

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 HOUSE BILL 2265

 By: Cannaday

7 AS INTRODUCED

8 An Act relating to schools; amending 70 O.S. 2011,
9 Section 6-101.3, as last amended by Section 1,
10 Chapter 365, O.S.L. 2015 (70 O.S. Supp. 2015, Section
11 6-101.3), which relates to teacher contract
12 definitions; amending 70 O.S. 2011, Section 6-101.10,
13 as last amended by Section 2, Chapter 365, O.S.L.
14 2015 (70 O.S. Supp. 2015, Section 6-101.10), which
15 relates to teacher evaluation policies; amending 70
16 O.S. 2011, Section 6-101.13, as last amended by
17 Section 3, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
18 2015, Section 6-101.13), which relates to due process
19 procedures for administrators; deleting references to
20 certain types of ratings; deleting requirement to
21 dismiss an administrator based on certain ratings;
22 amending 70 O.S. 2011, Section 6-101.16, as last
23 amended by Section 4, Chapter 365, O.S.L. 2015 (70
24 O.S. Supp. 2015, Section 6-101.16), which relates to
 the Oklahoma Teacher and Leader Effectiveness
 Evaluation System; deleting references to certain
 components of the Oklahoma Teacher and Leader
 Effectiveness Evaluation System (TLE); deleting final
 calculation of student academic growth measurement
 requirement; deleting quantitative ratings
 description; modifying option for school districts to
 choose additional approved evaluation methods;
 deleting certain directive; modifying certain
 recommendation from the State Board of Education;
 modifying authorization for certain sized school
 districts; clarifying statutory language; amending 70
 O.S. 2011, Section 6-101.22, as last amended by
 Section 5, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
 2015, Section 6-101.22), which relates to the grounds
 for dismissal or nonreemployment of teachers;

1 deleting references to certain types of ratings;
2 deleting requirement to dismiss a career or
3 probationary teacher based on certain ratings;
4 providing an effective date; and declaring an
5 emergency.

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

7 SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.3, as
8 last amended by Section 1, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
9 2015, Section 6-101.3), is amended to read as follows:

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

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

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

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

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

21 a. for teachers employed by a school district prior to
22 full implementation of the Oklahoma Teacher and Leader
23 Effectiveness Evaluation System (TLE) as set forth in
24 Section 6-101.10 of this title, has completed three

1 (3) or more consecutive complete school years as a
2 teacher in one school district under a written
3 continuing or temporary teaching contract, or

4 b. for teachers employed for the first time by a school
5 district under a written continuing or temporary
6 teaching contract after full implementation of the
7 Oklahoma Teacher and Leader Effectiveness Evaluation
8 System (TLE) as set forth in Section 6-101.10 of this
9 title:

10 (1) has completed three (3) consecutive complete
11 school years as a teacher in one school district
12 under a written continuing or temporary teaching
13 contract and has achieved ~~qualitative and~~
14 ~~quantitative ratings~~ a rating of "superior" as
15 measured pursuant to the TLE as set forth in
16 Section 6-101.16 of this title for at least two
17 (2) of the three (3) school years, with no rating
18 below "effective",

19 (2) has completed four (4) consecutive complete
20 school years as a teacher in one school district
21 under a written continuing or temporary teaching
22 contract, has averaged ~~qualitative and~~
23 ~~quantitative ratings~~ a rating of at least
24 "effective" as measured pursuant to the TLE for

1 the four-year period, and has received
2 ~~qualitative and quantitative ratings~~ a rating of
3 at least "effective" for the last two (2) years
4 of the four-year period, or

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

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

1 and for enabling the board to determine whether to approve or
2 disapprove the recommendation;

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

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

11 b. for teachers employed for the first time by a school
12 district under a written teaching contract after full
13 implementation of the Oklahoma Teacher and Leader
14 Effectiveness Evaluation System (TLE) as set forth in
15 Section 6-101.10 of this title, has not met the
16 requirements for career teacher as provided in
17 paragraph 4 of this section;

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

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

3 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.10, as
4 last amended by Section 2, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
5 2015, Section 6-101.10), is amended to read as follows:

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

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

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 evaluations of teachers and administrators
4 conducted during the 2012-2013 school year, school
5 districts shall for purposes of testing the TLE
6 incorporate on a trial basis the qualitative
7 components of the TLE as provided for in subparagraph
8 b of paragraph 4 of subsection B of Section 6-101.16
9 of this title into the evaluations used in all or a
10 representative sampling of school sites within the
11 district and may at the option of the school district
12 incorporate on a trial basis the quantitative
13 components of the TLE as provided for in subparagraph
14 a of paragraph 4 of subsection B of Section 6-101.16
15 of this title into the evaluations used in all or a
16 representative sampling of school sites within the
17 district,

18 b. for evaluations of teachers and administrators
19 conducted during the 2013-2014 school year, school
20 districts shall incorporate and put into operation the
21 qualitative components of the TLE as provided for in
22 subparagraph b of paragraph 4 of subsection B of
23 Section 6-101.16 of this title into the evaluations
24 used in all school sites within the district. For the

1 2013-2014 school year the evaluation rating of
2 teachers and administrators shall be based on the
3 qualitative component of the TLE. In addition, for
4 evaluations of teachers and administrators conducted
5 during the 2013-2014 school year, school districts
6 shall for purposes of testing the TLE incorporate on a
7 trial basis the quantitative components of the TLE as
8 provided for in subparagraph a of paragraph 4 of
9 subsection B of Section 6-101.16 of this title into
10 the evaluations used in all or a representative
11 sampling of school sites within the district.

12 However, nothing in this subparagraph shall preclude a
13 school district with an average daily attendance of
14 more than thirty-five thousand (35,000) from
15 incorporating at its own expense the quantitative
16 components of the TLE into its evaluation system of
17 teachers and administrators, as defined by the
18 district's written policy, during the 2013-2014 school
19 year,

20 c. for evaluations of teachers and administrators
21 conducted during the 2014-2015 and 2015-2016 school
22 years, school districts shall for purposes of
23 establishing baseline data incorporate the
24 quantitative components of the TLE as provided for in

1 subparagraph a of paragraph 4 of subsection B of
2 Section 6-101.16 of this title into the evaluations
3 used in all school sites within the district. For the
4 2014-2015 and 2015-2016 school years, the evaluation
5 rating of teachers and administrators shall be based
6 on the qualitative component of the TLE. However,
7 nothing in this subparagraph shall preclude a school
8 district with an average daily attendance of more than
9 thirty-five thousand (35,000) from incorporating at
10 its own expense the quantitative components of the TLE
11 into its evaluation system of teachers and
12 administrators, as defined by the district's written
13 policy, during the 2014-2015 and 2015-2016 school
14 years, and

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

1 shall receive a qualitative rating based on the
2 qualitative component of the TLE and a quantitative
3 ~~rating based on the quantitative component of the TLE;~~

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

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

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

15 5. Provide that every teacher be evaluated once every year,
16 except for career teachers receiving a qualitative rating of
17 "superior" or "highly effective" and a quantitative rating of
18 ~~"superior" or "highly effective"~~ under the TLE, who may be evaluated
19 once every two (2) years; and

20 6. Provide that, except for superintendents of independent and
21 elementary school districts and superintendents of area school
22 districts who shall be evaluated by the school district board of
23 education, all certified personnel shall be evaluated by a
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1 principal, assistant principal, or other trained certified
2 individual designated by the school district board of education.

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

9 C. The State Department of Education shall develop and conduct
10 workshops pursuant to statewide criteria which train individuals in
11 conducting evaluations.

12 D. The State Board of Education shall monitor compliance with
13 the provisions of this section by school districts.

14 E. The State Board of Education, in consultation with the
15 Teacher and Leader Effectiveness Commission, shall study continued
16 implementation of the TLE to produce a system that promotes
17 reflection and professional growth for teachers and leaders.

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

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

23 H. Full implementation of the TLE for the purposes of
24 employment shall occur during the 2017-2018 school year.

1 SECTION 3. AMENDATORY 70 O.S. 2011, Section 6-101.13, as
2 last amended by Section 3, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
3 2015, 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 right to a hearing before the
14 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. After 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, a principal who has received ~~qualitative and~~
8 ~~quantitative ratings~~ a rating of "ineffective" as measured pursuant
9 to the TLE as set forth in Section 6-101.16 of this title for two
10 (2) consecutive school years, shall not be reemployed by the school
11 district, subject to the due process procedures of this section.

12 ~~D. After full implementation of the TLE as set forth in Section~~
13 ~~6-101.10 of this title, a principal who has received qualitative or~~
14 ~~quantitative ratings of "ineffective" as measured pursuant to the~~
15 ~~TLE as set forth in Section 6-101.16 of this title for two (2)~~
16 ~~consecutive school years may be dismissed or not reemployed by the~~
17 ~~school district, subject to the due process procedures of this~~
18 ~~section.~~

19 SECTION 4. AMENDATORY 70 O.S. 2011, Section 6-101.16, as
20 last amended by Section 4, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
21 2015, Section 6-101.16), is amended to read as follows:

22 Section 6-101.16 A. By December 15, 2011, the State Board of
23 Education shall adopt a new statewide system of evaluation to be
24 known as the Oklahoma Teacher and Leader Effectiveness Evaluation

1 System (TLE). The Board shall work cooperatively with school
2 districts to fully implement ~~both the quantitative and qualitative~~
3 ~~components of~~ the TLE in all school districts by the 2016-2017
4 school year as provided for in Section 6-101.10 of this title,
5 including ~~determining the final calculation of the student academic~~
6 ~~growth measurement as provided for in subparagraph a of paragraph 4~~
7 ~~of subsection B of this section and~~ developing a teacher/student
8 assignment verification system.

9 B. The TLE shall include the following components:

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

13 2. Comprehensive remediation plans and instructional coaching
14 for all teachers who receive ~~qualitative or quantitative ratings a~~
15 rating of "needs improvement" or "ineffective" in accordance with
16 the rating system established in paragraph 3 of this subsection;

17 3. A five-tier rating system ~~for both the qualitative and~~
18 ~~quantitative components set forth in paragraph 4 of this subsection~~
19 as follows:

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

1 4. a. ~~The quantitative ratings of teachers and leaders shall~~
2 ~~be based on quantitative components which shall~~
3 ~~include performance measures of a teacher and leader~~
4 ~~that are based on student academic growth using~~
5 ~~multiple years of standardized test data, as~~
6 ~~available, and performance measures for teachers in~~
7 ~~grades and subjects for which there is no state-~~
8 ~~mandated testing measure, as approved by the State~~
9 ~~Board of Education pursuant to subsection E of this~~
10 ~~section, and~~

11 b. ~~The qualitative Qualitative ratings of teachers and~~
12 ~~leaders shall be based on rigorous and fair~~
13 ~~qualitative assessment components;~~

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

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

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

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

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

1 ~~quantitative~~ base part of the teacher rating on the additional
2 evaluation methods chosen ~~from a list of reliable, research-based~~
3 ~~options approved by the State Board of Education pursuant to~~
4 ~~subsection E of this section~~ by the district;

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

8 9. For teachers who were previously employed by a different
9 public school district and for teachers who enter into post-
10 retirement employment with a public school, school districts shall
11 have the option of basing those evaluations solely on the
12 qualitative components set forth in ~~subparagraph b of~~ paragraph 4 of
13 this subsection during their first year of employment.

14 C. Career teachers receiving a ~~qualitative~~ rating of "superior"
15 or "highly effective" and a ~~quantitative~~ rating of "superior" or
16 ~~"highly effective"~~ under the TLE may be evaluated once every two (2)
17 years.

18 D. The Teacher and Leader Effectiveness Commission shall ~~adopt~~
19 ~~the student academic growth quantitative components of the TLE as~~
20 ~~provided for in subparagraph a of paragraph 4 of subsection B of~~
21 ~~this section by May 1, 2014.~~ The Commission shall provide oversight
22 and advise the State Board of Education on the development and
23 implementation of the TLE.

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

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

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

3 | H. 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. 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.~~ 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:

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

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

1 consecutive school years shall 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 and

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

10 ~~5. 3. A career teacher who has not averaged a qualitative and~~
11 ~~quantitative rating of at least "effective" as measured pursuant to~~
12 ~~the TLE over a five-year period shall 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; and~~

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

22 D. Upon 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:

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

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

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

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

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

22 2. Any felony offense.

23 F. A teacher may be dismissed, refused employment or not
24 reemployed after a finding that such person has engaged in criminal

1 sexual activity or sexual misconduct that has impeded the
2 effectiveness of the individual's performance of school duties. As
3 used in this subsection:

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

7 2. "Sexual misconduct" means the soliciting or imposing of
8 criminal sexual activity.

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

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

19 SECTION 6. This act shall become effective August 1, 2016.

20 SECTION 7. It being immediately necessary for the preservation
21 of the public peace, health and safety, an emergency is hereby
22
23
24

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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4 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/09/2016
5 - DO PASS.

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