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February 15, 2022

By: Pugh

5 An Act relating to teachers; amending 51 O.S. 2021,
6 Section 24A.7, which relates to confidentiality of
7 certain personnel records; removing language
8 regarding confidentiality of records created pursuant
9 to certain evaluation system; amending 70 O.S. 2021,
10 Section 5-141, which relates to school district
11 minimum salary schedules; removing language allowing
12 additional compensation for certain evaluation
13 ratings; updating statutory reference; amending 70
14 O.S. 2021, Section 5-141.2, which relates to model
15 incentive pay plans; removing statutory reference;
16 amending 70 O.S. 2021, Section 5-141.4, which relates
17 to teacher incentive pay awards; removing language
18 allowing an incentive pay plan to be based on
19 performance measured by certain system; updating
20 language; providing definition; amending 70 O.S.
21 2021, Section 6-101.3, which relates to definitions
22 related to teachers; modifying definitions; amending
23 70 O.S. 2021, Section 6-101.10, which relates to
24 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-
101.13, which relates to due process procedures;
removing language allowing dismissal or

1 nonreemployment of a principal who receives certain
2 evaluation rating; amending 70 O.S. 2021, Section 6-
3 101.22, which relates to reasons to dismiss career
4 teachers; removing language requiring dismissal or
5 nonreemployment of teachers who receive certain
6 evaluation ratings; amending 70 O.S. 2021, Section 6-
7 101.23, which relates to inapplicability of certain
8 due process provisions; removing language requiring
9 application of certain evaluation provisions to
10 certain teachers; amending 70 O.S. 2021, Section 6-
11 101.24, which relates to identification of poor
12 teacher performance; removing language regarding
13 actions to be taken upon implementation of certain
14 evaluation system; allowing rather than requiring
15 certain recommendation for dismissal or
16 nonreemployment to be made; providing statutory
17 reference; amending 70 O.S. 2021, Section 6-190,
18 which relates to contracting with teachers; removing
19 qualifications for certain teacher certificates
20 related to evaluation ratings; repealing 70 O.S.
21 2021, Section 6-101.16, which relates to adoption of
22 the Oklahoma Teacher and Leader Effectiveness
23 Evaluation System; repealing 70 O.S. 2021, Section 6-
24 101.31, 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. Which relate to internal personnel investigations including
examination and selection material for employment, hiring,
appointment, promotion, demotion, discipline, or resignation; or

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

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

14 1. An employment application of a person who becomes a public
15 official;

16 2. The gross receipts of public funds;

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

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

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

23 D. The home addresses, home telephone numbers, Social Security
24 numbers, private email addresses, and private mobile phone numbers

1 of current and former public employees shall not be open to public
2 inspection or disclosure; provided, however, that nothing in this
3 subsection shall be construed to exempt from disclosure public
4 records created using a private email address or private mobile
5 phone.

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

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

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

19 B. Districts shall be encouraged to provide compensation
20 schedules to reflect district policies and circumstances, including
21 differential pay for different subject areas and special incentives
22 for teachers in districts with specific geographical attributes.
23 ~~Districts may also adopt a salary schedule that provides additional~~
24 ~~compensation for achieving certain ratings under the Oklahoma~~

1 ~~Teacher and Leader Effectiveness Evaluation System (TLE) as set~~
2 ~~forth in Section 6 of this act.~~ Any salary schedule adopted by a
3 district pursuant to this section shall not set salaries at amounts
4 less than those set pursuant to Section ~~18-114.12~~ 18-114.14 of this
5 title.

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

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

1 vacation leave benefits for other twelve-month full-time employees
2 of that school district.

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

10 F. For purposes of this section the term "administrator" shall
11 include employees who are employed and certified as superintendents,
12 assistant superintendents, principals, and assistant principals and
13 who have responsibilities for supervising classroom teachers.

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

16 Section 5-141.2. A. ~~In addition to incentive pay plans~~
17 ~~authorized pursuant to Section 4 of this act, the~~ The State Board of
18 Education shall develop not fewer than five different model
19 incentive pay plans and shall distribute information about each plan
20 to every school district board of education. No plan developed by
21 the Board or implemented by a school district board of education
22 shall permit payment in any one (1) year of incentives to any one
23 teacher amounting to more than fifty percent (50%) of the regular
24 salary of the teacher, exclusive of fringe benefits or extra duty

1 pay. Any incentive pay award shall be an annual award and shall not
2 be a part of a continuing contract of a teacher. Any incentive pay
3 awards received shall be excluded from the compensation of a teacher
4 for purposes of calculating retirement pursuant to the Teachers'
5 Retirement System of Oklahoma and shall not be subject to taxes
6 levied by the Federal Insurance Contributions Act (F.I.C.A.), to the
7 extent an exemption is provided by federal law.

8 B. A school district board of education may adopt an
9 academically based, district incentive pay plan for the classroom
10 teachers in the district. The district may adopt any incentive pay
11 plan consistent with the requirements of this section, which may
12 include any incentive pay plan developed by the State Board of
13 Education pursuant to this section. The school district board of
14 education shall appoint an advisory committee consisting of
15 teachers, parents, business persons or farmers, and other local
16 citizens to advise the board in formulating an incentive pay plan.
17 Prior to the adoption of a plan, the board of education shall place
18 the plan on the school board agenda for public comment and shall
19 submit the plan to the State Board of Education for final approval
20 on or before March 1 prior to implementation of the plan during the
21 succeeding school year. The board of education shall comply with
22 the provisions of this subsection for any year a plan is to be
23 modified.

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

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

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

13 F. The State Board of Education shall promulgate rules
14 necessary for the effective implementation and administration of
15 this section.

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

20 H. Nothing herein shall preclude a school district from
21 supplementing any monies appropriated to the district for the
22 purposes of funding the incentive pay plan of the district with
23 monies from the general fund for the district.

24

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

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

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

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

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

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

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

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

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

1 ~~4. Individual school leader incentive pay awards shall be based~~
2 ~~upon:~~

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

5 ~~b. grade level, subject area, or school level performance~~
6 ~~success.~~

7 ~~C. Incentive pay plans implemented pursuant to subsections A~~
8 ~~and B of this section shall be developed through a collaborative~~
9 ~~planning process involving stakeholders, including teachers and~~
10 ~~school leaders.~~

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

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

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

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

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

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

5 2. After approval of the incentive pay plan, the school
6 district board of education shall submit the plan to the State Board
7 of Education for final approval. Within sixty (60) days of receipt
8 of the plan, the State Board shall review and approve or reject the
9 plan. If it is determined that the plan meets the requirements of
10 this section, the State Board shall approve the plan. If the plan
11 does not meet the requirements of this section, the State Board
12 shall reject the plan and provide written notification to the school
13 district board of education along with the grounds for rejection.

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

16 ~~F.~~ C. Any incentive pay award shall be an annual award and
17 shall not be a part of a continuing contract for an employee. Any
18 incentive pay award to any teacher or leader shall not exceed more
19 than fifty percent (50%) of the regular salary of the teacher or
20 leader, exclusive of fringe benefits or extra duty pay. Any
21 incentive pay awards received shall be excluded from compensation
22 for purposes of calculating retirement pursuant to the Teachers'
23 Retirement System of Oklahoma and shall not be subject to taxes
24

1 levied by the Federal Insurance Contributions Act (F.I.C.A.), to the
2 extent such exemption is provided by federal law.

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

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

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

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

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

16 4. "Career teacher" means a teacher who:

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

18 ~~2018 school year and~~ has completed three (3) or more

19 consecutive complete school years as a teacher in one

20 school district under a written continuing or

21 temporary teaching contract, ~~or~~

22 ~~b. is employed for the first time by a school district~~

23 ~~under a written continuing or temporary teaching~~

~~contract during the 2017-2018 school year and
thereafter:~~

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

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

~~(3) has completed four (4) or more consecutive
complete school years in one school district
under a written continuing or temporary teaching
contract and has not met the requirements of
subparagraph a or b of this paragraph, only if~~

~~the principal of the school at which the teacher
is employed submits a petition to the
superintendent of the school district requesting
that the teacher be granted career status, the
superintendent agrees with the petition, and the
school district board of education approves the
petition. The principal shall specify in the
petition the underlying facts supporting the
granting of career status to the teacher;~~

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

6. "Probationary teacher" means a teacher who:

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

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

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

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

11 ~~9. "District evaluation rating" means the rating issued based~~
12 ~~on the components of the TLE as set forth in subsection B of Section~~
13 ~~6-101.16 of this title.~~

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

16 Section 6-101.10. A. Each school district board of education
17 ~~shall~~ may maintain and annually review, following consultation with
18 or involvement of representatives selected by local teachers, a
19 written policy of evaluation ~~and corresponding professional~~
20 ~~development~~ for all teachers and administrators. In those school
21 districts in which there exists a professional negotiations
22 agreement made in accordance with Section 509.1 et seq. of this
23 title, the procedure for evaluating members of the negotiations unit
24 and any standards of performance and conduct proposed for adoption

beyond those established by the State Board of Education shall be negotiable items. Nothing in this section shall be construed to annul, modify, or to preclude the renewal or continuing of any existing agreement heretofore entered into between any school district and any organizational representative of its employees. ~~Every~~ A school district policy of evaluation ~~adopted by a board of education shall~~ may:

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

~~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~~

1 ~~components which the district has incorporated at its~~
2 ~~own expense prior to the 2015-2016 school year into~~
3 ~~its evaluation system of teachers and administrators,~~
4 ~~as defined by the district's written policy,~~
5 ~~b. for evaluations of teachers and administrators~~
6 ~~conducted during the 2017-2018 school year, and each~~
7 ~~school year thereafter, school districts shall~~
8 ~~incorporate and put into operation the qualitative~~
9 ~~component of the TLE as provided for in subsection B~~
10 ~~of Section 6-101.16 of this title into the evaluations~~
11 ~~used in all school sites within the district. For the~~
12 ~~2017-2018 school year, and each school year~~
13 ~~thereafter, teachers and administrators shall receive~~
14 ~~a district evaluation rating based on the components~~
15 ~~of the TLE as set forth in subsection B of Section 6-~~
16 ~~101.16 of this title. For the 2017-2018 school year,~~
17 ~~school districts shall incorporate the individualized~~
18 ~~programs of professional development as described in~~
19 ~~subsection B of this section on a pilot program basis,~~
20 ~~and~~
21 ~~c. for evaluations of teachers and administrators~~
22 ~~conducted during the 2018-2019 school year, and each~~
23 ~~school year thereafter, school districts shall fully~~
24 ~~incorporate and put into operation the individualized~~

~~programs of professional development as described in~~
~~subsection B of this section~~ school district board of
education;

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

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

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

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

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

~~6.~~ 7. Provide ~~that, except~~ for the evaluation of superintendents of independent and elementary school districts and

1 superintendents of area school districts ~~who shall be evaluated~~ by
2 the school district board of education, ~~all~~ and the evaluation of
3 certified personnel ~~shall be evaluated~~ by a principal, assistant
4 principal, designee of the principal, supervisor, content expert,
5 department chair, peer committee, or other trained persons or groups
6 of persons designated by the school district board of education.

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

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

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

20 c. ~~allow the teacher or administrator to actively engage~~
21 ~~with learning practices that are evidence-based,~~
22 ~~researched practices that are correlated with~~
23 ~~increased student achievement, and~~
24

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

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

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

~~a. presenter-led workshops,~~

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

~~c. peer observations,~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 1. A statement shall be submitted to the administrator in
19 writing prior to the dismissal or nonreemployment which states the
20 proposed action, lists the reasons for effecting the action, and
21 notifies the administrator of his or her right to a hearing before
22 the school district board of education prior to the action; and

23 2. A hearing before the school district board of education
24 shall be granted upon the request of the administrator prior to the

1 dismissal or nonreemployment. A request for a hearing shall be
2 submitted to the board of education not later than ten (10) days
3 after the administrator has been notified of the proposed action.

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

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

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

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

24 1. Willful neglect of duty;

2. Repeated negligence in performance of duty;

3. Mental or physical abuse to a child;

4. Incompetency;

5. Instructional ineffectiveness;

6. Unsatisfactory teaching performance;

7. Commission of an act of moral turpitude; or

8. Abandonment of contract.

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

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

~~1. A career teacher who has received a district evaluation rating of "ineffective" for two (2) consecutive school years shall 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. However, the superintendent may recommend and the school district board of education may approve continued employment of the teacher; and~~

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

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

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

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

17 2. Any felony offense.

18 ~~F.~~ D. A teacher may be dismissed, refused employment, or not
19 reemployed after a finding that such person has engaged in acts that
20 could form the basis of criminal charges sufficient to result in the
21 denial or revocation of a certificate for a reason set forth in
22 subparagraph a of paragraph 6 of Section 3-104 of this title.

23 ~~G.~~ E. As used in this section, "abandonment of contract" means
24 the failure of a teacher to report at the beginning of the contract

1 term or otherwise perform the duties of a contract of employment
2 when the teacher has accepted other employment or is performing work
3 for another employer that prevents the teacher from fulfilling the
4 obligations of the contract of employment.

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

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

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

- 14 1. Substitute teachers;
- 15 2. Adult education teachers; and
- 16 3. Teachers who are employed on temporary contracts.

17 B. The dismissal and suspension provisions of the Teacher Due
18 Process Act of 1990 shall apply to teachers who are employed on
19 temporary contracts for a complete school year and to teachers who
20 are employed in positions fully funded by federal or private
21 categorical grants, except that such teachers shall be employed only
22 for the duration of the temporary contract or the grant.

23 C. ~~The evaluation provisions in Sections 6-101.10 and 6-101.11~~
24 ~~of this title and in the Teacher Due Process Act of 1990 shall apply~~

1 ~~to teachers who are employed on temporary contracts for a complete~~
2 ~~school year and to teachers who are employed in positions fully~~
3 ~~funded by federal or private categorical grants, except that such~~
4 ~~teachers shall be employed only for the duration of the temporary~~
5 ~~contract or the grant.~~

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

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

16 ~~F.~~ E. No teacher shall be hired on a temporary contract by a
17 school district for more than four semesters or on multiple
18 temporary contracts by a school district that together are for more
19 than four semesters, except for a:

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

23 2. Teacher who is a retired member of the Teachers' Retirement
24 System of Oklahoma.

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

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

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

13 Section 6-101.24. A. ~~Upon full implementation of the Oklahoma~~
14 ~~Teacher and Leader Effectiveness Evaluation System (TLE) as set~~
15 ~~forth in Section 6-101.10 of this title, when a teacher receives a~~
16 ~~rating as measured pursuant to the TLE as set forth in Section 6-~~
17 ~~101.16 of this title that may lead to a recommendation for the~~
18 ~~dismissal or nonreemployment of the teacher or when~~ When an
19 administrator who has the responsibility of evaluating a teacher
20 under an evaluation policy adopted pursuant to Section 6-101.10 of
21 this title identifies poor performance or conduct that the
22 administrator believes may lead to a recommendation for the
23 dismissal or nonreemployment of the teacher, the administrator
24 shall:

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

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

7 B. If the teacher does not correct the poor performance or
8 conduct cited in the admonition within the time specified, the
9 administrator ~~shall~~ may make a recommendation to the superintendent
10 of the school district for the dismissal or nonreemployment of the
11 teacher.

12 C. Whenever a member of the board of education, superintendent,
13 or other administrator identifies poor performance or conduct that
14 may lead to a recommendation for dismissal or nonreemployment of a
15 teacher within the district, the administrator who has
16 responsibility for evaluation of the teacher under an evaluation
17 policy adopted pursuant to Section 6-101.10 of this title shall be
18 informed, and that administrator shall comply with the procedures
19 set forth in this section. If the administrator fails or refuses to
20 admonish the teacher within ten (10) days after being so informed by
21 the board, superintendent, or other administrator, such board,
22 superintendent, or other administrator shall admonish the teacher
23 pursuant to the provisions of this section.

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

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

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

16 B. The Board shall issue a certificate to teach to any person
17 who:

18 1. Has successfully completed the teacher education program
19 required by the Commission for Educational Quality and
20 Accountability;

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

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

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

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

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

14 C. The Board shall issue a certificate to teach to any person
15 who:

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

18 2. Holds certification from the National Board for Professional
19 Teaching Standards;

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

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

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

11 E. Any person holding a valid certificate, issued prior to
12 January 1, 1997, shall be a certified teacher for purposes of the
13 Oklahoma Teacher Preparation Act, subject to any professional
14 development requirements prescribed by the Oklahoma Teacher
15 Preparation Act or by the State Board of Education.

16 F. 1. The Board shall issue a certificate to teach to a person
17 who holds a valid out-of-country certificate and meets any
18 requirements established by the Board. The certificate to teach
19 shall only be for those subject areas and grade levels most closely
20 aligned to the subject areas and grade levels recognized on the out-
21 of-country certificate.

22 2. A person who meets the requirements of paragraph 1 of this
23 subsection shall not be required to take any competency examinations
24 in those subject areas and grade levels most closely aligned to the

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

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

13 4. The Board shall promulgate rules establishing a process by
14 which out-of-country certificates will be reviewed and evaluated for
15 purposes of awarding a certificate to teach pursuant to this
16 subsection.

17 G. 1. The Board shall issue a certificate to teach to a person
18 who holds a valid out-of-state certificate. The certificate to
19 teach shall only be for those subject areas and grade levels most
20 closely aligned to the subject areas and grade levels recognized on
21 the out-of-state certificate.

22 2. A person who meets the requirements of paragraph 1 of this
23 subsection shall not be required to take any competency examinations
24 in those subject areas and grade levels most closely aligned to the

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

3 3. A person who meets the requirements of this subsection shall
4 have on file with the Board a current Oklahoma criminal history
5 record check from the Oklahoma State Bureau of Investigation as well
6 as a national criminal history record check as defined in Section
7 150.9 of Title 74 of the Oklahoma Statutes. Upon receipt of the
8 Oklahoma criminal history record check, the Board may issue a
9 temporary certificate which shall be effective until receipt of the
10 national fingerprint-based criminal history record check. The
11 person applying for a certificate shall be responsible for the cost
12 of the criminal history record checks.

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

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

1 of the national fingerprint-based criminal history record check.

2 The person applying for a certificate shall be responsible for the
3 cost of the criminal history record checks.

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

6 1. Has successfully completed the requirements of this
7 subsection;

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

9 ~~3. Participates in a meaningful individualized program of~~
10 ~~professional development, as provided for in Section 6-101.10 of~~
11 ~~this title;~~

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

14 ~~5.~~ 3. May have a teaching load of not more than seventy-five
15 percent (75%) student instruction to allow the teacher to mentor
16 other teachers.

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

19 a. has successfully completed the requirements of this
20 subsection, and

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

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

~~(2) has earned a "highly effective" rating pursuant to Section 6-101.16 of this title and holds or has held a National Board certification from the National Board for Professional Teaching 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,
- 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

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

3 M. 1. Any person who is eligible for a lead or master teaching
4 certificate described in this section shall make application for the
5 following school year with the State Board of Education. The
6 application shall include a recommendation from the ~~local~~ school
7 district board of education and determination that the applicant has
8 met the statutory criteria. In reviewing an application, the ~~local~~
9 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
12 section before making a recommendation to the State Board of
13 Education.

14 2. The State Department of Education shall develop an
15 application to implement the provisions of this subsection and make
16 it available to school districts.

17 N. Beginning in the 2021-2022 school year, the Department shall
18 make the teaching certificates provided for in this section
19 available for any person who has received a recommendation from
20 their ~~local~~ school district board of education and who meets the
21 eligibility criteria.

22 O. For the 2019-2020 and 2020-2021 school years, the Department
23 shall identify school districts to implement the teaching
24 certificates provided for in this section on a pilot program basis

1 with the assistance of public-private partnerships, funding from
2 philanthropic organizations, or federal grants.

3 P. The Department shall seek funding necessary for the
4 administration of this section. If funding for the administration
5 of the teaching certificates listed in subsections I and J is not
6 available, the Department shall not be required to fulfill the
7 requirements listed in subsections L, M, N, and O of this section.

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

10 SECTION 13. REPEALER 70 O.S. 2021, Sections 6-101.16 and
11 6-101.31, are hereby repealed.

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
18 February 15, 2022 - DO PASS
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