

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1446 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Rhonda Baker

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1446

6 By: Provenzano

7 FLOOR SUBSTITUTE

8 An Act relating to teachers; amending 70 O.S. 2021,
9 Section 3-129.11, which relates to the School
10 District Empowerment Program; deleting statutory
11 reference; amending 70 O.S. 2021, Section 6-101.3,
12 which relates to definitions; modifying definitions
13 for certain types of teachers; amending 70 O.S. 2021,
14 Sections 6-101.10, 6-101.11, and 6-101.16, which
15 relate to teacher evaluations; deleting requirement
16 for annual review of certain written policy; removing
17 requirement for a focused and individualized program
18 of professional development; deleting references to
19 policy and program; striking provision providing for
20 release of certain data; striking statutory
21 reference; removing individualized program of
22 professional development requirement; permitting
23 school districts to submit a request to use an
24 alternative evaluation system; clarifying frequency
of certain evaluations; allowing certain evaluation
schedule to be designated by local policy; limiting
collection of certain information only for federal
reporting requirements; amending 70 O.S. 2021,
Sections 6-101.23 and 6-101.24, which relate to the
Teacher Due Process Act of 1990; 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; providing an effective date; and
declaring an emergency.

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

2 SECTION 1. AMENDATORY 70 O.S. 2021, Section 3-129.11, is
3 amended to read as follows:

4 Section 3-129.11 A. There is hereby established the School
5 District Empowerment Program which shall be administered by the
6 State Board of Education. The purpose of the program is to empower
7 locally elected school board members to govern school districts and
8 make decisions based on the needs of their students and
9 circumstances.

10 B. 1. Subject to the provisions of this section, a school
11 district shall be allowed to submit a request to the State Board of
12 Education for an exemption from all statutory requirements and State
13 Board of Education rules from which charter schools are exempt, as
14 provided for in the Oklahoma Charter Schools Act. Any request for
15 exemption shall include a plan which outlines the goals sought to be
16 achieved at a minimum, ~~include~~ including the educational and fiscal
17 benefits and the anticipated impacts or outcomes the plan will have
18 in the district.

19 2. Within ninety (90) days after receiving the request and
20 plan, the State Board shall approve or disapprove the request. If
21 the State Board does not approve the request, it shall provide to
22 the school district a written explanation of the basis for its
23 decision. The school district may resubmit an amended request at
24 any time after the denial. The request shall be approved by the

1 State Board before implementation by the school district. An
2 approved request and plan shall be for no longer than three (3)
3 years. Prior to the beginning of the third year, the school
4 district may apply for renewal of the approved request and plan.
5 The school district shall be required to submit an annual report and
6 the State Board shall annually assess the academic achievement and
7 fiscal status of the school district.

8 C. Nothing in this section shall prevent a school district
9 board of education from choosing to follow any or all state laws,
10 rules or regulations from which a charter school is exempt. A
11 school district which has been granted approval by the State Board
12 for an exemption as set forth in subsection B of this section shall
13 have the option to adopt policies to implement any requirement for
14 the school district that is consistent with any statutory
15 requirement or mandate or State Board rule, but a participating
16 school district shall comply with the following requirements:

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

20 2. School districts shall comply with the requirements of the
21 minimum salary schedule for teachers as set forth in Section ~~18-~~
22 ~~114.12~~ 18-114.14 of this title;

23
24

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

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

9 5. School districts shall require any person employed by the
10 school district to file with the district board a current Oklahoma
11 criminal history record check from the Oklahoma State Bureau of
12 Investigation as well as a national criminal history record check as
13 defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Each
14 district shall adopt a policy regarding criminal history record
15 checks as set forth in Section 5-142 of this title;

16 6. School districts shall comply with the ~~requirement~~
17 requirements to evaluate teachers and to train personnel designated
18 to conduct personnel evaluations as set forth in ~~Sections 6-101.10~~
19 ~~and Section~~ Section 6-101.11 of this title, the dismissal and due process
20 procedures for administrators as set forth in Sections 6-101.13
21 through 6-101.15 of this title and the due process procedures for
22 teachers as set forth in Sections 6-101.21 through 6-101.26 of this
23 title;

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

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

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

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

18 11. School districts shall be required to offer and students
19 enrolled in the school district shall be required to complete the
20 curriculum requirements as set forth in Section 11-103.6 of this
21 title;

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

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

5 SECTION 2. AMENDATORY 70 O.S. 2021, Section 6-101.3, is
6 amended to read as follows:

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

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

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

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

17 4. "Career teacher" means a teacher who:
18 a. ~~is employed by a school district prior to the 2017-~~
19 ~~2018 school year and~~ has completed three (3) or more
20 consecutive complete school years as a teacher in one
21 school district under a written continuing or
22 temporary teaching contract, ~~or~~
23 b. ~~is employed for the first time by a school district~~
24 ~~under a written continuing or temporary teaching~~

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

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

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

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

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

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

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

- 19 a. ~~is employed by a school district prior to the 2017-~~
20 ~~2018 school year and has completed fewer than three~~
21 (3) consecutive complete school years as a teacher in
22 one school district under a written teaching contract,
23 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;

9 8. "Teacher" ~~means a person defined as a teacher~~ has the same
10 meaning as provided 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~~ Oklahoma Teacher and Leader
13 Effectiveness Evaluation System (TLE) as set forth in subsection B
14 of Section 6-101.16 of this title.

15 SECTION 3. AMENDATORY 70 O.S. 2021, Section 6-101.10, is
16 amended to read as follows:

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

1 ~~performance and conduct proposed for adoption beyond those~~
2 ~~established by the State Board of Education shall be negotiable~~
3 ~~items. Nothing in this section shall be construed to annul, modify~~
4 ~~or to preclude the renewal or continuing of any existing agreement~~
5 ~~heretofore entered into between any school district and any~~
6 ~~organizational representative of its employees. Every policy of~~
7 ~~evaluation adopted by a board of education shall:~~

8 1. ~~Be based upon a set of minimum criteria developed by the~~
9 ~~State Board of Education, which shall be revised and based upon the~~
10 ~~Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE)~~
11 ~~developed by the State Board of Education as provided in Section 6-~~
12 ~~101.16 of this title. The revisions to each policy of evaluation~~
13 ~~shall be phased in according to the following schedule:~~

14 a. ~~for the 2014-2015, 2015-2016 and 2016-2017 school~~
15 ~~years, the evaluation rating of teachers and~~
16 ~~administrators shall be based on the qualitative~~
17 ~~component of the TLE. For the 2016-2017 school year,~~
18 ~~the State Department of Education shall work with~~
19 ~~school districts to develop individualized programs of~~
20 ~~professional development as described in subsection B~~
21 ~~of this section. However, nothing in this~~
22 ~~subparagraph shall preclude a school district with an~~
23 ~~average daily attendance of more than thirty-five~~
24 ~~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~~

1 ~~programs of professional development as described in~~
2 ~~subsection B of this section;~~

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

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

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

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

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

1 ~~other trained persons or groups of persons designated by the school~~
2 ~~district board of education.~~

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

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

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

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

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

23 ~~2. School districts shall monitor compliance with each~~
24 ~~individualized program of professional development implemented~~

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

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

- 12 ~~a. presenter-led workshops,~~
- 13 ~~b. individual or faculty studies of books, scholarly~~
14 ~~articles and video productions,~~
- 15 ~~c. peer observations,~~
- 16 ~~d. committee studies to address student achievement~~
17 ~~issues,~~
- 18 ~~e. work related to a specific subject area or areas~~
19 ~~associated with obtaining an advanced degree or~~
20 ~~professional certification,~~
- 21 ~~f. action research projects designed to improve student~~
22 ~~achievement, and~~

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

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

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

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

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

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

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

23 SECTION 4. AMENDATORY 70 O.S. 2021, Section 6-101.11, is
24 amended to read as follows:

1 Section 6-101.11 Whenever any evaluation is made of a teacher
2 or administrator, a true copy of the evaluation shall be presented
3 to the person evaluated, who shall acknowledge the written
4 evaluation by signing the original. Within two (2) weeks after the
5 evaluation, the person evaluated may respond and said response shall
6 be made part of the record. Except by order of a court of competent
7 jurisdiction, evaluation documents and the responses thereto shall
8 be available only to the evaluated person, the board of education,
9 the administrative staff making the evaluation, the board and
10 administrative staff of any school to which such evaluated person
11 applies for employment and such other persons as are specified by
12 the teacher in writing and shall be subject to disclosure at any
13 hearing involving a teacher or administrator's dismissal or
14 nonrenewal from employment. ~~Data collected pursuant to Section 6-~~
15 ~~101.10 shall be available to authorized representatives of the State~~
16 ~~Department of Education and its contracting designees who must be~~
17 ~~contractually bound to the Department to maintain confidentiality of~~
18 ~~all information received from the Department when such evaluation~~
19 ~~data is used by the Department for data collection/analysis purposes~~
20 ~~under the Oklahoma Teacher and Leader Effectiveness Evaluation~~
21 ~~System, and such other persons as are specified by the teacher in~~
22 ~~writing and shall be subject to disclosure at any hearing involving~~
23 ~~a teacher or administrator's dismissal or nonrenewal from~~
24 ~~employment.~~

1 SECTION 5. AMENDATORY 70 O.S. 2021, Section 6-101.16, is
2 amended to read as follows:

3 Section 6-101.16 A. By December 15, 2011, the State Board of
4 Education shall adopt a new statewide system of evaluation to be
5 known as the Oklahoma Teacher and Leader Effectiveness Evaluation
6 System (TLE). The Board shall work cooperatively with school
7 districts to incorporate the components of the TLE in all school
8 districts by the 2017-2018 school year ~~as provided for in Section 6-~~
9 ~~101.10 of this title.~~

10 B. The TLE shall include the following components:

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

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

- 15 a. superior,
- 16 b. highly effective,
- 17 c. effective,
- 18 d. needs improvement, and
- 19 e. ineffective;

20 3. An evidence-based qualitative assessment tool for the
21 teacher qualitative portion of the TLE that will include observable
22 and measurable characteristics of personnel and classroom practices
23 that are correlated to student performance success, including, but
24 not limited to:

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

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

- a. organizational and school management, including retention and development of effective teachers and dismissal of ineffective teachers,
- b. instructional leadership,
- c. professional growth and responsibility,
- d. interpersonal skills,
- e. leadership skills, and
- f. stakeholder perceptions;

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

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

6 ~~7.~~ 6. For all district evaluations, student performance,
7 including performance on the statewide criterion-referenced tests if
8 available, shall be discussed with the teacher and may be one of the
9 considerations for the teacher's district evaluation rating.

10 C. Career School districts may submit a request to the State
11 Board of Education to use an alternate evaluation system other than
12 the system selected by the Board pursuant to subsection A of this
13 section if the school district establishes the capacity to implement
14 a research-based performance review evaluation system which meets
15 the criteria of the TLE system.

16 D. All school district certified personnel shall be evaluated
17 annually, except career teachers receiving a district evaluation
18 rating of "superior" or "highly effective" under the TLE, who may be
19 evaluated once every three (3) years as designated by local board of
20 education policy.

21 ~~D.~~ E. By December 1, 2015, the Teacher and Leader Effectiveness
22 Commission shall recommend to the State Board of Education multiple
23 reliable, research-based measures to provide a quantitative
24 evaluation component for teachers. The State Board of Education

1 shall approve and publish a list of approved measures by February 1,
2 2016.

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

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

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

23 ~~H.~~ I. The State Department of Education may collect school
24 district evaluation information only as is required for federal

1 reporting. The Department shall keep all data collected pursuant to
2 the TLE and records of annual evaluations received pursuant to this
3 section confidential. Records created pursuant to this section
4 which identify, in any way, a current or former public employee
5 shall not be subject to disclosure under the Oklahoma Open Records
6 Act. Nothing in this subsection shall be construed to prohibit
7 disclosure otherwise required by this section; provided, however,
8 any provisions requiring disclosure of TLE records shall be
9 construed narrowly and all individually identifying information
10 shall be removed from such records to the fullest extent possible.

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

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

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

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

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

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

14 ~~E.~~ D. On and after ~~the effective date of this act~~ July 1, 2000,
15 any teacher who has worked a complete school year under a temporary
16 contract in a school district shall be granted a year of service
17 credit toward career status in that district.

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

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

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

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

10 ~~H.~~ G. On and after ~~the effective date of this act~~ July 1, 2000,
11 no teacher who is employed on a continuing contract basis by a
12 school district shall be reemployed on a temporary contract in that
13 school district.

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

16 Section 6-101.24 A. Upon full implementation of the Oklahoma
17 Teacher and Leader Effectiveness Evaluation System (TLE) ~~as set~~
18 ~~forth in Section 6-101.10 of this title,~~ when a teacher receives a
19 rating as measured pursuant to the TLE as set forth in Section 6-
20 101.16 of this title that may lead to a recommendation for the
21 dismissal or nonreemployment of the teacher or when an administrator
22 identifies poor performance or conduct that the administrator
23 believes may lead to a recommendation for the dismissal or
24 nonreemployment of the teacher, the administrator 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 shall be informed, and
17 that administrator shall comply with the procedures set forth in
18 this section. If the administrator fails or refuses to admonish the
19 teacher within ten (10) days after being so informed by the board,
20 superintendent, or other administrator, such board, superintendent
21 or other administrator shall admonish the teacher pursuant to the
22 provisions of this section.

23 D. Repeated negligence in performance of duty, willful neglect
24 of duty, incompetency, instructional ineffectiveness or

1 unsatisfactory teaching performance, for a career teacher, or any
2 cause related to inadequate teaching performance for a probationary
3 teacher, shall not be a basis for a recommendation to dismiss or not
4 reemploy a teacher unless and until the provisions of this section
5 have been complied with.

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

8 Section 6-101.31 Upon full implementation of the Oklahoma
9 Teacher and Leader Effectiveness Evaluation System (TLE) ~~as set~~
10 ~~forth in Section 6-101.10 of this title~~, the primary basis used in
11 determining the retention or reassignment of affected teachers and
12 administrators when a school district implements a reduction-in-
13 force plan shall be the ratings of the teachers and administrators
14 as measured pursuant to the TLE as set forth in Section 6-101.16 of
15 this title.

16 SECTION 9. This act shall become effective July 1, 2023.

17 SECTION 10. It being immediately necessary for the preservation
18 of the public peace, health or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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