

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 2957

By: Rogers, Park, Montgomery,
Cannaday, Kannady, Strohm,
Caldwell, Pfeiffer,
Murdock, Dunlap, Fisher,
Wood, Sears, Wallace,
Lepak, Roberts (Dustin),
Leewright, Nollan, Jordan,
Casey, Walker and Sanders
of the House

and

Ford of the Senate

An Act relating to schools; amending 70 O.S. 2011,
Section 6-101.3, as last amended by Section 1, ***
certain implementation schedule; requiring policies
professional development component; *** development
learning practices; providing for additional
***describing a teacher and administrator
professionalism component; *** deleting references to
state guidelines, materials and criteria; providing
manner of monitoring compliance;; *** which relates
to the grounds for dismissal or nonreemployment of
teachers; *** repealing 70 O.S. 2011, Section 6-
101.17, which relates to the Teacher and Leader
Effectiveness Commission; providing an effective
date; and declaring an emergency.

AUTHOR: Add the following House Coauthors: Bennett and Cockroft

AUTHOR: Add the following Senate Coauthor: Sykes

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

1 "An Act relating to teacher evaluations; amending 70
2 O.S. 2011, Section 6-101.3, as last amended by
3 Section 1, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
4 2015, Section 6-101.3), which relates to definitions;
5 modifying certain definitions; adding definition;
6 amending 70 O.S. 2011, Section 6-101.10, as last
7 amended by Section 2, Chapter 365, O.S.L. 2015 (70
8 O.S. Supp. 2015, Section 6-101.10), which relates to
9 evaluation policies; directing the State Department
10 of Education to work with school districts to develop
11 individualized programs of professional development
12 during certain year; directing school districts to
13 incorporate certain programs of professional
14 development during certain year on a pilot program
15 basis; directing school districts to put into
16 operation programs of professional development;
17 removing outdated language; updating certain
18 references; allowing certain designees to conduct
19 evaluations; requiring policies of professional
20 development to address certain components; requiring
21 districts to monitor compliance with programs of
22 professional development; allowing programs of
23 professional development to include certain learning
24 practices; removing requirement for certain
consultation; amending 70 O.S. 2011, Section 6-
101.13, as last amended by Section 3, Chapter 365,
O.S.L. 2015 (70 O.S. Supp. 2015, Section 6-101.13),
which relates to due process; removing outdated
language; updating references; amending 70 O.S. 2011,
Section 6-101.16, as last amended by Section 4,
Chapter 365, O.S.L. 2015 (70 O.S. Supp. 2015, Section
6-101.16), which relates to the Teacher and Leader
Effectiveness Evaluation System; removing requirement
for the State Board of Education to determine certain
calculation and system; removing language related to
remediation plans and instructional coaching;
modifying reference to certain ratings; removing
reference to certain quantitative and qualitative
ratings; removing language related to evaluations for
teachers of non-tested grades and subjects; removing
language related to first-year and second-year
teacher evaluations; removing language related to
evaluation of teachers who were previously employed
by another district or who entered post-retirement
employment; adding an individualized program of
professional development as a TLE component; allowing
districts to use certain quantitative measure at

1 their own expense; requiring discussion of student
2 performance with teachers; removing reference to
3 student academic growth quantitative component;
4 amending 70 O.S. 2011, Section 6-101.22, as last
5 amended by Section 5, Chapter 365, O.S.L. 2015 (70
6 O.S. Supp. 2015, Section 6-101.22), which relates to
7 dismissal of career teachers; modifying reference to
8 certain ratings; allowing a superintendent to
9 recommend continued employment of teachers receiving
10 certain ratings; removing language regarding
11 dismissal of teachers receiving certain ratings;
12 modifying language regarding dismissal of teachers
13 for engaging in certain acts; providing an effective
14 date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.3, as
last amended by Section 1, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
2015, Section 6-101.3), is amended to read as follows:

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

1. "Administrator" means a duly certified person who devotes a
majority of time to service as a superintendent, elementary
superintendent, principal, supervisor, vice principal or in any
other administrative or supervisory capacity in the school district;
2. "Dismissal" means the discontinuance of the teaching service
of an administrator or teacher during the term of a written
contract, as provided by law;
3. "Nonreemployment" means the nonrenewal of the contract of an
administrator or teacher upon expiration of the contract;

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

2 a. ~~for teachers~~ is employed by a school district prior to
3 ~~full implementation of the Oklahoma Teacher and Leader~~
4 ~~Effectiveness Evaluation System (TLE) as set forth in~~
5 ~~Section 6-101.10 of this title~~ the 2017-2018 school
6 year, has completed three (3) or more consecutive
7 complete school years as a teacher in one school
8 district under a written continuing or temporary
9 teaching contract, or

10 b. ~~for teachers~~ is employed for the first time by a
11 school district under a written continuing or
12 temporary teaching contract ~~after full implementation~~
13 ~~of the Oklahoma Teacher and Leader Effectiveness~~
14 ~~Evaluation System (TLE) as set forth in Section 6-~~
15 ~~101.10 of this title~~ during the 2017-2018 school year
16 and thereafter:

17 (1) has completed three (3) consecutive complete
18 school years as a teacher in one school district
19 under a written continuing or temporary teaching
20 contract and has achieved ~~qualitative and~~
21 ~~quantitative ratings~~ a district evaluation rating
22 of "superior" as measured pursuant to the TLE as
23 set forth in Section 6-101.16 of this title for
24

1 at least two (2) of the three (3) school years,
2 ~~with no rating below "effective",~~

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

14 (3) has completed four (4) or more consecutive
15 complete school years in one school district
16 under a written continuing or temporary teaching
17 contract and has not met the requirements of
18 subparagraph a or b of this paragraph, only if
19 the principal of the school at which the teacher
20 is employed submits a petition to the
21 superintendent of the school district requesting
22 that the teacher be granted career status, the
23 superintendent agrees with the petition, and the
24 school district board of education approves the

1 petition. The principal shall specify in the
2 petition the underlying facts supporting the
3 granting of career status to the teacher;

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

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

- 13 a. ~~for teachers~~ is employed by a school district prior to
14 ~~full implementation of the Oklahoma Teacher and Leader~~
15 ~~Effectiveness Evaluation System (TLE) as set forth in~~
16 ~~Section 6-101.10 of this title~~ the 2017-2018 school
17 year, has completed fewer than three (3) consecutive
18 complete school years as a teacher in one school
19 district under a written teaching contract, or
- 20 b. ~~for teachers~~ is employed for the first time by a
21 school district under a written teaching contract
22 ~~after full implementation of the Oklahoma Teacher and~~
23 ~~Leader Effectiveness Evaluation System (TLE) as set~~
24 ~~forth in Section 6-101.10 of this title~~ during the

1 2017-2018 school year and thereafter, has not met the
2 requirements for career teacher as provided in
3 paragraph 4 of this section;

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

7 8. "Teacher" means a duly certified person who is employed to
8 serve as a counselor, librarian or school nurse or in any
9 instructional capacity; an administrator shall be considered a
10 teacher only with regard to service in an instructional,
11 nonadministrative capacity; and

12 9. "District evaluation rating" means the rating issued based
13 on the components of the TLE as set forth in subsection B of Section
14 6-101.16 of this title.

15 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.10, as
16 last amended by Section 2, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
17 2015, Section 6-101.10), is amended to read as follows:

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

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

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

15 a. ~~for evaluations of teachers and administrators~~
16 ~~conducted during the 2012-2013 school year, school~~
17 ~~districts shall for purposes of testing the TLE~~
18 ~~incorporate on a trial basis the qualitative~~
19 ~~components of the TLE as provided for in subparagraph~~
20 ~~b of paragraph 4 of subsection B of Section 6-101.16~~
21 ~~of this title into the evaluations used in all or a~~
22 ~~representative sampling of school sites within the~~
23 ~~district and may at the option of the school district~~
24 ~~incorporate on a trial basis the quantitative~~

1 ~~components of the TLE as provided for in subparagraph~~
2 ~~a of paragraph 4 of subsection B of Section 6-101.16~~
3 ~~of this title into the evaluations used in all or a~~
4 ~~representative sampling of school sites within the~~
5 ~~district,~~

6 ~~b. for evaluations of teachers and administrators~~
7 ~~conducted during the 2013-2014 school year, school~~
8 ~~districts shall incorporate and put into operation the~~
9 ~~qualitative components of the TLE as provided for in~~
10 ~~subparagraph b of paragraph 4 of subsection B of~~
11 ~~Section 6-101.16 of this title into the evaluations~~
12 ~~used in all school sites within the district. For the~~
13 ~~2013-2014 school year the evaluation rating of~~
14 ~~teachers and administrators shall be based on the~~
15 ~~qualitative component of the TLE. In addition, for~~
16 ~~evaluations of teachers and administrators conducted~~
17 ~~during the 2013-2014 school year, school districts~~
18 ~~shall for purposes of testing the TLE incorporate on a~~
19 ~~trial basis the quantitative components of the TLE as~~
20 ~~provided for in subparagraph a of paragraph 4 of~~
21 ~~subsection B of Section 6-101.16 of this title into~~
22 ~~the evaluations used in all or a representative~~
23 ~~sampling of school sites within the district.~~
24 ~~However, nothing in this subparagraph shall preclude a~~

1 ~~school district with an average daily attendance of~~
2 ~~more than thirty-five thousand (35,000) from~~
3 ~~incorporating at its own expense the quantitative~~
4 ~~components of the TLE into its evaluation system of~~
5 ~~teachers and administrators, as defined by the~~
6 ~~district's written policy, during the 2013-2014 school~~
7 ~~year,~~

8 e. ~~for evaluations of teachers and administrators~~
9 ~~conducted during the 2014-2015 and 2015-2016 school~~
10 ~~years, school districts shall for purposes of~~
11 ~~establishing baseline data incorporate the~~
12 ~~quantitative components of the TLE as provided for in~~
13 ~~subparagraph a of paragraph 4 of subsection B of~~
14 ~~Section 6-101.16 of this title into the evaluations~~
15 ~~used in all school sites within the district. For for~~
16 ~~the 2014-2015 and, 2015-2016 and 2016-2017 school~~
17 ~~years, the evaluation rating of teachers and~~
18 ~~administrators shall be based on the qualitative~~
19 ~~component of the TLE. For the 2016-2017 school year,~~
20 ~~the State Department of Education shall work with~~
21 ~~school districts to develop individualized programs of~~
22 ~~professional development as described in subsection B~~
23 ~~of this section. However, nothing in this~~
24 ~~subparagraph shall preclude a school district with an~~

1 average daily attendance of more than thirty-five
2 thousand (35,000) from ~~incorporating~~ continuing to use
3 quantitative components which the district has
4 incorporated at its own expense ~~the quantitative~~
5 ~~components of the TLE~~ prior to the 2015-2016 school
6 year into its evaluation system of teachers and
7 administrators, as defined by the district's written
8 policy, ~~during the 2014-2015 and 2015-2016 school~~
9 ~~years, and~~

10 ~~d.~~

11 b. for evaluations of teachers and administrators
12 conducted during the ~~2016-2017~~ 2017-2018 school year
13 and each school year thereafter, school districts
14 shall ~~fully implement the TLE and~~ incorporate and put
15 into operation ~~both the qualitative and quantitative~~
16 ~~components~~ component of the TLE as provided for in
17 ~~paragraph 4 of subsection B of Section 6-101.16 of~~
18 this title into the evaluations used in all school
19 sites within the district. For the ~~2016-2017~~ 2017-
20 2018 school year and each school year thereafter,
21 teachers and administrators shall receive a
22 ~~qualitative~~ district evaluation rating based on ~~the~~
23 ~~qualitative component of the~~ components of the TLE and
24 ~~a quantitative rating based on the quantitative~~

1 ~~component of the TLE~~ as set forth in subsection B of
2 Section 6-101.16 of this title. For the 2017-2018
3 school year, school districts shall incorporate the
4 individualized programs of professional development as
5 described in subsection B of this section on a pilot
6 program basis, and

7 c. for evaluations of teachers and administrators
8 conducted during the 2018-2019 school year and each
9 school year thereafter, school districts shall fully
10 incorporate and put into operation the individualized
11 programs of professional development as described in
12 subsection B of this section;

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

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

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

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

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

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

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

1 b. be tailored to address a specific area or criteria
2 identified through the qualitative component of the
3 TLE,

4 c. allow the teacher or administrator to actively engage
5 with learning practices that are evidence-based,
6 researched practices that are correlated with
7 increased student achievement, and

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

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

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

24 a. presenter-led workshops,

- 1 b. individual or faculty studies of books, scholarly
2 articles and video productions,
3 c. peer observations,
4 d. committee studies to address student achievement
5 issues,
6 e. work related to a specific subject area or areas
7 associated with obtaining an advanced degree or
8 professional certification,
9 f. action research projects designed to improve student
10 achievement, and
11 g. participation in local, regional or state initiatives
12 associated with the development or implementation of
13 curriculum standards.

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

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

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

1 ~~E. F.~~ The State Board of Education, ~~in consultation with the~~
2 ~~Teacher and Leader Effectiveness Commission,~~ shall study continued
3 implementation of the TLE to produce a system that promotes
4 reflection and professional growth for teachers and leaders.

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

8 ~~G. H.~~ Data collected pursuant to this section shall not be
9 subject to the Oklahoma Open Meeting Act or the Oklahoma Open
10 Records Act.

11 ~~H. Full implementation of the TLE for the purposes of~~
12 ~~employment shall occur during the 2017-2018 school year.~~

13 SECTION 3. AMENDATORY 70 O.S. 2011, Section 6-101.13, as
14 last amended by Section 3, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
15 2015, Section 6-101.13), is amended to read as follows:

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

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

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

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

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

17 ~~C. After full implementation of the Oklahoma Teacher and Leader~~
18 ~~Effectiveness Evaluation System (TLE) as set forth in Section 6-~~
19 ~~101.10 of this title, a principal who has received qualitative and~~
20 ~~quantitative ratings of "ineffective" as measured pursuant to the~~
21 ~~TLE as set forth in Section 6-101.16 of this title for two (2)~~
22 ~~consecutive school years, shall not be reemployed by the school~~
23 ~~district, subject to the due process procedures of this section.~~

24

1 ~~D. After full implementation of the TLE as set forth in Section~~
2 ~~6-101.10 of this title~~ Beginning with the 2017-2018 school year and
3 thereafter, a principal who has received ~~qualitative or quantitative~~
4 district evaluation ratings of "ineffective" as measured pursuant to
5 the TLE as set forth in Section 6-101.16 of this title for two (2)
6 consecutive school years may be dismissed or not reemployed by the
7 school district, subject to the due process procedures of this
8 section.

9 SECTION 4. AMENDATORY 70 O.S. 2011, Section 6-101.16, as
10 last amended by Section 4, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
11 2015, Section 6-101.16), is amended to read as follows:

12 Section 6-101.16. A. By December 15, 2011, the State Board of
13 Education shall adopt a new statewide system of evaluation to be
14 known as the Oklahoma Teacher and Leader Effectiveness Evaluation
15 System (TLE). The Board shall work cooperatively with school
16 districts to ~~fully implement both~~ incorporate the ~~quantitative and~~
17 ~~qualitative~~ components of the TLE in all school districts by the
18 ~~2016-2017~~ 2017-2018 school year as provided for in Section 6-101.10
19 of this title, ~~including determining the final calculation of the~~
20 ~~student academic growth measurement as provided for in subparagraph~~
21 ~~a of paragraph 4 of subsection B of this section and developing a~~
22 ~~teacher/student assignment verification system.~~

23 B. The TLE shall include the following components:
24

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

4 2. ~~Comprehensive remediation plans and instructional coaching~~
5 ~~for all teachers who receive qualitative or quantitative ratings of~~
6 ~~"needs improvement" or "ineffective" in accordance with the rating~~
7 ~~system established in paragraph 3 of this subsection;~~

8 ~~3.~~ A five-tier district evaluation rating system ~~for both the~~
9 ~~qualitative and quantitative components set forth in paragraph 4 of~~
10 ~~this subsection~~ as follows:

- 11 a. superior,
- 12 b. highly effective,
- 13 c. effective,
- 14 d. needs improvement, and
- 15 e. ineffective;

16 4. a. ~~The quantitative ratings of teachers and leaders shall~~
17 ~~be based on quantitative components which shall~~
18 ~~include performance measures of a teacher and leader~~
19 ~~that are based on student academic growth using~~
20 ~~multiple years of standardized test data, as~~
21 ~~available, and performance measures for teachers in~~
22 ~~grades and subjects for which there is no state-~~
23 ~~mandated testing measure, as approved by the State~~

24

1 ~~Board of Education pursuant to subsection E D of this~~
2 ~~section, and~~

3 ~~b. The qualitative ratings of teachers and leaders shall~~
4 ~~be based on rigorous and fair qualitative assessment~~
5 ~~components;~~

6 ~~5.~~ 3. An evidence-based qualitative assessment tool for the
7 teacher qualitative portion of the TLE that will include observable
8 and measurable characteristics of personnel and classroom practices
9 that are correlated to student performance success, including, but
10 not limited to:

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

17 ~~6.~~ 4. An evidence-based qualitative assessment tool for the
18 leader qualitative portion of the TLE that will include observable
19 and measurable characteristics of personnel and site management
20 practices that are correlated to student performance success,
21 including, but not limited to:

- 22 a. organizational and school management, including
- 23 retention and development of effective teachers and
- 24 dismissal of ineffective teachers,

- b. instructional leadership,
- c. professional growth and responsibility,
- d. interpersonal skills,
- e. leadership skills, and
- f. stakeholder perceptions;

~~7. For those teachers in grades and subjects for which there is no state-mandated testing measure to create a quantitative assessment for the quantitative portion of the TLE, local school district boards of education shall choose evaluation methods from a list of reliable, research-based options approved by the State Board of Education pursuant to subsection E of this section. Emphasis shall be placed on the observed qualitative assessment as well as contribution to the overall school academic growth. For those teachers who have at least one tested grade or subject, school districts shall have the option of basing up to fifty percent (50%) of the quantitative rating on evaluation methods chosen from a list of reliable, research-based options approved by the State Board of Education pursuant to subsection E of this section;~~

~~8. For first-year and second-year teachers, evaluations shall be based solely on qualitative components set forth in subparagraph b of paragraph 4 of this subsection; and~~

~~9. For teachers who were previously employed by a different public school district and for teachers who enter into post-retirement employment with a public school, school districts shall~~

1 ~~have the option of basing these evaluations solely on the~~
2 ~~qualitative components set forth in subparagraph b of paragraph 4 of~~
3 ~~this subsection during their first year of employment~~

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

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

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

17 C. Career teachers receiving a ~~qualitative~~ district evaluation
18 rating of "superior" or "highly effective" ~~and a quantitative rating~~
19 ~~of "superior" or "highly effective"~~ under the TLE may be evaluated
20 once every ~~two (2)~~ three (3) years.

21 D. ~~The Teacher and Leader Effectiveness Commission shall adopt~~
22 ~~the student academic growth quantitative components of the TLE as~~
23 ~~provided for in subparagraph a of paragraph 4 of subsection B of~~
24 ~~this section by May 1, 2014. The Commission shall provide oversight~~

1 ~~and advise the State Board of Education on the development and~~
2 ~~implementation of the TLE.~~

3 ~~E.~~ By December 1, 2015, the Teacher and Leader Effectiveness
4 Commission shall recommend to the State Board of Education multiple
5 reliable, research-based measures ~~for providing~~ to provide a
6 quantitative evaluation component for teachers ~~in grades and~~
7 ~~subjects for which there is no state mandated testing measure.~~ The
8 State Board of Education shall approve and publish a list of
9 approved measures by February 1, 2016.

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

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

1 | agreed upon between the Department, the State Regents and the
2 | Commission.

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

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

17 | SECTION 5. AMENDATORY 70 O.S. 2011, Section 6-101.22, as
18 | last amended by Section 5, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
19 | 2015, Section 6-101.22), is amended to read as follows:

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

- 23 | 1. Willful neglect of duty;
24 | 2. Repeated negligence in performance of duty;

- 1 3. Mental or physical abuse to a child;
- 2 4. Incompetency;
- 3 5. Instructional ineffectiveness;
- 4 6. Unsatisfactory teaching performance;
- 5 7. Commission of an act of moral turpitude; or
- 6 8. Abandonment of contract.

7 B. Subject to the provisions of the Teacher Due Process Act of
8 1990, a probationary teacher may be dismissed or not reemployed for
9 cause.

10 C. ~~Upon full implementation of the Oklahoma Teacher and Leader~~
11 ~~Effectiveness Evaluation System (TLE) as set forth in Section 6-~~
12 ~~101.10 of this title~~ During the 2017-2018 school year and
13 thereafter:

14 1. ~~A career teacher who has received a qualitative and~~
15 ~~quantitative rating of "ineffective" for two (2) consecutive school~~
16 ~~years shall be dismissed or not reemployed on the grounds of~~
17 ~~instructional ineffectiveness by the school district, subject to the~~
18 ~~provisions of the Teacher Due Process Act of 1990;~~

19 2. A career teacher who has received a ~~qualitative or~~
20 ~~quantitative~~ district evaluation rating of "ineffective" for two (2)
21 consecutive school years ~~may~~ shall be dismissed or not reemployed on
22 the grounds of instructional ineffectiveness by the school district,
23 subject to the provisions of the Teacher Due Process Act of 1990.
24 However, the superintendent may recommend and the school district

1 board of education may approve continued employment of the teacher;
2 and

3 ~~3.~~ 2. A career teacher who has received a ~~qualitative and~~
4 ~~quantitative~~ district evaluation rating of "needs improvement" or
5 lower for three (3) consecutive school years ~~shall~~ may be dismissed
6 or not reemployed on the grounds of instructional ineffectiveness by
7 the school district, subject to the provisions of the Teacher Due
8 Process Act of 1990;

9 ~~4.~~ A career teacher who has received a ~~qualitative or~~
10 ~~quantitative~~ rating of "needs improvement" or lower for three (3)
11 consecutive school years may be dismissed or not reemployed on the
12 grounds of instructional ineffectiveness by the school district,
13 subject to the provisions of the Teacher Due Process Act of 1990;

14 ~~5.~~ A career teacher who has not averaged a ~~qualitative and~~
15 ~~quantitative~~ rating of at least "effective" as measured pursuant to
16 the TLE over a five-year period shall be dismissed or not reemployed
17 on the grounds of instructional ineffectiveness by the school
18 district, subject to the provisions of the Teacher Due Process Act
19 of 1990; and

20 ~~6.~~ A career teacher who has not averaged a ~~qualitative or~~
21 ~~quantitative~~ rating of at least "effective" as measured pursuant to
22 the TLE over a five-year period may be dismissed or not reemployed
23 on the grounds of instructional ineffectiveness by the school
24

1 ~~district, subject to the provisions of the Teacher Due Process Act~~
2 ~~of 1990.~~

3 D. ~~Upon full implementation of the Oklahoma Teacher and Leader~~
4 ~~Effectiveness Evaluation System (TLE) as set forth in Section 6-~~
5 ~~101.10 of this title~~ During the 2017-2018 school year and
6 thereafter:

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

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

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

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

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

4 2. Any felony offense.

5 F. A teacher may be dismissed, refused employment or not
6 reemployed after a finding that such person has engaged in ~~criminal~~
7 ~~sexual activity or sexual misconduct that has impeded the~~
8 ~~effectiveness of the individual's performance of school duties.~~ As
9 used in this subsection:

10 1. ~~"Criminal sexual activity" means the commission of an act as~~
11 ~~defined in Section 886 of Title 21 of the Oklahoma Statutes, which~~
12 ~~is the act of sodomy; and~~

13 2. ~~"Sexual misconduct" means the soliciting or imposing of criminal~~
14 ~~sexual activity acts that could form the basis of criminal charges~~
15 sufficient to result in the denial or revocation of a certificate
16 for a reason set forth in subparagraph a of paragraph 6 of Section
17 3-104 of this title.

18 G. As used in this section, "abandonment of contract" means the
19 failure of a teacher to report at the beginning of the contract term
20 or otherwise perform the duties of a contract of employment when the
21 teacher has accepted other employment or is performing work for
22 another employer that prevents the teacher from fulfilling the
23 obligations of the contract of employment.

24

1 H. A school district shall notify the State Board of Education
2 within ten (10) days of the dismissal or nonreemployment of a
3 probationary or career teacher for reasons outlined in subsection F
4 of this section.

5 SECTION 6. This act shall become effective July 1, 2016.

6 SECTION 7. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval."

10 Passed the Senate the 20th day of April, 2016.

11
12 _____
13 Presiding Officer of the Senate

14 Passed the House of Representatives the ____ day of _____,
15 2016.

16
17 _____
18 Presiding Officer of the House
19 of Representatives

20
21
22
23
24

1 ENGROSSED HOUSE
2 BILL NO. 2957

By: Rogers, Park, Montgomery,
Cannaday, Kannady, Strohm,
Caldwell, Pfeiffer,
Murdock, Dunlap, Fisher,
Wood, Sears, Wallace,
Lepak, Roberts (Dustin),
Leewright, Nollan, Jordan,
Casey, Walker and Sanders
of the House

and

Ford of the Senate

3
4
5
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7
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9
10
11 An Act relating to schools; amending 70 O.S. 2011,
12 Section 6-101.3, as last amended by Section 1,
13 Chapter 365, O.S.L. 2015 (70 O.S. Supp. 2015, Section
14 6-101.3), which relates to teacher contract
15 definitions; modifying definitions; amending 70 O.S.
16 2011, Section 6-101.10, as last amended by Section 2,
17 Chapter 365, O.S.L. 2015 (70 O.S. Supp. 2015, Section
18 6-101.10), which relates to teacher evaluation
19 policies; modifying reference to a written policy of
20 evaluation; deleting certain criteria; deleting
21 certain implementation schedule; requiring policies
22 to include certain components; listing criteria for
23 the evaluation component; listing criteria for the
24 professional development component; requiring school
districts to monitor compliance; making certain
professional development count towards the total
required number of professional development points;
stating construction; providing examples of
professional development learning practices;
providing for additional components and procedures;
describing a student learning component or
quantitative measure; describing a teacher and
administrator professionalism component; authorizing
boards of education to include a certain rating
system; directing school districts to define the
rating levels; encouraging school districts to seek
certain input; modifying and adding certain

1 requirements for policies of evaluation and
2 corresponding professional development; deleting
3 references to state guidelines, materials and
4 criteria; providing manner of monitoring compliance;
5 deleting certain Teacher and Leader Effectiveness
6 Evaluation System (TLE) study requirement; deleting
7 certain deadline; amending 70 O.S. 2011, Section 6-
8 101.13, as last amended by Section 3, Chapter 365,
9 O.S.L. 2015 (70 O.S. Supp. 2015, Section 6-101.13),
10 which relates to due process procedures for
11 administrators; amending 70 O.S. 2011, Section 6-
12 101.22, as last amended by Section 5, Chapter 365,
13 O.S.L. 2015 (70 O.S. Supp. 2015, Section 6-101.22),
14 which relates to the grounds for dismissal or
15 nonreemployment of teachers; deleting requirements
16 for dismissal or nonreemployment based on certain TLE
17 ratings; repealing 70 O.S. 2011, Section 6-101.16, as
18 last amended by Section 4, Chapter 365, O.S.L. 2015
19 (70 O.S. Supp. 2015, Section 6-101.16), which relates
20 to the Oklahoma Teacher and Leader Effectiveness
21 Evaluation System; repealing 70 O.S. 2011, Section 6-
22 101.17, which relates to the Teacher and Leader
23 Effectiveness Commission; providing an effective
24 date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.3, as
last amended by Section 1, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
2015, Section 6-101.3), is amended to read as follows:

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

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

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

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

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

7 a. ~~for teachers employed by a school district prior to~~
8 ~~full implementation of the Oklahoma Teacher and Leader~~
9 ~~Effectiveness Evaluation System (TLE) as set forth in~~
10 ~~Section 6-101.10 of this title,~~ has completed three
11 (3) or more consecutive complete school years as a
12 teacher in one school district under a written
13 continuing or temporary teaching contract, ~~or~~

14 b. ~~for teachers employed for the first time by a school~~
15 ~~district under a written continuing or temporary~~
16 ~~teaching contract after full implementation of the~~
17 ~~Oklahoma Teacher and Leader Effectiveness Evaluation~~
18 ~~System (TLE) as set forth in Section 6-101.10 of this~~
19 ~~title:~~

20 ~~(1) has completed three (3) consecutive complete~~
21 ~~school years as a teacher in one school district~~
22 ~~under a written continuing or temporary teaching~~
23 ~~contract and has achieved qualitative and~~
24 ~~quantitative ratings of "superior" as measured~~

1 ~~pursuant to the TLE as set forth in Section 6-~~
2 ~~101.16 of this title for at least two (2) of the~~
3 ~~three (3) school years, with no rating below~~
4 ~~"effective",~~

5 ~~(2) has completed four (4) consecutive complete~~
6 ~~school years as a teacher in one school district~~
7 ~~under a written continuing or temporary teaching~~
8 ~~contract, has averaged qualitative and~~
9 ~~quantitative ratings of at least "effective" as~~
10 ~~measured pursuant to the TLE for the four-year~~
11 ~~period, and has received qualitative and~~
12 ~~quantitative ratings of at least "effective" for~~
13 ~~the last two (2) years of the four-year period,~~
14 ~~or~~

15 ~~(3) has completed four (4) or more consecutive~~
16 ~~complete school years in one school district~~
17 ~~under a written continuing or temporary teaching~~
18 ~~contract and has not met the requirements of~~
19 ~~subparagraph a or b of this paragraph, only if~~
20 ~~the principal of the school at which the teacher~~
21 ~~is employed submits a petition to the~~
22 ~~superintendent of the school district requesting~~
23 ~~that the teacher be granted career status, the~~
24 ~~superintendent agrees with the petition, and the~~

1 ~~school district board of education approves the~~
2 ~~petition. The principal shall specify in the~~
3 ~~petition the underlying facts supporting the~~
4 ~~granting of career status to the teacher;~~

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

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

14 a. ~~for teachers employed by a school district prior to~~
15 ~~full implementation of the Oklahoma Teacher and Leader~~
16 ~~Effectiveness Evaluation System (TLE) as set forth in~~
17 ~~Section 6-101.10 of this title, has completed fewer~~
18 ~~than three (3) consecutive complete school years as a~~
19 ~~teacher in one school district under a written~~
20 ~~teaching contract, or~~

21 b. ~~for teachers employed for the first time by a school~~
22 ~~district under a written teaching contract after full~~
23 ~~implementation of the Oklahoma Teacher and Leader~~
24 ~~Effectiveness Evaluation System (TLE) as set forth in~~

1 ~~Section 6-101.10 of this title, has not met the~~
2 ~~requirements for career teacher as provided in~~
3 ~~paragraph 4 of this section;~~

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

7 8. "Teacher" means a duly certified person who is employed to
8 serve as a counselor, librarian or school nurse or in any
9 instructional capacity; an administrator shall be considered a
10 teacher only with regard to service in an instructional,
11 nonadministrative capacity.

12 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.10, as
13 last amended by Section 2, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
14 2015, Section 6-101.10), is amended to read as follows:

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

1 items. Nothing in this section shall be construed to annul, modify
2 or to preclude the renewal or continuing of any existing agreement
3 heretofore entered into between any school district and any
4 organizational representative of its employees.

5 B. Every policy of evaluation and corresponding professional
6 development adopted by a board of education of a school district
7 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 evaluations of teachers and administrators~~
15 ~~conducted during the 2012-2013 school year, school~~
16 ~~districts shall for purposes of testing the TLE~~
17 ~~incorporate on a trial basis the qualitative~~
18 ~~components of the TLE as provided for in subparagraph~~
19 ~~b of paragraph 4 of subsection B of Section 6-101.16~~
20 ~~of this title into the evaluations used in all or a~~
21 ~~representative sampling of school sites within the~~
22 ~~district and may at the option of the school district~~
23 ~~incorporate on a trial basis the quantitative~~
24 ~~components of the TLE as provided for in subparagraph~~

1 ~~a of paragraph 4 of subsection B of Section 6-101.16~~
2 ~~of this title into the evaluations used in all or a~~
3 ~~representative sampling of school sites within the~~
4 ~~district,~~

5 ~~b. for evaluations of teachers and administrators~~
6 ~~conducted during the 2013-2014 school year, school~~
7 ~~districts shall incorporate and put into operation the~~
8 ~~qualitative components of the TLE as provided for in~~
9 ~~subparagraph b of paragraph 4 of subsection B of~~
10 ~~Section 6-101.16 of this title into the evaluations~~
11 ~~used in all school sites within the district. For the~~
12 ~~2013-2014 school year the evaluation rating of~~
13 ~~teachers and administrators shall be based on the~~
14 ~~qualitative component of the TLE. In addition, for~~
15 ~~evaluations of teachers and administrators conducted~~
16 ~~during the 2013-2014 school year, school districts~~
17 ~~shall for purposes of testing the TLE incorporate on a~~
18 ~~trial basis the quantitative components of the TLE as~~
19 ~~provided for in subparagraph a of paragraph 4 of~~
20 ~~subsection B of Section 6-101.16 of this title into~~
21 ~~the evaluations used in all or a representative~~
22 ~~sampling of school sites within the district.~~
23 ~~However, nothing in this subparagraph shall preclude a~~
24 ~~school district with an average daily attendance of~~

1 ~~more than thirty-five thousand (35,000) from~~
2 ~~incorporating at its own expense the quantitative~~
3 ~~components of the TLE into its evaluation system of~~
4 ~~teachers and administrators, as defined by the~~
5 ~~district's written policy, during the 2013-2014 school~~
6 ~~year,~~

7 e. ~~for evaluations of teachers and administrators~~
8 ~~conducted during the 2014-2015 and 2015-2016 school~~
9 ~~years, school districts shall for purposes of~~
10 ~~establishing baseline data incorporate the~~
11 ~~quantitative components of the TLE as provided for in~~
12 ~~subparagraph a of paragraph 4 of subsection B of~~
13 ~~Section 6-101.16 of this title into the evaluations~~
14 ~~used in all school sites within the district. For the~~
15 ~~2014-2015 and 2015-2016 school years, the evaluation~~
16 ~~rating of teachers and administrators shall be based~~
17 ~~on the qualitative component of the TLE. However,~~
18 ~~nothing in this subparagraph shall preclude a school~~
19 ~~district with an average daily attendance of more than~~
20 ~~thirty-five thousand (35,000) from incorporating at~~
21 ~~its own expense the quantitative components of the TLE~~
22 ~~into its evaluation system of teachers and~~
23 ~~administrators, as defined by the district's written~~
24

1 ~~policy, during the 2014-2015 and 2015-2016 school~~
2 ~~years, and~~

3 ~~d. for evaluations of teachers and administrators~~
4 ~~conducted during the 2016-2017 school year and each~~
5 ~~school year thereafter, school districts shall fully~~
6 ~~implement the TLE and incorporate and put into~~
7 ~~operation both the qualitative and quantitative~~
8 ~~components of the TLE as provided for in paragraph 4~~
9 ~~of subsection B of Section 6-101.16 of this title into~~
10 ~~the evaluations used in all school sites within the~~
11 ~~district. For the 2016-2017 school year and each~~
12 ~~school year thereafter, teachers and administrators~~
13 ~~shall receive a qualitative rating based on the~~
14 ~~qualitative component of the TLE and a quantitative~~
15 ~~rating based on the quantitative component of the TLE;~~

16 be a reflective practice model of teacher and administrator
17 professionalism which includes an evaluation component and a
18 professional development component.

19 C. The evaluation component of every policy of evaluation and
20 corresponding professional development adopted by a school district
21 board of education shall:

22 1. Incorporate a qualitative assessment tool or tools. The
23 qualitative assessment tool or tools may be any methods developed or
24 adopted by the school district board of education for purposes of

1 the Oklahoma Teacher and Leader Effectiveness System which are
2 valid, reliable, research-based and supported by a body of evidence;
3 and

4 2. Provide for the development of a focused and individualized
5 professional development plan for the teacher or administrator that
6 is consistent with the qualitative assessment tool or tools
7 criteria.

8 D. The professional development component of every policy of
9 evaluation and corresponding professional development adopted by a
10 school district board of education shall:

11 1. Establish an annual professional growth goal for the teacher
12 or administrator that is developed by the teacher or administrator
13 in collaboration with the evaluator;

14 2. Be tailored to address a specific area or criteria
15 identified through the qualitative assessment tool or tools
16 criteria;

17 3. Allow the teacher or administrator to actively engage with
18 learning practices that are evidence-based researched practices that
19 are correlated with increased student achievement; and

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

23 E. School districts shall monitor compliance with each
24 professional development plan as described in subsection D of this

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

9 F. Professional development plans as described in subsection D
10 of this section may include but are not limited to the following
11 learning practices:

12 1. Presenter-led workshops;

13 2. Individual or faculty studies of books, scholarly articles
14 and video productions;

15 3. Peer observations;

16 4. Committee studies to address student achievement issues;

17 5. Work related to a specific subject area or areas that is
18 associated with obtaining an advanced degree or professional
19 certification;

20 6. Action research projects designed to improve student
21 achievement; and

22 7. Participation in local, regional or state initiatives
23 associated with the development or implementation of curriculum
24 standards.

1 G. In addition to the evaluation and professional development
2 components that are required to be included in every policy of
3 evaluation and corresponding professional development, a school
4 district board of education may adopt additional components and
5 procedures. A school district board of education may include:

6 1. Student learning components or quantitative assessment
7 measures that are based on teacher or school district assessments
8 developed or adopted by teachers or school districts that can be
9 used to demonstrate student growth over one (1) academic year or
10 multiple academic years as elected, approved and funded by the
11 school district board of education; and

12 2. Teacher and administrator professionalism based on
13 observable and measurable characteristics of professionalism
14 including, but not limited to, interpersonal skills, parental
15 involvement, continuous improvement and professional growth,
16 classroom or school organization and management skills and
17 leadership skills.

18 H. 1. Every policy of evaluation and corresponding
19 professional development adopted by a school district board of
20 education may include a five-tier rating system as follows:

- 21 a. superior,
- 22 b. highly effective,
- 23 c. effective,
- 24 d. needs improvement, and

1 e. ineffective.

2 2. School districts shall define each rating level for
3 consistent and shared definitions.

4 3. School districts are encouraged to seek input from teachers
5 and administrators in establishing the parameters of each rating
6 level.

7 1. Every policy of evaluation and corresponding professional
8 development adopted by a school district board of education shall:

9 ~~2.~~ 1. Be prescribed in writing at the time of adoption and at
10 all times when amendments to the policy are adopted. The original
11 policy and all amendments to the policy shall be promptly made
12 available to all persons subject to the policy;

13 ~~3.~~ 2. Provide that all evaluations be made in writing and that
14 evaluation documents and responses thereto be maintained in a
15 personnel file for each evaluated person;

16 ~~4.~~ 3. Provide that every probationary teacher receive formative
17 feedback from the evaluation process at least two times per school
18 year, once during the fall semester and once during the spring
19 semester;

20 ~~5.~~ 4. Provide that every career teacher be evaluated ~~once every~~
21 ~~year, except for career teachers receiving a qualitative rating of~~
22 ~~"superior" or "highly effective" and a quantitative rating of~~
23 ~~"superior" or "highly effective" under the TLE, who may be evaluated~~
24 ~~once every two (2) years~~ at the discretion of the school district;

1 provided, that every career teacher shall participate in an annual
2 or biannual professional growth plan review;

3 5. Provide that every teacher who receives a rating below the
4 acceptable level of performance as established by the board of
5 education be provided a comprehensive remediation plan and
6 instructional coaching; and

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

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

22 ~~C. K.~~ K. The State Department of Education shall develop and
23 conduct workshops ~~pursuant to statewide criteria~~ which train
24

1 individuals in conducting evaluations pursuant to the provisions of
2 this section.

3 ~~D.~~ L. The State Board of Education shall monitor compliance
4 with the provisions of this section ~~by~~ through the annual
5 accreditation of the school districts.

6 ~~E.~~ ~~The State Board of Education, in consultation with the~~
7 ~~Teacher and Leader Effectiveness Commission, shall study continued~~
8 ~~implementation of the TLE to produce a system that promotes~~
9 ~~reflection and professional growth for teachers and leaders.~~

10 ~~F.~~ M. Refusal by a school district to comply with the
11 provisions of this section shall be grounds for withholding State
12 Aid funds until compliance occurs.

13 ~~G.~~ N. Data collected pursuant to this section shall not be
14 subject to the Oklahoma Open Meeting Act or the Oklahoma Open
15 Records Act.

16 ~~H.~~ ~~Full implementation of the TLE for the purposes of~~
17 ~~employment shall occur during the 2017-2018 school year.~~

18 SECTION 3. AMENDATORY 70 O.S. 2011, Section 6-101.13, as
19 last amended by Section 3, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
20 2015, Section 6-101.13), is amended to read as follows:

21 Section 6-101.13 A. Whenever the school district board of
22 education or the administration of a school district shall determine
23 that the dismissal or nonreemployment of a full-time certified
24 administrator from the administrative position within the school

1 district should be effected, the administrator shall be entitled to
2 the following due process procedures:

3 1. A statement shall be submitted to the administrator in
4 writing prior to the dismissal or nonreemployment which states the
5 proposed action, lists the reasons for effecting the action, and
6 notifies the administrator of his right to a hearing before the
7 school district board of education prior to the action; and

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

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

22 ~~C. After full implementation of the Oklahoma Teacher and Leader~~
23 ~~Effectiveness Evaluation System (TLE) as set forth in Section 6-~~
24 ~~101.10 of this title, a principal who has received qualitative and~~

1 ~~quantitative ratings of "ineffective" as measured pursuant to the~~
2 ~~TLE as set forth in Section 6-101.16 of this title for two (2)~~
3 ~~consecutive school years, shall not be reemployed by the school~~
4 ~~district, subject to the due process procedures of this section.~~

5 ~~D. After full implementation of the TLE as set forth in Section~~
6 ~~6-101.10 of this title, a principal who has received qualitative or~~
7 ~~quantitative ratings of "ineffective" as measured pursuant to the~~
8 ~~TLE as set forth in Section 6-101.16 of this title for two (2)~~
9 ~~consecutive school years may be dismissed or not reemployed by the~~
10 ~~school district, subject to the due process procedures of this~~
11 ~~section.~~

12 SECTION 4. AMENDATORY 70 O.S. 2011, Section 6-101.22, as
13 last amended by Section 5, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
14 2015, Section 6-101.22), is amended to read as follows:

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

- 18 1. Willful neglect of duty;
- 19 2. Repeated negligence in performance of duty;
- 20 3. Mental or physical abuse to a child;
- 21 4. Incompetency;
- 22 5. Instructional ineffectiveness;
- 23 6. Unsatisfactory teaching performance;
- 24 7. Commission of an act of moral turpitude; or

1 8. Abandonment of contract.

2 B. Subject to the provisions of the Teacher Due Process Act of
3 1990, a probationary teacher may be dismissed or not reemployed for
4 cause.

5 C. ~~Upon full implementation of the Oklahoma Teacher and Leader~~
6 ~~Effectiveness Evaluation System (TLE) as set forth in Section 6-~~
7 ~~101.10 of this title:~~

8 1. ~~A career teacher who has received a qualitative and~~
9 ~~quantitative rating of "ineffective" for two (2) consecutive school~~
10 ~~years shall be dismissed or not reemployed on the grounds of~~
11 ~~instructional ineffectiveness by the school district, subject to the~~
12 ~~provisions of the Teacher Due Process Act of 1990;~~

13 2. ~~A career teacher who has received a qualitative or~~
14 ~~quantitative rating of "ineffective" for two (2) consecutive school~~
15 ~~years may be dismissed or not reemployed on the grounds of~~
16 ~~instructional ineffectiveness by the school district, subject to the~~
17 ~~provisions of the Teacher Due Process Act of 1990;~~

18 3. ~~A career teacher who has received a qualitative and~~
19 ~~quantitative rating of "needs improvement" or lower for three (3)~~
20 ~~consecutive school years shall be dismissed or not reemployed on the~~
21 ~~grounds of instructional ineffectiveness by the school district,~~
22 ~~subject to the provisions of the Teacher Due Process Act of 1990;~~

23 4. ~~A career teacher who has received a qualitative or~~
24 ~~quantitative rating of "needs improvement" or lower for three (3)~~

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

4 5. ~~A career teacher who has not averaged a qualitative and~~
5 ~~quantitative rating of at least "effective" as measured pursuant to~~
6 ~~the TLE over a five-year period shall be dismissed or not reemployed~~
7 ~~on the grounds of instructional ineffectiveness by the school~~
8 ~~district, subject to the provisions of the Teacher Due Process Act~~
9 ~~of 1990; and~~

10 6. ~~A career teacher who has not averaged a qualitative or~~
11 ~~quantitative rating of at least "effective" as measured pursuant to~~
12 ~~the TLE over a five-year period may be dismissed or not reemployed~~
13 ~~on the grounds of instructional ineffectiveness by the school~~
14 ~~district, subject to the provisions of the Teacher Due Process Act~~
15 ~~of 1990.~~

16 D. ~~Upon full implementation of the Oklahoma Teacher and Leader~~
17 ~~Effectiveness Evaluation System (TLE) as set forth in Section 6-~~
18 ~~101.10 of this title:~~

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

24

1 ~~2. A probationary teacher who has received a qualitative or~~
2 ~~quantitative 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 ~~3.~~ A probationary teacher who has not attained career teacher
7 status within a four-year period ~~shall~~ may be dismissed or not
8 reemployed by the school district, subject to the provisions of the
9 Teacher Due Process Act of 1990.

10 ~~E.~~ D. 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.~~ E. A teacher may be dismissed, refused employment or not
19 reemployed after a finding that such person has engaged in criminal
20 sexual activity or sexual misconduct that has impeded the
21 effectiveness of the individual's performance of school duties. As
22 used in this subsection:

1 1. "Criminal sexual activity" means the commission of an act as
2 defined in Section 886 of Title 21 of the Oklahoma Statutes, which
3 is the act of sodomy; and

4 2. "Sexual misconduct" means the soliciting or imposing of
5 criminal sexual activity.

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

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

16 SECTION 5. REPEALER 70 O.S. 2011, Section 6-101.16, as
17 last amended by Section 4, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
18 2015, Section 6-101.16), is hereby repealed.

19 SECTION 6. REPEALER 70 O.S. 2011, Section 6-101.17, is
20 hereby repealed.

21 SECTION 7. This act shall become effective August 1, 2016.

22 SECTION 8. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby
24

