

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1161

By: Rogers of the House

and

Stanislawski of the Senate

[schools - deleting and modifying requirements for
evaluation and professional development policies -
repealer - effective date -
emergency]

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

16 "An Act relating to schools; amending 70 O.S. 2011,
17 Section 1-116, as last amended by Section 1, Chapter
360, O.S.L. 2016 (70 O.S. Supp. 2016, Section 1-116),
18 which relates to definitions of positions in school
district; modifying certain definition; amending 70
19 O.S. 2011, Sections 6-101.3, as last amended by
Section 2, Chapter 360, O.S.L. 2016 and 6-101.10, as
20 last amended by Section 2, Chapter 301, O.S.L. 2016
(70 O.S. Supp. 2016, Sections 6-101.3 and 6-101.10),
21 which relate to teacher definitions and evaluations
of teachers and administrators; modifying certain
22 definitions; deleting and modifying requirements for
evaluation and professional development policies;
23 requiring policies to include certain components;
providing criteria for evaluation component;
24 providing criteria for professional development
component; directing school districts to monitor

1 compliance with certain plan; providing for
2 professional development to count toward total
3 required number of professional development points;
4 providing definition; allowing school district boards
5 of education to adopt additional components or
6 procedures; requiring certain policies to include
7 five-tier rating system; requiring career teachers to
8 participate in annual professional growth plan
9 review; directing certain teachers to be provided
10 certain remediation plan and instructional coaching;
11 modifying personnel authorized to conduct certain
12 evaluations; directing the State Board of Education
13 to monitor compliance through certain accreditation;
14 providing implementation timeline for components of
15 the Oklahoma Teacher and Leader Effectiveness
16 Evaluation System; repealing 70 O.S. 2011, Section 6-
17 101.17 and Sections 1, 2 and 3, Chapter 275, O.S.L.
18 2016 (70 O.S. Supp. 2016, Sections 6-301, 6-302 and
19 6-303), which relate to the Teacher and Leader
20 Effectiveness Commission and the Empowering Teachers
21 to Lead Act; providing an effective date; and
22 declaring an emergency.

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

24 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-116, as
last amended by Section 1, Chapter 360, O.S.L. 2016 (70 O.S. Supp.
2016, Section 1-116), is amended to read as follows:

Section 1-116. As used in this ~~title~~ act:

1. "Teacher" means any person who is employed to serve as
district superintendent, principal, supervisor, a counselor,
librarian, school nurse or classroom teacher or in any other
instructional, supervisory or administrative capacity. The person
shall not be deemed qualified unless the person holds a valid
certificate issued by and in accordance with the rules of the State

1 Board of Education, to perform the particular services for which the
2 person is employed;

3 2. "Superintendent" or "superintendent of schools" means the
4 executive officer of the board of education and the administrative
5 head of the school system of a district maintaining an accredited
6 school, provided the person holds an administrator's certificate
7 recognized by the State Board of Education;

8 3. "Principal" means any person other than a district
9 superintendent of schools having supervisory or administrative
10 authority over any school or school building having two or more
11 teachers. A teaching principal shall be a principal who devotes at
12 least one-half (1/2) the time school is in session to classroom
13 teaching. Teaching principals shall be required to hold
14 administrative certificates;

15 4. "Teachers" means, for purposes of complying with the State
16 Aid Law and other statutes, but not any other provision of law,
17 which apportion money on the basis of teaching units or the number
18 of teachers employed or qualified, all persons holding proper
19 certificates and connected in any capacity with the instruction of
20 pupils;

21 5. "Resident teacher" means any certified teacher who is
22 employed in a local school to serve as a classroom teacher under the
23 guidance and assistance of a mentor teacher or teachers and
24 residency committee. A resident teacher shall have completed the

1 college or school of education program of the accredited institution
2 of higher learning from which the resident teacher graduated;

3 6. "Student teacher" means any student who is enrolled in an
4 institution of higher learning approved by the State Board of
5 Education for teacher training and who is jointly assigned by the
6 institution of higher learning and a board of education of a school
7 district to perform practice teaching under the direction of a
8 regularly employed and certified teacher. A student teacher, while
9 serving a nonsalaried internship under the supervision of a
10 certified teacher, shall be accorded the same protection of the laws
11 as that accorded the certified teacher;

12 7. "School nurse" means a person employed full time by a board
13 of education who is a registered nurse licensed by the Oklahoma
14 State Board of Nurse Registration and Nursing Education and is
15 certified the same as a teacher by the State Board of Education.
16 Provided, that any person who is employed as a full-time school
17 nurse in any school district in Oklahoma who is not registered on
18 the effective date of this act may continue to serve in the same
19 capacity; however, such person shall, under rules adopted by the
20 State Board of Education, attend classes in nursing and prepare to
21 become registered.

22 A school nurse employed by a board of education shall be
23 accorded the same protection of laws and all other benefits accorded
24 a certified teacher; and

1 8. "Support employee" means an employee who provides those
2 services which are not performed by certified teachers, principals,
3 superintendents or administrators and which are necessary for the
4 efficient and satisfactory functioning of a school district.

5 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.3, as
6 last amended by Section 2, Chapter 360, O.S.L. 2016 (70 O.S. Supp.
7 2016, Section 6-101.3), is amended to read as follows:

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

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

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

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

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

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

1 ~~b. is employed for the first time by a school district~~
2 ~~under a written continuing or temporary teaching~~
3 ~~contract during the 2017-2018 school year and~~
4 ~~thereafter:~~

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

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

22 ~~(3) has completed four (4) or more consecutive~~
23 ~~complete school years in one school district~~
24 ~~under a written continuing or temporary teaching~~

1 ~~contract and has not met the requirements of~~
2 ~~subparagraph a or b of this paragraph, only if~~
3 ~~the principal of the school at which the teacher~~
4 ~~is employed submits a petition to the~~
5 ~~superintendent of the school district requesting~~
6 ~~that the teacher be granted career status, the~~
7 ~~superintendent agrees with the petition, and the~~
8 ~~school district board of education approves the~~
9 ~~petition. The principal shall specify in the~~
10 ~~petition the underlying facts supporting the~~
11 ~~granting of career status to the teacher;~~

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

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

- 21 a. ~~is employed by a school district prior to the 2017-~~
22 ~~2018 school year and~~ has completed fewer than three
23 (3) consecutive complete school years as a teacher in
24

1 one school district under a written teaching contract,
2 or

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

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

11 8. "Teacher" means ~~a person defined as a teacher in Section 1-~~
12 ~~116 of this title; and~~

13 9. ~~"District evaluation rating" means the rating issued based~~
14 ~~on the components of the TLE as set forth in subsection B of Section~~
15 ~~6-101.16 of this title~~ any person who is employed to serve as a
16 counselor, librarian or classroom teacher or in any other
17 instructional capacity.

18 SECTION 3. AMENDATORY 70 O.S. 2011, Section 6-101.10, as
19 last amended by Section 2, Chapter 301, O.S.L. 2016 (70 O.S. Supp.
20 2016, Section 6-101.10), is amended to read as follows:

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

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

11 B. Every policy of evaluation and corresponding professional
12 development adopted by a board of education of a school district
13 ~~shall: 1. Be based upon a set of minimum criteria developed by the~~
14 ~~State Board of Education, which shall be revised and based upon the~~
15 ~~Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE)~~
16 ~~developed by the State Board of Education as provided in Section 6-~~
17 ~~101.16 of this title. The revisions to each policy of evaluation~~
18 ~~shall be phased in according to the following schedule:~~

19 a. ~~for the 2014-2015, 2015-2016 and 2016-2017 school~~
20 ~~years, the evaluation rating of teachers and~~
21 ~~administrators shall be based on the qualitative~~
22 ~~component of the TLE. For the 2016-2017 school year,~~
23 ~~the State Department of Education shall work with~~
24 ~~school districts to develop individualized programs of~~

1 ~~professional development as described in subsection B~~
2 ~~of this section. However, nothing in this~~
3 ~~subparagraph shall preclude a school district with an~~
4 ~~average daily attendance of more than thirty-five~~
5 ~~thousand (35,000) from continuing to use quantitative~~
6 ~~components which the district has incorporated at its~~
7 ~~own expense prior to the 2015-2016 school year into~~
8 ~~its evaluation system of teachers and administrators,~~
9 ~~as defined by the district's written policy,~~
10 ~~b. for evaluations of teachers and administrators~~
11 ~~conducted during the 2017-2018 school year, and each~~
12 ~~school year thereafter, school districts shall~~
13 ~~incorporate and put into operation the qualitative~~
14 ~~component of the TLE as provided for in subsection B~~
15 ~~of Section 6-101.16 of this title into the evaluations~~
16 ~~used in all school sites within the district. For the~~
17 ~~2017-2018 school year, and each school year~~
18 ~~thereafter, teachers and administrators shall receive~~
19 ~~a district evaluation rating based on the components~~
20 ~~of the TLE as set forth in subsection B of Section 6-~~
21 ~~101.16 of this title. For the 2017-2018 school year,~~
22 ~~school districts shall incorporate the individualized~~
23 ~~programs of professional development as described in~~
24

1 ~~subsection B of this section on a pilot program basis,~~
2 ~~and~~

3 ~~e. for evaluations of teachers and administrators~~
4 ~~conducted during the 2018-2019 school year, and each~~
5 ~~school year thereafter, school districts shall fully~~
6 ~~incorporate and put into operation the individualized~~
7 ~~programs of professional development as described in~~
8 ~~subsection B of this section;~~

9 ~~2.~~

10 be a reflective practice model of teacher and administrator
11 professionalism which includes an evaluation component and a
12 professional development component.

13 C. The evaluation component of every policy of evaluation and
14 corresponding professional development adopted by a school district
15 board of education shall:

16 1. Incorporate a qualitative assessment tool adopted by the
17 school district board of education for the purposes of the Oklahoma
18 Teacher and Leader Effectiveness Evaluation System. The qualitative
19 assessment tool may be any methods developed or adopted by the
20 school district board of education for purposes of the Oklahoma
21 Teacher and Leader Effectiveness Evaluation System which are valid,
22 reliable, research-based and supported by a body of evidence;

23 2. Provide for the development of a focused and individualized
24 professional development plan for the teacher or administrator that

1 is consistent with the qualitative assessment tool or tools
2 criteria; and

3 3. School districts may choose to propose to the State
4 Department of Education other models of qualitative evaluation that
5 are valid, reliable, research-based and supported by a body of
6 evidence. Proposed models of evaluation shall support a desire by a
7 school district to provide an innovative approach that addresses
8 local instructional philosophy and initiatives. The proposed
9 evaluation tool may deviate from the current approved qualitative
10 models and rating system but shall include individualized
11 professional development plans. The proposed evaluation model shall
12 be approved by the State Department of Education prior to
13 implementation.

14 D. The professional development component of every policy of
15 evaluation and corresponding professional development adopted by a
16 school district board of education shall:

17 1. Establish an annual professional growth goal for the teacher
18 or administrator that is developed by the teacher or administrator
19 in collaboration with the evaluator;

20 2. Be tailored to address a specific area or criteria
21 identified through the qualitative assessment tool or tools
22 criteria;

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

4 4. Be supported by resources that are easily available and
5 supplied by the school district and the State Department of
6 Education.

7 E. School districts shall monitor compliance with each
8 professional development plan as described in subsection D of this
9 section. All professional development completed pursuant to a
10 professional development plan shall count toward the total number of
11 points a teacher or administrator is required to complete as
12 established by the board of education of the school district
13 pursuant to Section 6-194 of this title. The implementation of the
14 professional development plan requirements pursuant to this section
15 shall not be construed as increasing the professional development
16 points requirement.

17 F. "Professional development" means professional learning
18 experiences that are designed to improve an educator's capacity to
19 serve students. Professional development plans as described in
20 subsection D of this section may include, but are not limited to,
21 the following learning practices:

- 22 1. Presenter-led workshops;
- 23 2. Individual or faculty studies of books, scholarly articles,
24 video productions and/or any other instructional media;

1 3. Peer observations;

2 4. Committee studies to address student achievement issues;

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

6 6. Action research projects designed to improve student
7 achievement;

8 7. Participation in local, regional or state initiatives
9 associated with the development or implementation of curriculum
10 standards;

11 8. Participation as a mentor teacher to provide guidance,
12 support, coaching and assistance to teachers;

13 9. Participation as a mentee teacher; and

14 10. Participation as a lead teacher to plan and deliver
15 professional development activities designed to improve
16 instructional strategies based on needs or requests of teachers in
17 the school district.

18 G. In addition to the evaluation and professional development
19 components that are required to be included in every policy of
20 evaluation and corresponding professional development, a school
21 district board of education may adopt additional components and
22 procedures. The components adopted by the school district board of
23 education may include:

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

7 2. Teacher and administrator professionalism based on
8 observable and measurable characteristics of professionalism
9 including, but not limited to, interpersonal skills, parental
10 involvement, continuous improvement and professional growth,
11 classroom or school organization and management skills and
12 leadership skills.

13 H. Every policy of evaluation and corresponding professional
14 development adopted by a school district board of education shall
15 include a five-tier rating system as follows:

- 16 1. Superior;
- 17 2. Highly effective;
- 18 3. Effective;
- 19 4. Needs improvement; and
- 20 5. Ineffective.

21 I. Every policy of evaluation and corresponding professional
22 development adopted by a school district board of education shall:

23 1. Be prescribed in writing at the time of adoption and at all
24 times when amendments to the policy are adopted. The original

1 policy and all amendments to the policy shall be promptly made
2 available to all persons subject to the policy;

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

6 ~~4.~~ 3. Provide that every probationary teacher receive formative
7 feedback from the evaluation process at least two times per school
8 year, once during the fall semester and once during the spring
9 semester;

10 ~~5.~~ 4. Provide that every career teacher be evaluated ~~once every~~
11 ~~year, except for career teachers receiving a district evaluation~~
12 ~~rating of "superior" or "highly effective" under the TLE who may be~~
13 ~~evaluated~~ periodically based on his or her evaluation rating with a
14 minimum of one evaluation once every three (3) years; and

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

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

1 ~~chair, peer committee or other trained persons or groups of persons~~
2 ~~designated by the school district board of education or district~~
3 ~~level administrator; and~~

4 7. Provide that every career teacher shall participate in an
5 annual professional growth plan review.

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

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

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

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

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

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

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

- 17 a. ~~presenter-led workshops,~~
- 18 b. ~~individual or faculty studies of books, scholarly~~
19 ~~articles and video productions,~~
- 20 c. ~~peer observations,~~
- 21 d. ~~committee studies to address student achievement~~
22 ~~issues,~~

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

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

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

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

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

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

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

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

4 ~~H.~~ M. Data collected pursuant to this section shall not be
5 subject to the Oklahoma Open Meeting Act or the Oklahoma Open
6 Records Act.

7 SECTION 4. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 6-101.18 of Title 70, unless
9 there is created a duplication in numbering, reads as follows:

10 A. For the 2014-2015, 2015-2016 and 2016-2017 school years, the
11 evaluation rating of teachers and administrators shall be based on
12 the qualitative component of the Oklahoma Teacher and Leader
13 Effectiveness Evaluation System (TLE) as described in subsection C
14 of Section 2 of this act.

15 B. For the 2016-2017 school year, the State Department of
16 Education shall work with school districts to develop individualized
17 programs of professional development as described in subsection D of
18 Section 2 of this act.

19 C. For the 2017-2018 school year, school districts shall
20 incorporate the individualized programs of professional development
21 as described in subsection D of Section 2 of this act on a pilot
22 program basis.

23 D. For evaluations of teachers and administrators conducted
24 during the 2018-2019 school year, and each school year thereafter,

1 school districts shall fully incorporate and put into operation the
2 individualized programs of professional development as described in
3 subsection D of Section 2 of this act.

4 SECTION 5. REPEALER 70 O.S. 2011, Section 6-101.17 and
5 Sections 1, 2 and 3, Chapter 275, O.S.L. 2016 (70 O.S. Supp. 2016,
6 Sections 6-301, 6-302 and 6-303), are hereby repealed.

7 SECTION 6. This act shall become effective August 1, 2017.

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

12 Passed the Senate the 25th day of April, 2017.

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14 _____
15 Presiding Officer of the Senate

16 Passed the House of Representatives the ____ day of _____,
17 2017.

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19 _____
20 Presiding Officer of the House
21 of Representatives

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23
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1 ENGROSSED HOUSE
2 BILL NO. 1161

By: Rogers of the House

and

Stanislawski of the Senate

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7 [schools - deleting and modifying requirements for
8 evaluation and professional development policies -
9 repealer - effective date -

emergency]

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

14 SECTION 8. AMENDATORY 70 O.S. 2011, Section 6-101.3, as
15 last amended by Section 2, Chapter 360, O.S.L. 2016 (70 O.S. Supp.
16 2016, Section 6-101.3), is amended to read as follows:

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

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

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

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

4 a. ~~is employed by a school district prior to the 2017-~~
5 ~~2018 school year and~~ has completed three (3) or more
6 consecutive complete school years as a teacher in one
7 school district under a written continuing or
8 temporary teaching contract, ~~or~~

9 b. ~~is employed for the first time by a school district~~
10 ~~under a written continuing or temporary teaching~~
11 ~~contract during the 2017-2018 school year and~~
12 ~~thereafter:~~

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

21 ~~(2) has completed four (4) consecutive complete~~
22 ~~school years as a teacher in one school district~~
23 ~~under a written continuing or temporary teaching~~
24 ~~contract, has averaged a district evaluation~~

1 ~~rating of at least "effective" as measured~~
2 ~~pursuant to the TLE for the four-year period, and~~
3 ~~has received district evaluation ratings of at~~
4 ~~least "effective" for the last two (2) years of~~
5 ~~the four-year period, or~~

6 ~~(3) has completed four (4) or more consecutive~~
7 ~~complete school years in one school district~~
8 ~~under a written continuing or temporary teaching~~
9 ~~contract and has not met the requirements of~~
10 ~~subparagraph a or b of this paragraph, only if~~
11 ~~the principal of the school at which the teacher~~
12 ~~is employed submits a petition to the~~
13 ~~superintendent of the school district requesting~~
14 ~~that the teacher be granted career status, the~~
15 ~~superintendent agrees with the petition, and the~~
16 ~~school district board of education approves the~~
17 ~~petition. The principal shall specify in the~~
18 ~~petition the underlying facts supporting the~~
19 ~~granting of career status to the teacher;~~

20 5. "Teacher hearing" means the hearing before a school district
21 board of education after a recommendation for dismissal or
22 nonreemployment of a teacher has been made but before any final
23 action is taken on the recommendation, held for the purpose of
24 affording the teacher all rights guaranteed by the United States

1 Constitution and the Constitution of Oklahoma under circumstances
2 and for enabling the board to determine whether to approve or
3 disapprove the recommendation;

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

5 a. ~~is employed by a school district prior to the 2017-~~
6 ~~2018 school year and~~ has completed fewer than three
7 (3) consecutive complete school years as a teacher in
8 one school district under a written teaching contract,
9 ~~or~~

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

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

18 8. "Teacher" means ~~a person defined as a teacher in Section 1-~~
19 ~~116 of this title; and~~

20 9. ~~"District evaluation rating" means the rating issued based~~
21 ~~on the components of the TLE as set forth in subsection B of Section~~
22 ~~6-101.16 of this title~~ any person who is employed to serve as a
23 counselor, librarian or classroom teacher or in any other
24 instructional capacity.

1 SECTION 9. AMENDATORY 70 O.S. 2011, Section 6-101.10, as
2 last amended by Section 2, Chapter 301, O.S.L. 2016 (70 O.S. Supp.
3 2016, Section 6-101.10), is amended to read as follows:

4 Section 6-101.10 A. Each school district board of education
5 shall maintain and annually review, following consultation with or
6 involvement of representatives selected by local teachers, a written
7 policy of evaluation and corresponding professional development for
8 all teachers and administrators. In those school districts in which
9 there exists a professional negotiations agreement made in
10 accordance with Section 509.1 et seq. of this title, the procedure
11 for evaluating members of the negotiations unit and any standards of
12 performance and conduct proposed for adoption beyond those
13 established by the State Board of Education shall be negotiable
14 items. Nothing in this section shall be construed to annul, modify
15 or to preclude the renewal or continuing of any existing agreement
16 heretofore entered into between any school district and any
17 organizational representative of its employees.

18 B. Every policy of evaluation and corresponding professional
19 development adopted by a board of education of a school district
20 shall:

21 ~~1. Be based upon a set of minimum criteria developed by the~~
22 ~~State Board of Education, which shall be revised and based upon the~~
23 ~~Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE)~~
24 ~~developed by the State Board of Education as provided in Section 6-~~

1 ~~101.16 of this title. The revisions to each policy of evaluation~~
2 ~~shall be phased in according to the following schedule:~~

- 3 a. ~~for the 2014-2015, 2015-2016 and 2016-2017 school~~
4 ~~years, the evaluation rating of teachers and~~
5 ~~administrators shall be based on the qualitative~~
6 ~~component of the TLE. For the 2016-2017 school year,~~
7 ~~the State Department of Education shall work with~~
8 ~~school districts to develop individualized programs of~~
9 ~~professional development as described in subsection B~~
10 ~~of this section. However, nothing in this~~
11 ~~subparagraph shall preclude a school district with an~~
12 ~~average daily attendance of more than thirty-five~~
13 ~~thousand (35,000) from continuing to use quantitative~~
14 ~~components which the district has incorporated at its~~
15 ~~own expense prior to the 2015-2016 school year into~~
16 ~~its evaluation system of teachers and administrators,~~
17 ~~as defined by the district's written policy,~~
- 18 b. ~~for evaluations of teachers and administrators~~
19 ~~conducted during the 2017-2018 school year, and each~~
20 ~~school year thereafter, school districts shall~~
21 ~~incorporate and put into operation the qualitative~~
22 ~~component of the TLE as provided for in subsection B~~
23 ~~of Section 6-101.16 of this title into the evaluations~~
24 ~~used in all school sites within the district. For the~~

1 ~~2017-2018 school year, and each school year~~
2 ~~thereafter, teachers and administrators shall receive~~
3 ~~a district evaluation rating based on the components~~
4 ~~of the TLE as set forth in subsection B of Section 6-~~
5 ~~101.16 of this title. For the 2017-2018 school year,~~
6 ~~school districts shall incorporate the individualized~~
7 ~~programs of professional development as described in~~
8 ~~subsection B of this section on a pilot program basis,~~
9 ~~and~~

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

16 ~~2.~~

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

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

23 1. Incorporate a qualitative assessment tool or tools. The
24 qualitative assessment tool or tools may be any methods developed or

1 adopted by the school district board of education for purposes of
2 the Oklahoma Teacher and Leader Effectiveness Evaluation System
3 which are valid, reliable, research-based and supported by a body of
4 evidence; and

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

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

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

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

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

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

24 E. School districts shall monitor compliance with each

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

10 F. "Professional development" means professional learning
11 experiences that are designed to improve an educator's capacity to
12 serve students. Professional development plans as described in
13 subsection D of this section may include, but are not limited to,
14 the following learning practices:

- 15 1. Presenter-led workshops;
- 16 2. Individual or faculty studies of books, scholarly articles,
17 video productions and/or any other instructional media;
- 18 3. Peer observations;
- 19 4. Committee studies to address student achievement issues;
- 20 5. Work related to a specific subject area or areas that is
21 associated with obtaining an advanced degree or professional
22 certification;
- 23 6. Action research projects designed to improve student
24 achievement;

1 7. Participation in local, regional or state initiatives
2 associated with the development or implementation of curriculum
3 standards;

4 8. Participation as a mentor teacher to provide guidance,
5 support, coaching and assistance to teachers;

6 9. Participation as a mentee teacher; and

7 10. Participation as a lead teacher to plan and deliver
8 professional development activities designed to improve
9 instructional strategies based on needs or requests of teachers in
10 the school district.

11 G. In addition to the evaluation and professional development
12 components that are required to be included in every policy of
13 evaluation and corresponding professional development, a school
14 district board of education may adopt additional components and
15 procedures. The components adopted by the school district board of
16 education may include:

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

23 2. Teacher and administrator professionalism based on
24 observable and measurable characteristics of professionalism

1 including, but not limited to, interpersonal skills, parental
2 involvement, continuous improvement and professional growth,
3 classroom or school organization and management skills and
4 leadership skills.

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

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

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

15 3. School districts are encouraged to seek input from teachers
16 and administrators in establishing the parameters of each rating
17 level.

18 I. Every policy of evaluation and corresponding professional
19 development adopted by a school district board of education shall:

20 1. Be prescribed in writing at the time of adoption and at all
21 times when amendments to the policy are adopted. The original
22 policy and all amendments to the policy shall be promptly made
23 available to all persons subject to the policy;
24

1 ~~3.~~ 2. Provide that all evaluations be made in writing and that
2 evaluation documents and responses thereto be maintained in a
3 personnel file for each evaluated person;

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

8 ~~5.~~ 4. Provide that every career teacher be evaluated ~~once every~~
9 ~~year, except for career teachers receiving a district evaluation~~
10 ~~rating of "superior" or "highly effective" under the TLE who may be~~
11 ~~evaluated once every three (3) years~~ at the discretion of the school
12 district; provided, that every career teacher shall participate in
13 an annual or biennial professional growth plan review;

14 5. Provide that every teacher who receives a rating below the
15 acceptable level of performance as established by the board of
16 education be provided a comprehensive remediation plan and
17 instructional coaching; 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 through formal
22 or informal observations by a principal, assistant principal,
23 ~~designee of the principal, supervisor, content expert, department~~
24 ~~chair, peer committee or other trained persons or groups of persons~~

1 ~~designated by the school district board of education or district~~
2 ~~level administrator.~~

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~~

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

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

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

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

4 ~~C. J.~~ All individuals designated by the school district board
5 of education to conduct the personnel evaluations shall be required
6 to 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. The State Department of Education shall develop and conduct~~
11 ~~workshops pursuant to statewide criteria which train individuals in~~
12 ~~conducting evaluations.~~

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

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

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

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

1 SECTION 10. AMENDATORY 70 O.S. 2011, Section 6-101.13,
2 as last amended by Section 3, Chapter 301, O.S.L. 2016 (70 O.S.
3 Supp. 2016, Section 6-101.13), is amended to read as follows:

4 Section 6-101.13 A. Whenever the school district board of
5 education or the administration of a school district shall determine
6 that the dismissal or nonreemployment of a full-time certified
7 administrator from the administrative position within the school
8 district should be effected, the administrator shall be entitled to
9 the following due process procedures:

10 1. A statement shall be submitted to the administrator in
11 writing prior to the dismissal or nonreemployment which states the
12 proposed action, lists the reasons for effecting the action, and
13 notifies the administrator of his or her right to a hearing before
14 the school district board of education prior to the action; and

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

20 B. Failure of the administrator to request a hearing before the
21 school district board of education within ten (10) days after
22 receiving the written statement shall constitute a waiver of the
23 right to a hearing. No decision of the board of education
24 concerning the dismissal or nonreemployment of a full-time certified

1 administrator shall be effective until the administrator has been
2 afforded due process as specified in this section. The decision of
3 the school district board of education concerning the dismissal or
4 nonreemployment, following the hearing, shall be final.

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

11 SECTION 11. AMENDATORY 70 O.S. 2011, Section 6-101.22,
12 as last amended by Section 5, Chapter 301, O.S.L. 2016 (70 O.S.
13 Supp. 2016, Section 6-101.22), is amended to read as follows:

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

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

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

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

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

12 ~~2. A career teacher who has received a district evaluation~~
13 ~~rating of "needs improvement" or lower for three (3) consecutive~~
14 ~~school years may be dismissed or not reemployed on the grounds of~~
15 ~~instructional ineffectiveness by the school district, subject to the~~
16 ~~provisions of the Teacher Due Process Act of 1990.~~

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

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

23 ~~2. A probationary teacher who has not attained career teacher~~
24 ~~status within a four-year period may be dismissed or not reemployed~~

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

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

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

10 2. Any felony offense.

11 ~~F.~~ E. A teacher may be dismissed, refused employment or not
12 reemployed after a finding that such person has engaged in ~~acts that~~
13 ~~could form the basis of criminal charges sufficient to result in the~~
14 ~~denial or revocation of a certificate for a reason set forth in~~
15 ~~subparagraph a of paragraph 6 of Section 3-104 of this title~~ sexual
16 activity or sexual misconduct that has impeded the effectiveness of
17 the individual's performance of school duties. As used in this
18 subsection:

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

22 2. "Sexual misconduct" means the soliciting or imposing of
23 criminal sexual activity.

24

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

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

11 SECTION 12. REPEALER 70 O.S. 2011, Sections 6-101.16, as
12 last amended by Section 4, Chapter 301, O.S.L. 2016, 6-101.17 and 6-
13 182, as last amended by Section 1, Chapter 108, O.S.L. 2016 and
14 Sections 1, 2 and 3, Chapter 275, O.S.L. 2016 (70 O.S. Supp. 2016,
15 Sections 6-101.16, 6-182, 6-301, 6-302 and 6-303), are hereby
16 repealed.

17 SECTION 13. This act shall become effective August 1, 2017.

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

1 Passed the House of Representatives the 22nd day of March, 2017.

2
3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2017.

6
7
8 _____
9 Presiding Officer of the Senate