

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 1450

By: Provenzano

AS INTRODUCED

An Act relating to teachers; amending 70 O.S. 2021, Section 3-121, which relates to funds appropriated to the State Board of Education; deleting statutory reference; amending 70 O.S. 2021, Section 3-129.11, which relates to the School District Empowerment Program; deleting statutory reference; amending 70 O.S. 2021, Sections 6-101.11 and 6-101.16, which relate to teacher evaluations; striking provision providing for release of certain data; deleting statutory reference; deleting individualized program of professional development requirement; amending 70 O.S. 2021, Sections 6-101.21, 6-101.23, and 6-101.24, which relate to the Teacher Due Process Act of 1990; striking statutory reference; deleting reference to certain evaluation provisions; removing statutory citation; amending 70 O.S. 2021, Section 6-101.31, which relates to teacher evaluation ratings; deleting statutory reference; repealing 70 O.S. 2021, Section 6-101.10, which relates to school district evaluation policies; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 3-121, is amended to read as follows:

1 Section 3-121. A portion of the funds appropriated to the State
2 Board of Education for the Administrative and Support Functions of
3 the State Department of Education shall be expended for:

4 1. The cost involved in administering, scoring, reporting and
5 other incidental duties necessary to accomplish the provisions of
6 the Oklahoma School Testing Program Act;

7 2. Preschool deaf education programs operated by the State
8 Department of Education; and

9 3. Conducting training workshops for administrative personnel
10 ~~pursuant to the provisions of Section 6-101.10 of this title.~~

11 SECTION 2. AMENDATORY 70 O.S. 2021, Section 3-129.11, is
12 amended to read as follows:

13 Section 3-129.11 A. There is hereby established the School
14 District Empowerment Program which shall be administered by the
15 State Board of Education. The purpose of the program is to empower
16 locally elected school board members to govern school districts and
17 make decisions based on the needs of their students and
18 circumstances.

19 B. 1. Subject to the provisions of this section, a school
20 district shall be allowed to submit a request to the State Board of
21 Education for an exemption from all statutory requirements and State
22 Board of Education rules from which charter schools are exempt, as
23 provided for in the Oklahoma Charter Schools Act. Any request for
24 exemption shall include a plan which outlines the goals sought to be

1 achieved at a minimum, ~~include~~ including the educational and fiscal
2 benefits and the anticipated impacts or outcomes the plan will have
3 in the district.

4 2. Within ninety (90) days after receiving the request and
5 plan, the State Board shall approve or disapprove the request. If
6 the State Board does not approve the request, it shall provide to
7 the school district a written explanation of the basis for its
8 decision. The school district may resubmit an amended request at
9 any time after the denial. The request shall be approved by the
10 State Board before implementation by the school district. An
11 approved request and plan shall be for no longer than three (3)
12 years. Prior to the beginning of the third year, the school
13 district may apply for renewal of the approved request and plan.
14 The school district shall be required to submit an annual report and
15 the State Board shall annually assess the academic achievement and
16 fiscal status of the school district.

17 C. Nothing in this section shall prevent a school district
18 board of education from choosing to follow any or all state laws,
19 rules or regulations from which a charter school is exempt. A
20 school district which has been granted approval by the State Board
21 for exemption as set forth in subsection B of this section shall
22 have the option to adopt policies to implement any requirement for
23 the school district that is consistent with any statutory
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1 requirement or mandate or State Board rule, but a participating
2 school district shall comply with the following requirements:

3 1. Students who reside in the school district shall be entitled
4 to attend school in the district as set forth in Section 1-114 of
5 this title;

6 2. School districts shall comply with the requirements of the
7 minimum salary schedule for teachers as set forth in Section ~~18-~~
8 ~~114.12~~ 18-114.14 of this title;

9 3. Employees of school districts shall continue to participate
10 as members of the Teachers' Retirement System of Oklahoma as set
11 forth in Section 17-101 et seq. of this title;

12 4. School districts shall comply with the requirement to
13 provide a health insurance plan for school district employees as set
14 forth in Section 5-117.5 of this title and to establish or make
15 available to school district employees a cafeteria plan as set forth
16 in Section 26-104 of this title;

17 5. School districts shall require any person employed by the
18 school district to file with the district board a current Oklahoma
19 criminal history record check from the Oklahoma State Bureau of
20 Investigation as well as a national criminal history record check as
21 defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Each
22 district shall adopt a policy regarding criminal history record
23 checks as set forth in Section 5-142 of this title;

1 6. School districts shall comply with the ~~requirement~~
2 requirements to evaluate teachers and to train personnel designated
3 to conduct personnel evaluations as set forth in ~~Sections 6-101.10~~
4 ~~and Section~~ 6-101.11 of this title, the dismissal and due process
5 procedures for administrators as set forth in Sections 6-101.13
6 through 6-101.15 of this title and the due process procedures for
7 teachers as set forth in Sections 6-101.21 through 6-101.26 of this
8 title;

9 7. School districts shall comply with the requirement to make
10 payroll deductions for either or both professional organization dues
11 and political contributions upon the request of an employee as set
12 forth in Section 5-139 of this title;

13 8. School districts shall comply with the dismissal and due
14 process procedures for education support employees as set forth in
15 Sections 6-101.40 through 6-101.47 of this title;

16 9. School districts shall employ as teachers, counselors,
17 librarians, school nurses, superintendents, principals, supervisors
18 or any other instructional, supervisory or administrative employee
19 only those persons who are certified by the State Board of Education
20 in accordance with the Oklahoma Teacher Preparation Act, except for
21 persons exempt from the certification requirements as otherwise
22 provided by law;

1 10. School districts shall provide for negotiations between
2 school employees and school districts as set forth in Sections 509.1
3 through 509.11 of this title;

4 11. School districts shall be required to offer and students
5 enrolled in the school district shall be required to complete the
6 curriculum requirements as set forth in Section 11-103.6 of this
7 title;

8 12. Students enrolled in the school district shall be required
9 to demonstrate mastery of the state academic content standards ~~as~~
10 ~~set forth in Section 1210.523 of this title;~~ and

11 13. Members of the school district board of education shall be
12 required to satisfy the instruction and continuing education
13 requirements as set forth in Sections 5-110, 5-110.1 and 5-110.2 of
14 this title.

15 SECTION 3. AMENDATORY 70 O.S. 2021, Section 6-101.11, is
16 amended to read as follows:

17 Section 6-101.11 Whenever any evaluation is made of a teacher
18 or administrator, a true copy of the evaluation shall be presented
19 to the person evaluated, who shall acknowledge the written
20 evaluation by signing the original. Within two (2) weeks after the
21 evaluation, the person evaluated may respond and said response shall
22 be made part of the record. Except by order of a court of competent
23 jurisdiction, evaluation documents and the responses thereto shall
24 be available only to the evaluated person, the board of education,

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

17 SECTION 4. AMENDATORY 70 O.S. 2021, Section 6-101.16, is
18 amended to read as follows:

19 Section 6-101.16 A. By December 15, 2011, the State Board of
20 Education shall adopt a new statewide system of evaluation to be
21 known as the Oklahoma Teacher and Leader Effectiveness Evaluation
22 System (TLE). The Board shall work cooperatively with school
23 districts to incorporate the components of the TLE in all school
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1 districts by the 2017-2018 school year ~~as provided for in Section 6-~~
2 ~~101.10 of this title.~~

3 B. The TLE shall include the following components:

4 1. Annual evaluations that provide feedback to improve student
5 learning and outcomes, except as provided for in subsection C of
6 this section;

7 2. A five-tier district evaluation rating system as follows:

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

13 3. An evidence-based qualitative assessment tool for the
14 teacher qualitative portion of the TLE that will include observable
15 and measurable characteristics of personnel and classroom practices
16 that are correlated to student performance success, including, but
17 not limited to:

- 18 a. organizational and classroom management skills,
- 19 b. ability to provide effective instruction,
- 20 c. focus on continuous improvement and professional
21 growth,
- 22 d. interpersonal skills, and
- 23 e. leadership skills;

1 4. An evidence-based qualitative assessment tool for the leader
2 qualitative portion of the TLE that will include observable and
3 measurable characteristics of personnel and site management
4 practices that are correlated to student performance success,
5 including, but not limited to:

- 6 a. organizational and school management, including
- 7 retention and development of effective teachers and
- 8 dismissal of ineffective teachers,
- 9 b. instructional leadership,
- 10 c. professional growth and responsibility,
- 11 d. interpersonal skills,
- 12 e. leadership skills, and
- 13 f. stakeholder perceptions;

14 ~~5. An individualized program of professional development for~~
15 ~~all teachers and administrators as adopted by the school district~~
16 ~~board of education as set forth in subsection B of Section 6-101.10~~
17 ~~of this title;~~

18 ~~6.~~ For districts choosing to use, at their own expense,
19 quantitative measures of teachers and leaders as part of the
20 district evaluation rating, such measures shall include a minimum of
21 one reliable, research-based measure as approved by the State Board
22 of Education pursuant to subsection D of this section; and

23 ~~7.~~ 6. For all district evaluations, student performance,
24 including performance on the statewide criterion-referenced tests if

1 available, shall be discussed with the teacher and may be one of the
2 considerations for the teacher's district evaluation rating.

3 C. Career teachers receiving a district evaluation rating of
4 "superior" or "highly effective" under the TLE may be evaluated once
5 every three (3) years.

6 D. By December 1, 2015, the Teacher and Leader Effectiveness
7 Commission shall recommend to the State Board of Education multiple
8 reliable, research-based measures to provide a quantitative
9 evaluation component for teachers. The State Board of Education
10 shall approve and publish a list of approved measures by February 1,
11 2016.

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

20 F. The State Department of Education shall provide to the
21 Oklahoma State Regents for Higher Education and the Oklahoma
22 Commission for Educational Quality and Accountability timely
23 electronic data linked to teachers and leaders derived from the TLE
24 for purposes of providing a basis for the development of

1 accountability and quality improvements of the teacher preparation
2 system. The data shall be provided in a manner and at such times as
3 agreed upon between the Department, the State Regents and the
4 Commission.

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

8 H. The State Department of Education shall keep all data
9 collected pursuant to the TLE and records of annual evaluations
10 received pursuant to this section confidential. Records created
11 pursuant to this section which identify, in any way, a current or
12 former public employee shall not be subject to disclosure under the
13 Oklahoma Open Records Act. Nothing in this subsection shall be
14 construed to prohibit disclosure otherwise required by this section;
15 provided, however, any provisions requiring disclosure of TLE
16 records shall be construed narrowly and all individually identifying
17 information shall be removed from such records to the fullest extent
18 possible.

19 SECTION 5. AMENDATORY 70 O.S. 2021, Section 6-101.21, is
20 amended to read as follows:

21 Section 6-101.21 A. The State Board of Education shall
22 promulgate standards of performance and conduct for teachers. A
23 copy of such standards, any amendments to such standards and any
24 standards adopted by the board of education of the school district

1 shall be provided by the board of education of each school district
2 to each teacher on or before April 10 of each year.

3 B. The State Board of Education shall include the statutory
4 grounds for dismissal and nonreemployment of career teachers within
5 this standards document.

6 C. Standards which may be adopted by the board of education of
7 a school district shall not conflict with state or federal law or
8 standards promulgated by the State Board of Education.

9 D. In determining whether or not the professional performance
10 of a teacher is adequate, the standards adopted by the State Board
11 of Education shall be considered. Consideration may be given to any
12 written standards of performance which have been adopted by any
13 other education-oriented organization or agency. Professional
14 performance or conduct of a teacher which is in compliance with
15 standards adopted by the State Board of Education or the local board
16 of education ~~pursuant to Section 71 of this act~~ shall not be
17 considered in support of any dismissal or nonreemployment action
18 against the teacher.

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

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

24 1. Substitute teachers;

1 2. Adult education teachers; and

2 3. Teachers who are employed on temporary contracts.

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

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

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

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

3 ~~F.~~ E. No teacher shall be hired on a temporary contract by a
4 school district for more than four semesters or on multiple
5 temporary contracts by a school district that together are for more
6 than four semesters, except for a:

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

10 2. Teacher who is a retired member of the Teachers' Retirement
11 System of Oklahoma.

12 ~~G.~~ F. No teacher shall be offered a temporary contract with a
13 school district without a full written disclosure at the time a
14 position is offered by the administration of the school district
15 which sets forth the terms and conditions of the temporary contract.
16 In the event the school district fails to provide such written
17 disclosure, the teacher shall be considered as employed on a
18 continuing contract basis.

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

22 SECTION 7. AMENDATORY 70 O.S. 2021, Section 6-101.24, is
23 amended to read as follows:

1 Section 6-101.24 A. Upon full implementation of the Oklahoma
2 Teacher and Leader Effectiveness Evaluation System (TLE) ~~as set~~
3 ~~forth in Section 6-101.10 of this title~~, when a teacher receives a
4 rating as measured pursuant to the TLE as set forth in Section 6-
5 101.16 of this title that may lead to a recommendation for the
6 dismissal or nonreemployment of the teacher or when an administrator
7 identifies poor performance or conduct that the administrator
8 believes may lead to a recommendation for the dismissal or
9 nonreemployment of the teacher, the administrator shall:

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

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

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

21 C. Whenever a member of the board of education, superintendent,
22 or other administrator identifies poor performance or conduct that
23 may lead to a recommendation for dismissal or nonreemployment of a
24 teacher within the district, the administrator who has

1 responsibility for evaluation of the teacher shall be informed, and
2 that administrator shall comply with the procedures set forth in
3 this section. If the administrator fails or refuses to admonish the
4 teacher within ten (10) days after being so informed by the board,
5 superintendent, or other administrator, such board, superintendent
6 or other administrator shall admonish the teacher pursuant to the
7 provisions of this section.

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

15 SECTION 8. AMENDATORY 70 O.S. 2021, Section 6-101.31, is
16 amended to read as follows:

17 Section 6-101.31 Upon full implementation of the Oklahoma
18 Teacher and Leader Effectiveness Evaluation System (TLE) ~~as set~~
19 ~~forth in Section 6-101.10 of this title~~, the primary basis used in
20 determining the retention or reassignment of affected teachers and
21 administrators when a school district implements a reduction-in-
22 force plan shall be the ratings of the teachers and administrators
23 as measured pursuant to the TLE as set forth in Section 6-101.16 of
24 this title.

1 SECTION 9. REPEALER 70 O.S. 2021, Section 6-101.10, is
2 hereby repealed.

3 SECTION 10. This act shall become effective November 1, 2023.
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