

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2957

6 By: Rogers

7 COMMITTEE SUBSTITUTE

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; modifying definitions; amending 70 O.S.
13 2011, Section 6-101.10, as last amended by Section 2,
14 Chapter 365, O.S.L. 2015 (70 O.S. Supp. 2015, Section
15 6-101.10), which relates to teacher evaluation
16 policies; modifying reference to a written policy of
17 evaluation; deleting certain criteria; deleting
18 certain implementation schedule; requiring policies
19 to include certain components; listing criteria for
20 the evaluation component; listing criteria for the
21 professional development component; requiring school
22 districts to monitor compliance; making certain
23 professional development count towards the total
24 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
requirements for policies of evaluation and
corresponding professional development; deleting
references to state guidelines, materials and
criteria; deleting certain Teacher and Leader
Effectiveness Evaluation System (TLE) study
requirement; deleting certain deadline; amending 70

1 O.S. 2011, Section 6-101.13, as last amended by
2 Section 3, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
3 2015, Section 6-101.13), which relates to due process
4 procedures for administrators; amending 70 O.S. 2011,
5 Section 6-101.22, as last amended by Section 5,
6 Chapter 365, O.S.L. 2015 (70 O.S. Supp. 2015, Section
7 6-101.22), which relates to the grounds for dismissal
8 or nonreemployment of teachers; deleting requirements
9 for dismissal or nonreemployment based on certain TLE
10 ratings; repealing 70 O.S. 2011, Section 6-101.16, as
11 last amended by Section 4, Chapter 365, O.S.L. 2015
12 (70 O.S. Supp. 2015, Section 6-101.16), which relates
13 to the Oklahoma Teacher and Leader Effectiveness
14 Evaluation System; repealing 70 O.S. 2011, Section 6-
15 101.17, which relates to the Teacher and Leader
16 Effectiveness Commission; providing an effective
17 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;

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. ~~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 three
8 (3) or more consecutive complete school years as a
9 teacher in one school district under a written
10 continuing or temporary teaching contract, ~~or~~

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

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 of "superior" as measured~~
22 ~~pursuant to the TLE as set forth in Section 6-~~
23 ~~101.16 of this title for at least two (2) of the~~

1 ~~three (3) school years, with no rating below~~
2 ~~"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 of at least "effective" as~~
8 ~~measured pursuant to the TLE for the four-year~~
9 ~~period, and has received qualitative and~~
10 ~~quantitative ratings of at least "effective" for~~
11 ~~the last two (2) years of the four-year period,~~
12 ~~or~~

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

~~petition the underlying facts supporting the
granting of career status to the teacher;~~

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

6. "Probationary teacher" means a teacher who:

- a. ~~for teachers employed by a school district prior to full implementation of the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.10 of this title,~~ has completed fewer than three (3) consecutive complete school years as a teacher in one school district under a written teaching contract, ~~or~~
- b. ~~for teachers employed for the first time by a school district under a written teaching contract after full implementation of the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.10 of this title,~~ has not met the

1 ~~requirements for career teacher as provided in~~
2 ~~paragraph 4 of this section;~~

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

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

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

14 Section 6-101.10 A. Each school district board of education
15 shall maintain and annually review, following consultation with or
16 involvement of representatives selected by local teachers, a written
17 policy of evaluation and corresponding professional development for
18 all teachers and administrators. In those school districts in which
19 there exists a professional negotiations agreement made in
20 accordance with Section 509.1 et seq. of this title, the procedure
21 for evaluating members of the negotiations unit and any standards of
22 performance and conduct proposed for adoption beyond those
23 established by the State Board of Education shall be negotiable
24 items. Nothing in this section shall be construed to annul, modify

1 or to preclude the renewal or continuing of any existing agreement
2 heretofore entered into between any school district and any
3 organizational representative of its employees.

4 B. Every policy of evaluation and corresponding professional
5 development adopted by a board of education of a school district
6 shall:

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

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

1 ~~of this title into the evaluations used in all or a~~
2 ~~representative sampling of school sites within the~~
3 ~~district,~~

4 b. ~~for evaluations of teachers and administrators~~
5 ~~conducted during the 2013-2014 school year, school~~
6 ~~districts shall incorporate and put into operation the~~
7 ~~qualitative components of the TLE as provided for in~~
8 ~~subparagraph b of paragraph 4 of subsection B of~~
9 ~~Section 6-101.16 of this title into the evaluations~~
10 ~~used in all school sites within the district. For the~~
11 ~~2013-2014 school year the evaluation rating of~~
12 ~~teachers and administrators shall be based on the~~
13 ~~qualitative component of the TLE. In addition, for~~
14 ~~evaluations of teachers and administrators conducted~~
15 ~~during the 2013-2014 school year, school districts~~
16 ~~shall for purposes of testing the TLE incorporate on a~~
17 ~~trial basis the quantitative components of the TLE as~~
18 ~~provided for in subparagraph a of paragraph 4 of~~
19 ~~subsection B of Section 6-101.16 of this title into~~
20 ~~the evaluations used in all or a representative~~
21 ~~sampling of school sites within the district.~~
22 ~~However, nothing in this subparagraph shall preclude a~~
23 ~~school district with an average daily attendance of~~
24 ~~more than thirty-five thousand (35,000) from~~

1 ~~incorporating at its own expense the quantitative~~
2 ~~components of the TLE into its evaluation system of~~
3 ~~teachers and administrators, as defined by the~~
4 ~~district's written policy, during the 2013-2014 school~~
5 ~~year,~~

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

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

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

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

20 1. Incorporate a qualitative assessment tool or tools. The
21 qualitative assessment tool or tools may be any methods developed or
22 adopted by the school district board of education prior to the
23 effective date of this act for purposes of the Oklahoma Teacher and
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1 Leader Effectiveness System which are valid, reliable, research-
2 based and supported by a body of evidence; and

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

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

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

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

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

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

22 E. School districts shall monitor compliance with each
23 professional development plan as described in subsection D of this
24 section. All professional development completed pursuant to a

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

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

11 1. Presenter-led workshops;

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

14 3. Peer observations;

15 4. Committee studies to address student achievement issues;

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

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

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

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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 by the school district board of
11 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, community
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, an outside company, peer committee or other ~~trained certified~~
14 ~~individual~~ person or group of persons designated by the school
15 district board of 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
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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 school districts.

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

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

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

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

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

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

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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
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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 55-2-9283 KB 02/23/16

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