



H.B. 1331

RE: H.B. 1331

SUBJECT: Student Data Accessibility, Transparency and Accountability Act of 2013

House Bill 1331 becomes effective July 1, 2015. This bill amends the Student Data Accessibility, Transparency and Accountability Act of 2013 to include a military student identifier.

- Current law directs the State Board of Education to compile certain information regarding a state student data system and sets parameters around the use of such data.
- Section 1(C)(8): Requires the student data system to include a military student identifier by July 1, 2016.
- Section 1(B)(8): Defines “military student identifier” as a unique identifier for each student whose parent or guardian is a member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States or the National Guard, which will allow for the disaggregation of each category.
- Section 1(C)(3)(g): Allows for data collected on those military students identified in Section B to be transferred to the Department of Defense to assist in developing policy and initiatives to assist those children.

Should you have any questions related to this bill, please contact Mr. Duane Brown, Data Quality Analyst, at (405) 522-0285 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. 3-168

An Act

ENROLLED HOUSE
BILL NO. 1331

By: Coody (Ann) and Hoskin of
the House

and

Simpson of the Senate

An Act relating to schools; amending Section 1, Chapter 356, O.S.L. 2013 (70 O.S. Supp. 2014, Section 3-168), which relates to the Student Data Accessibility, Transparency and Accountability Act of 2013; modifying definition of student data; adding definition; adding exception for the release of confidential student data for students with a military student identifier; directing the State Board of Education to include a military student identifier in the state student data system; excluding a military student identifier from certain category of student data; providing an effective date; and declaring an emergency.

SUBJECT: Student Data Accessibility, Transparency and
Accountability Act of 2013

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

SECTION 1. AMENDATORY Section 1, Chapter 356, O.S.L. 2013 (70 O.S. Supp. 2014, Section 3-168), is amended to read as follows:

Section 3-168. A. This section shall be known and may be cited as the "Student Data Accessibility, Transparency and Accountability Act of 2013".

B. As used in this act:

1. "Board" means the State Board of Education;

2. "Department" means the State Department of Education;

3. "Data system" means the Oklahoma State Department of Education student data system;

4. "Aggregate data" means data collected and/or reported at the group, cohort, or institutional level;

5. "De-identified data" means a student dataset in which parent and student identifying information, including the state-assigned student identifier, has been removed;

6. "Student testing number" means the unique student identifier assigned by the state to each student that shall not be or include the Social Security number of a student in whole or in part; ~~and~~

7. "Student data" means data collected and/or reported at the individual student level included in a student's educational record.

a. "Student data" includes:

- (1) state and national assessment results, including information on untested public school students,
- (2) course taking and completion, credits earned, and other transcript information,
- (3) course grades and grade point average,
- (4) date of birth, grade level and expected graduation date/graduation cohort,
- (5) degree, diploma, credential attainment, and other school exit information such as General Educational Development and drop-out data,
- (6) attendance and mobility,
- (7) data required to calculate the federal four-year adjusted cohort graduation rate, including sufficient exit and drop-out information,

- (8) discipline reports limited to objective information sufficient to produce the federal Title IV Annual Incident Report,
- (9) remediation,
- (10) special education data, ~~and~~
- (11) demographic data and program participation information, and
- (12) military student identifier.

b. Unless included in a student's educational record, "student data" shall not include:

- (1) juvenile delinquency records,
- (2) criminal records,
- (3) medical and health records,
- (4) student Social Security number, and
- (5) student biometric information; and

8. "Military student identifier" means a unique identifier for each student whose parent or guardian is a member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States or the National Guard which will allow for the disaggregation of each category.

C. The State Board of Education shall:

1. Create, publish and make publicly available a data inventory and dictionary or index of data elements with definitions of individual student data fields currently in the student data system including:

- a. any individual student data required to be reported by state and federal education mandates,
- b. any individual student data which has been proposed for inclusion in the student data system with a

statement regarding the purpose or reason for the proposed collection, and

- c. any individual student data that the State Department of Education collects or maintains with no current purpose or reason;

2. Develop, publish and make publicly available policies and procedures to comply with the Federal Family Educational Rights and Privacy Act (FERPA) and other relevant privacy laws and policies, including but not limited to:

- a. access to student and de-identified data in the student data system shall be restricted to:
 - (1) the authorized staff of the State Department of Education and the Department's contractors who require such access to perform their assigned duties, including staff and contractors from the Information Services Division of the Office of Management and Enterprise Services assigned to the Department,
 - (2) district administrators, teachers and school personnel who require such access to perform their assigned duties,
 - (3) students and their parents, and
 - (4) the authorized staff of other state agencies in Oklahoma as required by law and/or defined by interagency data-sharing agreements,
- b. the State Department of Education shall use only aggregate data in public reports or in response to record requests in accordance with paragraph 3 of this subsection,
- c. the State Department of Education shall develop criteria for the approval of research and data requests from state and local agencies, the State Legislature, researchers and the public:
 - (1) unless otherwise approved by the State Board of Education, student data maintained by the State

Department of Education shall remain confidential, and

(2) unless otherwise approved by the State Board of Education to release student or de-identified data in specific instances, the Department may only use aggregate data in the release of data in response to research and data requests, and

d. notification to students and parents regarding their rights under federal and state law;

3. Unless otherwise approved by the State Board of Education, the State Department of Education shall not transfer student or de-identified data deemed confidential under division (1) of subparagraph c of paragraph 2 of this subsection ~~C of this section~~ to any federal, state or local agency or other organization/entity outside of the State of Oklahoma, with the following exceptions:

a. a student transfers out of state or a school/district seeks help with locating an out-of-state transfer,

b. a student leaves the state to attend an out-of-state institution of higher education or training program,

c. a student registers for or takes a national or multistate assessment,

d. a student voluntarily participates in a program for which such a data transfer is a condition/requirement of participation,

e. the Department enters into a contract that governs databases, assessments, special education or instructional supports with an out-of-state vendor, ~~or~~

f. a student is classified as "migrant" for federal reporting purposes, or

g. a student with a military student identifier for purposes of assisting the Department of Defense in developing policy and military child education initiatives;

4. Develop a detailed data security plan that includes:

- a. guidelines for authorizing access to the student data system and to individual student data including guidelines for authentication of authorized access,
- b. privacy compliance standards,
- c. privacy and security audits,
- d. breach planning, notification and procedures, and
- e. data retention and disposition policies;

5. Ensure routine and ongoing compliance by the State Department of Education with FERPA, other relevant privacy laws and policies, and the privacy and security policies and procedures developed under the authority of this act, including the performance of compliance audits;

6. Ensure that any contracts that govern databases, assessments or instructional supports that include student or de-identified data and are outsourced to private vendors include express provisions that safeguard privacy and security and include penalties for noncompliance; ~~and~~

7. Notify the Governor and the Legislature annually of the following:

- a. new student data proposed for inclusion in the state student data system:
 - (1) any new student data collection proposed by the State Board of Education becomes a provisional requirement to allow districts and their local data system vendors the opportunity to meet the new requirement, and
 - (2) the State Board of Education must submit any new "provisional" student data collection to the Governor and the Legislature for their approval within one (1) year in order to make the new student data a permanent requirement. Any provisional student data collection not approved by the Governor and the Legislature by the end of

the next legislative session expires and is no longer required,

- b. changes to existing data collections required for any reason, including changes to federal reporting requirements made by the U.S. Department of Education,
- c. an explanation of any exceptions granted by the State Board of Education in the past year regarding the release or out-of-state transfer of student or de-identified data, and
- d. the results of any and all privacy compliance and security audits completed in the past year. Notifications regarding privacy compliance and security audits shall not include any information that would itself pose a security threat to the state or local student information systems or to the secure transmission of data between state and local systems by exposing vulnerabilities; and

8. By July 1, 2016, include a military student identifier in the state student data system.

D. The State Board of Education shall adopt rules for the State Department of Education to implement the provisions of the Student Data Accessibility, Transparency and Accountability Act of 2013.

E. Upon the effective date of this act, any existing collection of student data by the State Department of Education and the addition of a military student identifier to the student data collected by the Department after the effective date of this act shall not be considered a new student data collection in accordance with subparagraph a of paragraph 7 of subsection C of this section.

F. Nothing in this act shall interfere with the State Department of Education's compliance with the Educational Accountability Reform Act.

SECTION 2. This act shall become effective July 1, 2015.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 19th day of February, 2015.

Jessie W. Griffin
Presiding Officer of the House
of Representatives

Passed the Senate the 7th day of April, 2015.

Eddie Filer
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 8th
day of April, 20 15, at 3:58 o'clock P M.
By: *Audrey Beckwell*

Approved by the Governor of the State of Oklahoma this 10th
day of April, 20 15, at 9:29 o'clock A M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 10th
day of April, 20 15, at 1:48 o'clock P M.
By: *Chris Maurer*



H.B. 1823

RE: H.B. 1823

SUBJECT: Oklahoma School Testing Program

House Bill 1823 becomes effective June 3, 2015. This bill directs the State Board of Education to conduct a study of the state's A-F school report card.

- Section 1(A)(2): Directs the State Board of Education to study the calculation metrics of all components of the A-F school report card. The State Board *may* make recommendations based on their study.
 - The purpose of the study is to ensure the evaluation system is clear, transparent, statistically trustworthy, credible and aligned with state assessments.
 - The State Board must seek certification from the Oklahoma State Regents for Higher Education that the recommendations satisfy the stated purpose. The Regents are directed to provide the State Board a description of the certification process and results, including any deficiencies they find with the study or recommendations.
 - The State Board is to submit a report to the Governor, Speaker of the House, President Pro Tempore of the Senate, Minority Leader of the House and Minority Leader of the Senate by December 31, 2015.

Should you have any questions related to this bill, please contact Dr. Cindy Koss, Deputy Superintendent for Academic Affairs and Planning, at (405) 522-6369 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. 1210.545

An Act

ENROLLED HOUSE

BILL NO. 1823

By: Martin, McCullough and
Caldwell of the House

and

Jolley of the Senate

An Act relating to schools; amending 70 O.S. 2011, Section 1210.545, as last amended by Section 2, Chapter 163, O.S.L. 2014 (70 O.S. Supp. 2014, Section 1210.545), which relates to the annual reports for the Oklahoma School Testing Program; directing the Board to study and make recommendations for the calculation metrics of the school report cards; directing the Board to seek certain certification; directing the State Regents for Higher Education to provide certain description; requiring submission of a report by certain date; and declaring an emergency.

SUBJECT: Oklahoma School Testing Program

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.545, as last amended by Section 2, Chapter 163, O.S.L. 2014 (70 O.S. Supp. 2014, Section 1210.545), is amended to read as follows:

Section 1210.545 A. ~~As~~ 1. Except as otherwise provided, as part of the accountability system developed as provided for in Section 1210.541 of this title, the State Board of Education shall prepare annual reports of the results of the Oklahoma School Testing Program which describe student achievement in the state and each school site.

2. The Board shall study and may recommend revisions to the Legislature to the calculation metrics of all components of the school report cards to ensure that the evaluation system is clear,

transparent, statistically trustworthy, credible, and aligned with the state assessment system. The Board shall seek certification from the Oklahoma State Regents for Higher Education that recommended revisions, if adopted, will improve the clarity, transparency, statistical trustworthiness, credibility, and alignment of the evaluation system. The State Regents shall provide the Board a detailed description of the certification process and results, including a list of any deficiencies the State Regents find with the study or the resulting recommendations. The Board shall issue a report by December 31, 2015, and submit a copy of the report to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate. The Board shall prescribe the design and content of the reports, which shall include, without limitation, descriptions of the performance of all schools participating in the Oklahoma School Testing Program and all of the major student populations as determined by the Board, and shall also include the median scores of all eligible students who scored at or in the lowest twenty-fifth percentile of the state in the previous school year. The confidentiality of individual student records shall be preserved as required by law.

B. The annual report as required pursuant to subsection A of this section shall identify school sites as having one of the following grades, defined according to rules of the State Board of Education:

1. "A" means schools making excellent progress;
2. "B" means schools making above average progress;
3. "C" means schools making satisfactory progress;
4. "D" means schools making less than satisfactory progress;

and

5. "F" means schools failing to make adequate progress.

C. Each school that has students who are tested and included in the school grading system as provided for in this section shall receive a school grade, except as follows:

1. A school shall not receive a school grade if the number of students tested and included in the school grading system is less

than the minimum sample size necessary for statistical reliability and prevention of the unlawful release of personally identifiable student data. The State Board of Education is directed to establish the lowest minimum sample size necessary to meet the requirements of this paragraph;

2. A school that serves any combination of students in kindergarten through grade three which does not receive a school grade because the students are not tested and included in the school grading system shall receive the school grade designation of a feeder pattern school identified by the State Department of Education and verified by the school district. A school feeder pattern exists if at least sixty percent (60%) of the students in the school serving a combination of students in kindergarten through grade three are scheduled to be assigned to the graded school; and

3. The academic performance of students who are enrolled full-time in an online program that is offered by a school district or charter school that is not the district of residence or is not located in the district of residence of the student shall be reported separately by the school district or charter school and shall not be included when determining the grade of the school site or charter school.

D. The grade of a school shall be based on a combination of:

1. Fifty percent (50%) on whole school performance, as measured by allocating one point for each student who scores proficient or advanced on the criterion-referenced tests and end-of-instruction tests administered under Section 1210.508 of this title and alternative test scores administered to students pursuant to Section 1210.523 of this title divided by the number of students taking the tests;

2. Twenty-five percent (25%) on whole school growth, as measured by allocating one point for each student who improves proficiency levels or improves substantially within a proficiency level on criterion-referenced tests and end-of-instruction tests administered under Section 1210.508 of this title divided by the number of students taking the tests; and

3. Twenty-five percent (25%) on growth in the bottom quartile of students, as measured by allocating one point for each student in the bottom quartile who improves proficiency levels or improves substantially within a proficiency level on criterion-referenced

tests and end-of-instruction tests administered under Section 1210.508 of this title divided by the number of students taking the tests.

E. In addition to the components outlined in subsection D of this section, the following bonus points shall be considered in determining the grade of a school site:

1. For schools comprised of high school grades:

- a. five points for meeting the criteria for an "A" for the high school graduation rate of the school, as defined by rules adopted by the Board,
- b. one point for meeting the criteria for an "A" for performance or participation of students in College Board Advanced Placement courses, International Baccalaureate courses, concurrent enrollment courses, Advanced International Certificate of Education courses, or the achievement of students on national industry certification, as defined by rules adopted by the Board,
- c. one point for meeting the criteria for an "A" for participation or performance in SAT tests administered by the College Board or the American College Test (ACT), as defined by rules adopted by the Board,
- d. one point for meeting the criteria for an "A" for the high school graduation rate of students who scored at limited knowledge or unsatisfactory on the eighth-grade criterion-referenced tests in reading and mathematics,
- e. as valid data becomes available, one point for the performance of students on the end-of-instruction tests administered under Section 1210.508 of this title, as defined by rules adopted by the Board, and
- f. one point for the growth or decline in the components listed in subparagraphs a through e of this paragraph from year to year, as defined by rules adopted by the Board;

2. For schools comprised of middle school grades:

- a. two points for meeting the criteria for an "A" for the drop-out rate of the school, as defined by rules adopted by the Board,
- b. two points for meeting the criteria for an "A" for the percentage of students who are taking higher level coursework at a satisfactory or higher level, as defined by rules adopted by the Board, and
- c. six points for meeting the criteria for an "A" for attendance, as defined by rules adopted by the Board; and

3. For schools comprised of elementary school grades, ten points for meeting the criteria for an "A" for attendance, as defined by rules adopted by the Board.

F. Student test data used in determining school grades shall include:

1. The aggregate scores of all eligible students enrolled in the school who have been administered the criterion-referenced tests and end-of-instruction tests administered under Section 1210.508 of this title; and

2. For schools comprised of high school grades, the data listed in paragraph 1 of this subsection, and the following data as the State Department of Education determines the data are valid and available:

- a. the high school graduation rate of the school as calculated by the Department,
- b. the participation rate of all eligible students enrolled in the school in College Board Advanced Placement courses whether taught at a high school, a technology center school, or a regional site of the Oklahoma School of Science and Mathematics, International Baccalaureate courses, concurrent enrollment courses, Advanced International Certificate of Education courses, courses or sequence of courses leading to national industry certification identified pursuant to rules adopted by the Board, courses or sequence of courses granted cooperative college

alliance credit taken at a technology center school, and science, technology, engineering and mathematics courses taken at a regional site of the Oklahoma School of Science and Mathematics,

- c. the aggregate scores of all eligible students enrolled in the school in College Board Advanced Placement courses whether taught at a high school, a technology center school, or a regional site of the Oklahoma School of Science and Mathematics, International Baccalaureate courses, and Advanced International Certificate of Education courses,
- d. earning of college credit by all eligible students enrolled in the school in concurrent enrollment programs as provided for in Section 628.13 of this title and in cooperative college alliance courses taken at a technology center school,
- e. earning of a national industry certification identified pursuant to rules adopted by the Board,
- f. the aggregate scores of all eligible students enrolled in the school in reading, mathematics, and other subjects as measured by the SAT test administered by the College Board and the ACT,
- g. the high school graduation rate of all eligible students enrolled in the school who scored at limited knowledge or unsatisfactory on the eighth-grade criterion-referenced tests in reading and mathematics,
- h. the performance of students on statewide end-of-instruction tests administered under Section 1210.508 of this title, and
- i. the growth or decline in the data components listed in subparagraphs a through h of this paragraph from year to year.

G. Grades shall be calculated by combining the points earned for whole school performance, whole school growth and growth in the bottom quartile of students, measured pursuant to subsection D of this section, and any bonus points earned pursuant to subsection E

of this section. Grades shall be assigned based on the following scale:

1. Ninety-seven percent (97%) to one hundred percent (100%) = A+;
2. Ninety-three percent (93%) to ninety-six percent (96%) = A;
3. Ninety percent (90%) to ninety-two percent (92%) = A-;
4. Eighty-seven percent (87%) to eighty-nine percent (89%) = B+;
5. Eighty-three percent (83%) to eighty-six percent (86%) = B;
6. Eighty percent (80%) to eighty-two percent (82%) = B-;
7. Seventy-seven percent (77%) to seventy-nine percent (79%) = C+;
8. Seventy-three percent (73%) to seventy-six percent (76%) = C;
9. Seventy percent (70%) to seventy-two percent (72%) = C-;
10. Sixty-seven percent (67%) to sixty-nine percent (69%) = D+;
11. Sixty-three percent (63%) to sixty-six percent (66%) = D;
12. Sixty percent (60%) to sixty-two percent (62%) = D-; and
13. Fifty-nine percent (59%) and below = F.

H. The annual report shall identify the performance of each school as having improved, remained the same, or declined. This school improvement rating shall be based on a comparison of the student and school performance data of the current year to the previous year data. Schools that improve at least one grade level are eligible for school recognition as established by the Board through the accountability system developed pursuant to Section 1210.541 of this title.

I. The State Department of Education shall annually develop, in collaboration with school districts and the Office of Educational Quality and Accountability, a school site report card to be

delivered to parents throughout each school district. The report card shall include the grade for the school, information regarding school improvement, an explanation of school performance as evaluated in accordance with the Elementary and Secondary Education Act of 2001 (ESEA), P.L. No. 107-110, also known as the No Child Left Behind Act of 2001, and indicators of return on investment. The report card for each school site shall be published annually by the Department on its website, and every school district shall provide the school site report card to the parent or guardian of each student enrolled in the school site.

J. The Legislature may factor in the performance of schools in calculating any performance-based funding policy that is provided to public school districts.

K. The State Board of Education shall promulgate rules to implement the provisions of this section.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 21st day of May, 2015.

Lee R. Doney, Jr.
Presiding Officer of the House
of Representatives

Passed the Senate the 22nd day of May, 2015.

Arthur Cotton
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 22nd
day of May, 20 15, at 8:15 o'clock P M.
By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 3rd
day of June, 20 15, at 3:13 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 3rd
day of June, 20 15, at 4:05 o'clock P. M.
By: Chi Benz



S.B. 706

RE: S.B. 706

SUBJECT: Oklahoma Teacher and Leader Effectiveness Evaluation System

Senate Bill 706 becomes effective July 1, 2015. This bill amends a variety of provisions related to the Teacher and Leader Effectiveness (TLE) evaluation system.

- Current law requires a system of evaluation for teachers and administrators that consists of both a qualitative component and a quantitative component, where both components are combined into one composite score to make up 100% of the evaluation. The composition of the quantitative component includes 35% for student academic growth and 15% for other academic measurements. The evaluation system is required to be fully implemented by the 2015-2016 school year.
- Section 2(A)(1): Evaluations in the 2014-2015 and 2015-2016 school years will be used for the purpose of collecting baseline data, and the use of student academic growth and other academic measurements as a portion of the quantitative component of evaluations is eliminated. Evaluations will only be based on the qualitative component for the 2014-2015 and 2015-2016 school years.
 - Beginning with the 2016-2017 school year, school districts are to fully incorporate both the qualitative and quantitative components of the TLE for evaluations at all school sites. It is no longer required that both the qualitative and quantitative components make up 50% of the evaluation. Instead each teacher and administrator will receive both a qualitative and quantitative rating.
- Section 2(A)(5): Career teachers who have received a rating of “superior” or “highly effective” on *both* the qualitative and quantitative components may be evaluated every two years.
- Section 2(E): Directs the State Board of Education, in consultation with the Teacher and Leader Effectiveness (TLE) Commission, to continue to study implementation of the evaluation system to ensure that it promotes reflection and professional growth.
- Section 2(H): Full implementation of TLE evaluations for the purposes of employment decisions will begin in the 2017-2018 school year.

- Section 3: After full implementation, a principal who has received “ineffective” on *both* the qualitative and quantitative components for two consecutive years cannot be reemployed by the school district. A principal who has received “ineffective” on *either* component for two consecutive years may be dismissed or not reemployed by the school district.
- Section 4: Requires a 5-tier rating system for both components of the evaluation system, consisting of superior, highly effective, effective, needs improvement and ineffective. A comprehensive remediation plan and instructional coaching is required for teachers receiving ratings of “needs improvement” or “ineffective” on *either* of the components.
 - Eliminates the requirement that the quantitative and qualitative component each make up 50% of one total evaluation. It also eliminates the requirement that the quantitative component consist of 35% for performance measures based on student academic growth and 15% for other academic measurements.
 - For the quantitative piece moving forward, student academic growth based on standardized data is to be used *as available*. For teachers in grades and subjects where there is no state-mandated assessment, performance measures are to be adopted by the State Board of Education.
- Section 4(B)(7): Local school district boards of education can choose from a list of reliable, research-based options approved by the State Board of Education for quantitative evaluation methods for teachers of non-tested grades and subjects. For those teachers who have at least one tested grade or subject can have up to 50% of their quantitative rating based on methods chosen from the list.
- Section 4(B)(9): School districts have the option of basing their evaluations solely on qualitative components for the first year for teachers who were previously employed by another public school district and teachers who have returned to employment at a public school district after retirement.
- Section 4(E): Directs the TLE Commission to make recommendations to the State Board of Education on research-based measures for the quantitative component of evaluations for teachers in grades and subjects with no state-mandated testing measure. The State Board must approve and publish the list by February 1, 2016.
- Section 5: A career teacher or probationary teacher who has received “ineffective” on *both* components for two consecutive years must be dismissed or not reemployed by the school district. A career teacher or probationary teacher who has received “ineffective” on *either* component for two consecutive years *may* be dismissed or not reemployed by the school district.

- A career teacher who has received “needs improvement” on *both* components for three consecutive years must be dismissed or not reemployed by the school district. A career teacher who has received “needs improvement” on *either* component for three consecutive years *may* be dismissed or not reemployed by the school district.
- A career teacher who has not averaged at least “effective” on *both* components over five years must be dismissed or not reemployed by the school district. A career teacher who has not averaged at least “effective” on *either* component over five years *may* be dismissed or not reemployed by the school district.
- Section 6: Directs the State Board of Education to promulgate rules for implementation.

Should you have any questions related to this bill, please contact Dr. Robyn Miller, Deputy Superintendent for Educator Effectiveness and Policy Research, at (405) 521-3332 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. 6-101.3, 6-101.10, 6-101.13, 6-101.16, 6-101.22
New Law at: 70 O.S. 6-101.32

An Act

ENROLLED SENATE
BILL NO. 706

By: Ford, Pittman, and Fields
of the Senate

and

Casey and Cockroft of the
House

An Act relating to teachers; amending 70 O.S. 2011, Section 6-101.3, as last amended by Section 5, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2014, Section 6-101.3), which relates to definitions; modifying certain definition; amending 70 O.S. 2011, Section 6-101.10, as last amended by Section 1, Chapter 331, O.S.L. 2014 (70 O.S. Supp. 2014, Section 6-101.10, which relates to evaluation policies; directing certain evaluation components to be used during certain school years; modifying reference to certain ratings; directing the State Board of Education, in certain consultation, to conduct certain study; providing date for full implementation for certain purpose; amending 70 O.S. 2011, Section 6-101.13, as amended by Section 3, Chapter 373, O.S.L. 2013 (70 O.S. Supp. 2014, Section 6-101.13), which relates to due process; modifying reference to certain ratings; amending 70 O.S. 2011, Section 6-101.16, as last amended by Section 29 of Enrolled Senate Bill No. 831 of the 1st Session of the 55th Oklahoma Legislature, which relates to the Teacher and Leader Effectiveness Evaluation System; delaying implementation of certain system; providing for qualitative and quantitative ratings; specifying components of ratings; directing school districts to adopt certain evaluation methods from certain approved options; allowing school districts to base certain evaluation percentage on certain methods; allowing school districts to provide only a qualitative rating for certain teachers;

directing the Teacher and Leader Effectiveness Commission to recommend certain measures by certain date; directing the State Board of Education to adopt certain measures by certain date; allowing certain school districts to continue using certain evaluation system; updating reference; amending 70 O.S. 2011, Section 6-101.22, as last amended by Section 5, Chapter 373, O.S.L. 2013 (70 O.S. Supp. 2014, Section 6-101.22), which relates to dismissal of career teachers; modifying criteria for which career and probationary teachers may be dismissed; directing promulgation of rules; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Oklahoma Teacher and Leader Effectiveness Evaluation System

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 5, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2014, Section 6-101.3), is amended to read as follows:

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

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

4. "Career 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 three (3) or more consecutive complete school years as a teacher in one school district under a written continuing or temporary teaching contract, or
 - b. for teachers employed for the first time by a school district under a written continuing or temporary 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:
 - (1) has completed three (3) consecutive complete school years as a teacher in one school district under a written continuing or temporary teaching contract and has achieved a rating qualitative and quantitative ratings of "superior" as measured pursuant to the TLE as set forth in Section 6-101.16 of this title for at least two (2) of the three (3) school years, with no rating below "effective",
 - (2) has completed four (4) consecutive complete school years as a teacher in one school district under a written continuing or temporary teaching contract, has averaged a rating qualitative and quantitative ratings of at least "effective" as measured pursuant to the TLE for the four-year period, and has received a rating qualitative and quantitative ratings of at least "effective" for the last two (2) years of the four-year period, or
 - (3) has completed four (4) or more consecutive complete school years in one school district under a written continuing or temporary teaching

contract and has not met the requirements of subparagraph a or b of this paragraph, only if the principal of the school at which the teacher is employed submits a petition to the superintendent of the school district requesting that the teacher be granted career status, the superintendent agrees with the petition, and the school district board of education approves the 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 requirements for career teacher as provided in paragraph 4 of this section;

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

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

SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.10, as last amended by Section 1, Chapter 331, O.S.L. 2014 (70 O.S. Supp. 2014, Section 6-101.10), is amended to read as follows:

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

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

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

incorporate on a trial basis the ~~other academic measurement~~ quantitative components of the TLE as provided for in ~~division (2)~~ of subparagraph a of paragraph 4 of subsection B of Section 6-101.16 of this title into the evaluations used in all or a representative sampling of school sites within the district,

- b. for evaluations of teachers and administrators conducted during the 2013-2014 school year, school districts shall incorporate and put into operation the qualitative components of the TLE as provided for in subparagraph b of paragraph 4 of subsection B of Section 6-101.16 of this title into the evaluations used in all school sites within the district. For the 2013-2014 school year ~~one hundred percent (100%)~~ of the evaluation rating of teachers and administrators shall be based on the qualitative component of the TLE. In addition, for evaluations of teachers and administrators conducted during the 2013-2014 school year, school districts shall for purposes of testing the TLE incorporate on a trial basis the ~~student academic growth and other academic measurement~~ quantitative components of the TLE as provided for in subparagraph a of paragraph 4 of subsection B of Section 6-101.16 of this title into the evaluations used in all or a representative sampling of school sites within the district. However, nothing in this subparagraph shall preclude a school district with an average daily attendance of more than thirty-five thousand (35,000) from incorporating at its own expense the quantitative ~~model~~ components of the TLE and basing up to fifty percent (50%) of the evaluation ~~rating of~~ into its evaluation system of teachers and administrators ~~on the quantitative components of the TLE,~~ as defined by the district's written policy, during the 2013-2014 school year,
- c. for evaluations of teachers and administrators conducted during the 2014-2015 and 2015-2016 school year years, school districts shall for purposes of establishing baseline data incorporate the ~~student~~

~~academic growth and other academic measurement~~
quantitative components of the TLE as provided for in
subparagraph a of paragraph 4 of subsection B of
Section 6-101.16 of this title into the evaluations
used in all school sites within the district. For the
2014-2015 and 2015-2016 school year ~~one hundred~~
~~percent (100%) of years,~~ the evaluation rating of
teachers and administrators shall be based on the
qualitative component of the TLE, ~~and no portion of~~
~~the evaluation rating shall be based on the~~
~~quantitative components of the TLE.~~ However, nothing
in this subparagraph shall preclude a school district
with an average daily attendance of more than thirty-
five thousand (35,000) from incorporating at its own
expense the quantitative ~~model~~ components of the TLE
and ~~basing up to fifty percent (50%) of the evaluation~~
~~rating of~~ into its evaluation system of teachers and
administrators ~~on the quantitative components of the~~
~~TLE,~~ as defined by the district's written policy,
during the 2014-2015 and 2015-2016 school ~~year~~ years,
and

- d. for evaluations of teachers and administrators
conducted during the ~~2015-2016~~ 2016-2017 school year
and each school year thereafter, school districts
shall fully implement the TLE and incorporate and put
into operation both the qualitative and quantitative
components of the TLE as provided for in ~~subparagraph~~
~~b of~~ paragraph 4 of subsection B of Section 6-101.16
of this title ~~and the student academic growth and~~
~~other academic measurement quantitative components of~~
~~the TLE as provided for in subparagraph a of paragraph~~
~~4 of subsection B of Section 6-101.16 of this title~~
into the evaluations used in all school sites within
the district. For the ~~2015-2016~~ 2016-2017 school year
and each school year thereafter, ~~fifty percent (50%)~~
~~of the evaluation rating of~~ teachers and
administrators shall be receive a qualitative rating
based on the qualitative component of the TLE and
~~fifty percent (50%) shall be a quantitative rating~~
based on the quantitative component of the TLE;

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. AMENDATORY 70 O.S. 2011, Section 6-101.13, as amended by Section 3, Chapter 373, O.S.L. 2013 (70 O.S. Supp. 2014, Section 6-101.13), is amended to read as follows:

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

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

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

B. Failure of the administrator to request a hearing before the school district board of education within ten (10) days after receiving the written statement shall constitute a waiver of the

right to a hearing. No decision of the board of education concerning the dismissal or nonreemployment of a full-time certified administrator shall be effective until the administrator has been afforded due process as specified in this section. The decision of the school district board of education concerning the dismissal or nonreemployment, following the hearing, shall be final.

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

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

SECTION 4. AMENDATORY 70 O.S. 2011, Section 6-101.16, as last amended by Section 29 of Enrolled Senate Bill No. 831 of the 1st Session of the 55th Oklahoma Legislature, is amended to read as follows:

Section 6-101.16. A. By December 15, 2011, the State Board of Education shall adopt a new statewide system of evaluation to be known as the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE). The Board shall work cooperatively with school districts to fully implement both the quantitative and qualitative components of the TLE in all school districts by the ~~2015-2016~~ 2016-2017 school year as provided for in Section 6-101.10 of this title, including determining the final calculation of the student academic growth measurement as provided for in ~~division (1) of~~ subparagraph a of paragraph 4 of subsection B of this section and developing a teacher/student assignment verification system.

B. The TLE shall include the following components:

1. ~~A five-tier rating system as follows:~~

- ~~a. superior,~~
- ~~b. highly effective,~~
- ~~c. effective,~~
- ~~d. needs improvement, and~~
- ~~e. ineffective;~~

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

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

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

- a. superior,
 - b. highly effective,
 - c. effective,
 - d. needs improvement, and
 - e. ineffective;
4. a. Quantitative and qualitative assessment components measured as follows:

- a. ~~fifty percent (50%) of the~~ The quantitative ratings of teachers and leaders shall be based on quantitative components which shall be divided as follows:
- ~~(1) thirty five percentage points include performance measures of a teacher and leader that are based on student academic growth using multiple years of standardized test data, as available, and performance measures for teachers in grades and subjects for which there is no state-mandated testing measure, as approved by the State Board of Education pursuant to subsection E of this section~~
 - ~~(2) fifteen percentage points based on other academic measurements, and~~
- b. ~~fifty percent (50%) of the rating~~ The qualitative ratings of teachers and leaders shall be based on rigorous and fair qualitative assessment components;

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

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

6. An evidence-based qualitative assessment tool for the leader qualitative portion of the TLE that will include observable and measurable characteristics of personnel and site management

practices that are correlated to student performance success, including, but not limited to:

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

7. For those teachers in grades and subjects for which there is no state-mandated testing measure to create a quantitative assessment for the quantitative portion of the TLE, ~~the State Board of Education may adopt alternative percentages from those set forth in paragraph 4 of this subsection~~ local school district boards of education shall choose evaluation methods from a list of reliable, research-based options approved by the State Board of Education pursuant to subsection E of this section. Emphasis shall be placed on the observed qualitative assessment as well as contribution to the overall school academic growth. For those teachers who have at least one tested grade or subject, school districts shall have the option of basing up to fifty percent (50%) of the quantitative rating on evaluation methods chosen from a list of reliable, research-based options approved by the State Board of Education pursuant to subsection E of this section; and

8. For first-year and second-year teachers, evaluations shall be based solely on qualitative components set forth in subparagraph b of paragraph 4 of this subsection ~~and the State Board of Education shall adopt alternative percentages from those set forth in paragraph 4 of this subsection; and~~

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

have the option of basing those evaluations solely on the qualitative components set forth in subparagraph b of paragraph 4 of this subsection during their first year of employment.

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

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

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

F. A school district with an average daily attendance of more than thirty-five thousand (35,000) which has incorporated quantitative components of the TLE pursuant to subparagraphs b and e of paragraph 1 of subsection A of Section 6-101.10 of this title into its evaluation system of teachers and administrators prior to the 2015-2016 school year may continue using these quantitative components its evaluation system, as defined by the school districts' district's written policies, notwithstanding the provisions of this section and regardless of the State Board of Education's adoption of quantitative components pursuant to this section.

~~F.~~ G. The State Department of Education shall provide to the Oklahoma State Regents for Higher Education and the Oklahoma Commission for ~~Teacher Preparation~~ Educational Quality and Accountability timely electronic data linked to teachers and leaders derived from the TLE for purposes of providing a basis for the development of accountability and quality improvements of the

teacher preparation system. The data shall be provided in a manner and at such times as agreed upon between the Department, the State Regents and the Commission.

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

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

SECTION 5. AMENDATORY 70 O.S. 2011, Section 6-101.22, as last amended by Section 5, Chapter 373, O.S.L. 2013 (70 O.S. Supp. 2014, Section 6-101.22), is amended to read as follows:

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

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

8. Abandonment of contract.

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

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

1. A career teacher who has ~~been rated as~~ received a qualitative and quantitative rating of "ineffective" as measured pursuant to the TLE as set forth in Section 6-101.16 of this title for two (2) consecutive school years shall be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school district, subject to the provisions of the Teacher Due Process Act of 1990;

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

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

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

5. A career teacher who has not averaged a qualitative and quantitative rating of at least "effective" as measured pursuant to the TLE over a five-year period shall be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school

district, subject to the provisions of the Teacher Due Process Act of 1990; and

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

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

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

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

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

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

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

2. Any felony offense.

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

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

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

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

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

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-101.32 of Title 70, unless there is created a duplication in numbering, reads as follows:

The State Board of Education shall promulgate rules necessary to implement the provisions of this act.

SECTION 7. This act shall become effective July 1, 2015.

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

Passed the Senate the 20th day of May, 2015.

A. Bruce Malott

Presiding Officer of the Senate

Passed the House of Representatives the 21st day of May, 2015.

Lee R. Thompson

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 22nd

day of May, 20 15, at 9:20 o'clock A M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 3rd

day of June, 20 15, at 3:19 o'clock P M.

Mary Fallin

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 3rd

day of June, 20 15, at 4:05 o'clock P M.

By: Chris Benz

