

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1027

By: Cannaday

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 6-101.10, as last amended by Section 1,
9 Chapter 331, O.S.L. 2014 (70 O.S. Supp. 2014, Section
10 6-101.10), which relates to teacher evaluation
11 policies; amending 70 O.S. 2011, Section 6-101.16, as
12 last amended by Section 3, Chapter 331, O.S.L. 2014
13 (70 O.S. Supp. 2014, Section 6-101.16), which relates
14 to the Oklahoma Teacher and Leader Effectiveness
15 Evaluation System; modifying dates for implementation
16 of the Oklahoma Teacher and Leader Effectiveness
17 Evaluation System; clarifying duties of the State
18 Board of Education; modifying date for adoption of
19 recommendations by the Teacher and Leader
20 Effectiveness Commission; clarifying
21 responsibilities; amending 70 O.S. 2011, Section 6-
22 101.17, which relates to the Teacher and Leader
23 Effectiveness Commission; adding duties; and
24 declaring an emergency.

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

SECTION 1. 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

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

11 Every policy of evaluation adopted by a board of education shall:

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

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

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

10 b. for evaluations of teachers and administrators
11 conducted during the 2013-2014 school year, school
12 districts shall incorporate and put into operation the
13 qualitative components of the TLE as provided for in
14 subparagraph b of paragraph 4 of subsection B of
15 Section 6-101.16 of this title into the evaluations
16 used in all school sites within the district. For the
17 2013-2014 school year one hundred percent (100%) of
18 the evaluation rating of teachers and administrators
19 shall be based on the qualitative component of the
20 TLE. In addition, for evaluations of teachers and
21 administrators conducted during the 2013-2014 school
22 year, school districts shall for purposes of testing
23 the TLE incorporate on a trial basis the student
24 academic growth and other academic measurement

1 quantitative components of the TLE as provided for in
2 subparagraph a of paragraph 4 of subsection B of
3 Section 6-101.16 of this title into the evaluations
4 used in all or a representative sampling of school
5 sites within the district. However, nothing in this
6 subparagraph shall preclude a school district with an
7 average daily attendance of more than thirty-five
8 thousand (35,000) from incorporating at its own
9 expense the quantitative model of the TLE and basing
10 up to fifty percent (50%) of the evaluation rating of
11 teachers and administrators on the quantitative
12 components of the TLE, as defined by the district's
13 written policy, during the 2013-2014 school year,

14 c. for evaluations of teachers and administrators
15 conducted during the 2014-2015, 2015-2016 and 2016-
16 2017 school ~~year~~ years, school districts shall for
17 purposes of establishing baseline data incorporate the
18 student academic growth and other academic measurement
19 quantitative components of the TLE as provided for in
20 subparagraph a of paragraph 4 of subsection B of
21 Section 6-101.16 of this title into the evaluations
22 used in all school sites within the district. For the
23 2014-2015, 2015-2016 and 2016-2017 school ~~year~~ years
24 one hundred percent (100%) of the evaluation rating of

1 teachers and administrators shall be based on the
2 qualitative component of the TLE, and no portion of
3 the evaluation rating shall be based on the
4 quantitative components of the TLE. However, nothing
5 in this subparagraph shall preclude a school district
6 with an average daily attendance of more than thirty-
7 five thousand (35,000) from incorporating at its own
8 expense the quantitative model of the TLE and basing
9 up to fifty percent (50%) of the evaluation rating of
10 teachers and administrators on the quantitative
11 components of the TLE, as defined by the district's
12 written policy, during the 2014-2015, 2015-2016 and
13 2016-2017 school ~~year~~ years, and

- 14 d. for evaluations of teachers and administrators
15 conducted during the ~~2015-2016~~ 2017-2018 school year
16 and each school year thereafter, school districts
17 shall fully implement the TLE and incorporate and put
18 into operation both the qualitative components of the
19 TLE as provided for in subparagraph b of paragraph 4
20 of subsection B of Section 6-101.16 of this title and
21 the student academic growth and other academic
22 measurement quantitative components of the TLE as
23 provided for in subparagraph a of paragraph 4 of
24 subsection B of Section 6-101.16 of this title into

1 the evaluations used in all school sites within the
2 district. For the ~~2015-2016~~ 2017-2018 school year and
3 each school year thereafter, fifty percent (50%) of
4 the evaluation rating of teachers and administrators
5 shall be based on the qualitative component of the TLE
6 and fifty percent (50%) shall be based on the
7 quantitative component of the TLE;

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

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

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

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

23 6. Provide that, except for superintendents of independent and
24 elementary school districts and superintendents of area school

1 districts who shall be evaluated by the school district board of
2 education, all certified personnel shall be evaluated by a
3 principal, assistant principal, or other trained certified
4 individual designated by the school district board of education.

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

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

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

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

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

21 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.16, as
22 last amended by Section 3, Chapter 331, O.S.L. 2014 (70 O.S. Supp.
23 2014, Section 6-101.16), is amended to read as follows:

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1 Section 6-101.16 A. By December 15, 2011, the State Board of
2 Education shall adopt a new statewide system of evaluation to be
3 known as the Oklahoma Teacher and Leader Effectiveness Evaluation
4 System (TLE). The Board shall work cooperatively with school
5 districts to fully implement both the quantitative and qualitative
6 components of the TLE in all school districts by the ~~2015-2016~~ 2017-
7 2018 school year as provided for in Section 6-101.10 of this title,
8 ~~including determining.~~ Until full implementation of the TLE, the
9 Board shall continue working with school districts and the Teacher
10 and Leader Effectiveness Commission to determine the final
11 calculation of the student academic growth measurement as provided
12 for in division (1) of subparagraph a of paragraph 4 of subsection B
13 of this section and developing a teacher/student assignment
14 verification system.

15 B. The TLE shall include the following components:

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

- 17 a. superior,
- 18 b. highly effective,
- 19 c. effective,
- 20 d. needs improvement, and
- 21 e. ineffective;

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

1 3. Comprehensive remediation plans and instructional coaching
2 for all teachers rated as needs improvement or ineffective;

3 4. Quantitative and qualitative assessment components measured
4 as follows:

5 a. fifty percent (50%) of the ratings of teachers and
6 leaders shall be based on quantitative components
7 which shall be divided as follows:

8 (1) thirty-five percentage points based on student
9 academic growth using multiple years of
10 standardized test data, as available, and

11 (2) fifteen percentage points based on other academic
12 measurements, and

13 b. fifty percent (50%) of the rating of teachers and
14 leaders shall be based on rigorous and fair
15 qualitative assessment components;

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

- 21 a. organizational and classroom management skills,
22 b. ability to provide effective instruction,
23 c. focus on continuous improvement and professional
24 growth,

1 d. interpersonal skills, and

2 e. leadership skills;

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

8 a. organizational and school management, including
9 retention and development of effective teachers and
10 dismissal of ineffective teachers,

11 b. instructional leadership,

12 c. professional growth and responsibility,

13 d. interpersonal skills,

14 e. leadership skills, and

15 f. stakeholder perceptions;

16 7. For those teachers in grades and subjects for which there is
17 no state-mandated testing measure to create a quantitative
18 assessment for the quantitative portion of the TLE, the State Board
19 of Education may adopt alternative percentages from those set forth
20 in paragraph 4 of this subsection. Emphasis shall be placed on the
21 observed qualitative assessment as well as contribution to the
22 overall school academic growth; and

23 8. For first-year and second-year teachers, evaluations shall
24 be based solely on qualitative components set forth in subparagraph

1 b of paragraph 4 of this subsection and the State Board of Education
2 shall adopt alternative percentages from those set forth in
3 paragraph 4 of this subsection.

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

6 D. The Teacher and Leader Effectiveness Commission shall adopt
7 recommendations on the student academic growth and other academic
8 measurement quantitative components of the TLE as provided for in
9 subparagraph a of paragraph 4 of subsection B of Section 6-101.16 of
10 this title by May 1, ~~2014~~ 2016. The Commission shall provide
11 oversight and advise the State Board of Education on the development
12 and implementation of the TLE as provided for in Section 6-101.17 of
13 this title.

14 E. A school district which has incorporated quantitative
15 components of the TLE pursuant to subparagraphs b and c of paragraph
16 1 of subsection A of Section 6-101.10 of this title may continue
17 using those quantitative components, as defined by the school
18 districts' written policies, regardless of the State Board of
19 Education's adoption of quantitative components pursuant to this
20 section.

21 F. The State Department of Education shall provide to the
22 Oklahoma State Regents for Higher Education and the Oklahoma
23 Commission for Teacher Preparation timely electronic data linked to
24 teachers and leaders derived from the TLE for purposes of providing

1 a basis for the development of accountability and quality
2 improvements of the teacher preparation system. The data shall be
3 provided in a manner and at such times as agreed upon between the
4 Department, the State Regents and the Commission.

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

8 H. The State Department of Education shall keep all data
9 collected pursuant to the TLE and records of annual evaluations
10 received pursuant to this section confidential.

11 SECTION 3. AMENDATORY 70 O.S. 2011, Section 6-101.17, is
12 amended to read as follows:

13 Section 6-101.17 A. There is hereby created to continue until
14 July 1, 2016, in accordance with the provisions of the Oklahoma
15 Sunset Law, the Teacher and Leader Effectiveness Commission.

16 B. The membership of the Commission shall consist of:

17 1. The Superintendent of Public Instruction, or designee;

18 2. A member of the Senate, appointed by the President Pro
19 Tempore of the Senate;

20 3. A member of the House of Representatives, appointed by the
21 Speaker of the House of Representatives;

22 4. A member of the Senate, appointed by the Minority Leader of
23 the Senate;

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1 5. A member of the House of Representatives, appointed by the
2 Minority Leader of the House of Representatives;

3 6. A representative from the Office of the Governor or the
4 executive cabinet, appointed by the Governor;

5 7. The Executive Director of the Oklahoma Commission for
6 Teacher Preparation, or designee;

7 8. A representative of a technology center school district,
8 appointed by the Director of the Oklahoma Department of Career and
9 Technology Education;

10 9. A representative of an institution within The Oklahoma State
11 System of Higher Education, appointed by the Chancellor of Higher
12 Education;

13 10. A representative of a statewide organization representing
14 school district boards of education, appointed by the President Pro
15 Tempore of the Senate;

16 11. A representative of a statewide organization representing
17 public school superintendents, appointed by the Speaker of the House
18 of Representatives;

19 12. A representative of a statewide organization representing
20 business and education, appointed by the President Pro Tempore of
21 the Senate;

22 13. An individual employed by a business or company located in
23 this state, appointed by the Speaker of the House of
24 Representatives;

1 14. Three (3) representatives, one (1) from each of the three
2 (3) largest statewide organizations representing active public
3 school teachers, appointed by the Governor;

4 15. A representative of a statewide parent-teacher
5 organization, appointed by the Governor;

6 16. A representative of a philanthropic organization involved
7 in education, appointed by the Governor; and

8 17. An individual involved in Science, Technology, Engineering
9 and Mathematics (STEM) education, appointed by the Governor.

10 C. Initial appointments pursuant to the provisions of this
11 section shall be made no later than August 1, 2010. Members shall
12 serve at the pleasure of the appointing authority. Vacancies shall
13 be filled by the original appointing authority. The State
14 Superintendent of Public Instruction, or designee, shall serve as
15 chair of the Commission. Members of the Commission shall select a
16 vice-chair from the membership of the Commission. Meetings of the
17 Commission shall be held at the call of the chair. A majority of
18 the members of the Commission shall constitute a quorum for the
19 transaction of any business.

20 D. Members of the Commission shall receive no compensation for
21 serving on the Commission, but shall receive travel reimbursement as
22 follows:

23 1. State employees who are members of the Commission shall be
24 reimbursed for travel expenses incurred in the performance of their

1 duties by their respective agencies in accordance with the State
2 Travel Reimbursement Act;

3 2. Legislative members shall be reimbursed in accordance with
4 Section 456 of Title 74 of the Oklahoma Statutes; and

5 3. All other members of the Commission shall be reimbursed by
6 the State Department of Education for travel expenses incurred in
7 the performance of their duties in accordance with the State Travel
8 Reimbursement Act.

9 E. Staff support for the Commission shall be provided by the
10 State Department of Education and the Oklahoma Commission for
11 Teacher Preparation.

12 F. Members who serve on the Commission shall be exempt from the
13 dual-office-holding prohibitions of Section 6 of Title 51 of the
14 Oklahoma Statutes.

15 G. The Commission shall comply with the provisions of the
16 Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

17 H. The duties of the Commission, as specified in subsection I
18 of this section, shall not be contingent upon the state being
19 selected to receive or the state actually receiving any federal Race
20 to the Top funding.

21 I. The Commission shall provide oversight and advise the State
22 Board of Education on the development and implementation of the
23 Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as
24 created in Section 6-101.16 of this title, including:

1 1. Making recommendations to the State Board regarding the
2 development and implementation of the TLE prior to adoption of any
3 permanent rules or policies by the State Board. The Commission
4 shall evaluate, conduct research and advise the Board on the use of
5 and changes to the value-added models and student learning and
6 outcome objective sets of goals approved by the Board for
7 calculating student academic growth after the evaluation and
8 research. The Commission shall adopt recommendations on calculating
9 student academic growth and other academic measures by May 1, 2016.
10 The Board shall not adopt final permanent rules or policies until
11 the recommendations of the Commission are adopted;

12 2. Regularly reviewing progress toward development and
13 implementation of the quantitative and qualitative measures that
14 comprise the TLE;

15 3. Regularly reviewing progress toward timely access to student
16 growth data;

17 4. Regularly reviewing the correlation between the quantitative
18 and qualitative scores and other data to ensure that the TLE is
19 being implemented with validity and that evaluations of individuals
20 conducted by school districts are meaningful and demonstrate that
21 reasonable distinctions are being made relating to performance;

22 5. Assuring input and participation from teachers and leaders
23 on the development and implementation of the TLE;

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1 6. Gathering public comment on the development and
2 effectiveness of the TLE; and

3 7. Assuring that the TLE is based on research-based national
4 best practices and methodology.

5 J. The Commission shall issue a report by December 31 of each
6 year and submit a copy of the report to the Governor, the Speaker of
7 the House of Representatives and the President Pro Tempore of the
8 Senate.

9 SECTION 4. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

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