2. A person who meets the requirements of paragraph 1 of this
24 subsection shall have on file with the Board a current Oklahoma

1 criminal history record check from the Oklahoma State Bureau of
2 Investigation as well as a national criminal history record check as
3 defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Upon
4 receipt of the Oklahoma criminal history record check, the Board may
5 issue a temporary certificate which shall be effective until receipt
6 of the national fingerprint-based criminal history record check.
7 The person applying for a certificate shall be responsible for the
8 cost of the criminal history record checks.

9 I. The Board shall issue a lead teaching certificate to any
10 person who upon application:

11 1. Has successfully completed the requirements of this
12 subsection;

13 2. Has a minimum of five (5) years of experience as a teacher;

14 ~~3. Participates in a meaningful individualized program of~~
15 ~~professional development, as provided for in Section 6-101.10 of~~
16 ~~this title;~~

17 ~~4. Has earned a "highly effective" or "superior" rating~~
18 ~~pursuant to Section 6-101.16 of this title;~~ and

19 ~~5.~~ 3. May have a teaching load of not more than seventy-five
20 percent (75%) student instruction to allow the teacher to mentor
21 other teachers.

22 J. 1. The Board shall issue a master teaching certificate to
23 any person who upon application:

1 a. has successfully completed the requirements of this
2 subsection, and

3 b. has a minimum of seven (7) years of experience as a
4 teacher, ~~and~~

5 ~~c. (1) has earned a "superior" rating pursuant to~~
6 ~~Section 6-101.16 of this title, or~~

7 ~~(2) has earned a "highly effective" rating pursuant~~

8 ~~to Section 6-101.16 of this title and holds or~~

9 ~~has held a National Board certification from the~~

10 ~~National Board for Professional Teaching~~

11 ~~Standards.~~

12 2. Teachers with a master teaching certificate may assume
13 leadership roles that include but are not limited to:

14 a. the planning and delivery of professional development
15 activities designed to improve instructional
16 strategies,

17 b. the facilitation of an instructional leadership team
18 within the building or school district in which the
19 lead teacher is assigned, and

20 c. the mentoring of other teachers and participation in
21 evaluations of other teachers.

22 3. Teachers with a master teaching certificate may have a
23 teaching load of not more than fifty percent (50%) student
24 instruction to allow the lead teacher to spend time on:

- a. co-teaching,
- 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

1 Dollars (\$5,000.00) or the district's daily rate of pay, whichever
2 is higher, in addition to the salary for which the teacher qualifies
3 pursuant to Section 18-114.14 of this title.

4 If a person with a lead or master teaching certificate changes
5 school districts during the life of the certificate, the terms of
6 the contracts required in this subsection shall be subject to
7 approval by the new employing school district.

8 M. 1. Any person who is eligible for a lead or master teaching
9 certificate described in this section shall make application for the
10 following school year with the State Board of Education. The
11 application shall include a recommendation from the ~~local~~ school
12 district board of education and determination that the applicant has
13 met the statutory criteria. In reviewing an application, the ~~local~~
14 school district board of education and the superintendent shall
15 consider the ability of the school district to fulfill the
16 additional requirements described in subsections I and J of this
17 section before making a recommendation to the State Board of
18 Education.

19 2. The State Department of Education shall develop an
20 application to implement the provisions of this subsection and make
21 it available to school districts.

22 N. Beginning in the 2021-2022 school year, the Department shall
23 make the teaching certificates provided for in this section
24 available for any person who has received a recommendation from

1 their ~~local~~ school district board of education and who meets the
2 eligibility criteria.

3 O. For the 2019-2020 and 2020-2021 school years, the Department
4 shall identify school districts to implement the teaching
5 certificates provided for in this section on a pilot program basis
6 with the assistance of public-private partnerships, funding from
7 philanthropic organizations, or federal grants.

8 P. The Department shall seek funding necessary for the
9 administration of this section. If funding for the administration
10 of the teaching certificates listed in subsections I and J is not
11 available, the Department shall not be required to fulfill the
12 requirements listed in subsections L, M, N, and O of this section.

13 Q. The State Board of Education shall promulgate rules to
14 implement the provisions of this act.

15 SECTION 13. REPEALER 70 O.S. 2021, Sections 6-101.16 and
16 6-101.31, are hereby repealed.

17 SECTION 14. This act shall become effective July 1, 2022.

18 SECTION 15. 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.

1 Passed the Senate the 21st day of March, 2022.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2022.

7
8 _____
9 Presiding Officer of the House
10 of Representatives