

1 **SENATE FLOOR VERSION**

2 April 8, 2015

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 1290

6 By: Cannaday, Bennett, Casey,
7 Perryman, Sherrer, Cockroft
8 and Hoskin of the House

9 and

10 Fields and Ford of the
11 Senate

12
13 **[schools - teacher evaluation policies -
14 emergency]**

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

16 SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.10, as
17 last amended by Section 1, Chapter 331, O.S.L. 2014 (70 O.S. Supp.
18 2014, Section 6-101.10), is amended to read as follows:

19 Section 6-101.10 A. Each school district board of education
20 shall maintain and annually review, following consultation with or
21 involvement of representatives selected by local teachers, a written
22 policy of evaluation for all teachers and administrators. In those
23 school districts in which there exists a professional negotiations
24 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

1 beyond those established by the State Board of Education shall be
2 negotiable items. Nothing in this section shall be construed to
3 annul, modify or to preclude the renewal or continuing of any
4 existing agreement heretofore entered into between any school
5 district and any organizational representative of its employees.

6 Every policy of evaluation adopted by a board of education 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 other academic
23 measurement quantitative components of the TLE as
24 provided for in division (2) of subparagraph a of

1 paragraph 4 of subsection B of Section 6-101.16 of
2 this title into the evaluations used in all or a
3 representative sampling of school sites within the
4 district,

- 5 b. for evaluations of teachers and administrators
6 conducted during the 2013-2014 school year, school
7 districts shall incorporate and put into operation the
8 qualitative components of the TLE as provided for in
9 subparagraph b of paragraph 4 of subsection B of
10 Section 6-101.16 of this title into the evaluations
11 used in all school sites within the district. For the
12 2013-2014 school year one hundred percent (100%) of
13 the evaluation rating of teachers and administrators
14 shall be based on the qualitative component of the
15 TLE. In addition, for evaluations of teachers and
16 administrators conducted during the 2013-2014 school
17 year, school districts shall for purposes of testing
18 the TLE incorporate on a trial basis the student
19 academic growth and other academic measurement
20 quantitative components of the TLE as provided for in
21 subparagraph a of paragraph 4 of subsection B of
22 Section 6-101.16 of this title into the evaluations
23 used in all or a representative sampling of school
24 sites within the district. However, nothing in this

1 subparagraph shall preclude a school district with an
2 average daily attendance of more than thirty-five
3 thousand (35,000) from incorporating at its own
4 expense the quantitative model of the TLE and basing
5 up to fifty percent (50%) of the evaluation rating of
6 teachers and administrators on the quantitative
7 components of the TLE, as defined by the district's
8 written policy, during the 2013-2014 school year,

9 c. for evaluations of teachers and administrators
10 conducted during the 2014-2015, 2015-2016 and 2016-
11 2017 school ~~year~~ years, school districts shall for
12 purposes of establishing baseline data incorporate the
13 student academic growth and other academic measurement
14 quantitative components of the TLE as provided for in
15 subparagraph a of paragraph 4 of subsection B of
16 Section 6-101.16 of this title into the evaluations
17 used in all school sites within the district. For the
18 2014-2015, 2015-2016 and 2016-2017 school ~~year~~ years
19 one hundred percent (100%) of the evaluation rating of
20 teachers and administrators shall be based on the
21 qualitative component of the TLE, and no portion of
22 the evaluation rating shall be based on the
23 quantitative components of the TLE. However, nothing
24 in this subparagraph shall preclude a school district

1 with an average daily attendance of more than thirty-
2 five thousand (35,000) from incorporating at its own
3 expense the quantitative model of the TLE and basing
4 up to fifty percent (50%) of the evaluation rating of
5 teachers and administrators on the quantitative
6 components of the TLE, as defined by the district's
7 written policy, during the 2014-2015, 2015-2016 and
8 2016-2017 school ~~year~~ years, and

9 d. for evaluations of teachers and administrators
10 conducted during the ~~2015-2016~~ 2017-2018 school year
11 and each school year thereafter, school districts
12 shall fully implement the TLE and incorporate and put
13 into operation both the qualitative components of the
14 TLE as provided for in subparagraph b of paragraph 4
15 of subsection B of Section 6-101.16 of this title and
16 the student academic growth and other academic
17 measurement 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 school sites within the
21 district. For the ~~2015-2016~~ 2017-2018 school year and
22 each school year thereafter, fifty percent (50%) of
23 the evaluation rating of teachers and administrators
24 shall be based on the qualitative component of the TLE

1 and fifty percent (50%) shall be based on the
2 quantitative component of the TLE;

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

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

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

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

18 6. Provide that, except for superintendents of independent and
19 elementary school districts and superintendents of area school
20 districts who shall be evaluated by the school district board of
21 education, all certified personnel shall be evaluated by a
22 principal, assistant principal, or other trained certified
23 individual designated by the school district board of education.
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1 B. All individuals designated by the school district board of
2 education to conduct the personnel evaluations shall be required to
3 participate in training conducted by the State Department of
4 Education or training provided by the school district using
5 guidelines and materials developed by the State Department of
6 Education prior to conducting evaluations.

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

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

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

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

17 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.16, as
18 last amended by Section 3, Chapter 331, O.S.L. 2014 (70 O.S. Supp.
19 2014, Section 6-101.16), is amended to read as follows:

20 Section 6-101.16 A. By December 15, 2011, the State Board of
21 Education shall adopt a new statewide system of evaluation to be
22 known as the Oklahoma Teacher and Leader Effectiveness Evaluation
23 System (TLE). The Board shall work cooperatively with school
24 districts to fully implement both the quantitative and qualitative

1 components of the TLE in all school districts by the ~~2015-2016~~ 2017-
2 2018 school year as provided for in Section 6-101.10 of this title,
3 ~~including determining.~~ Until full implementation of the TLE, the
4 Board shall continue working with school districts and the Teacher
5 and Leader Effectiveness Commission to determine the final
6 calculation of the student academic growth measurement as provided
7 for in division (1) of subparagraph a of paragraph 4 of subsection B
8 of this section and developing a teacher/student assignment
9 verification system.

10 B. The TLE shall include the following components:

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

- 12 a. superior,
- 13 b. highly effective,
- 14 c. effective,
- 15 d. needs improvement, and
- 16 e. ineffective;

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

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

22 4. Quantitative and qualitative assessment components measured
23 as follows:

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

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

7 (2) fifteen percentage points based on other academic
8 measurements, and

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

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

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

23 6. An evidence-based qualitative assessment tool for the leader
24 qualitative portion of the TLE that will include observable and

1 measurable characteristics of personnel and site management
2 practices that are correlated to student performance success,
3 including, but not limited to:

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

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

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

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

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

11 E. A school district which has incorporated quantitative
12 components of the TLE pursuant to subparagraphs b and c of paragraph
13 1 of subsection A of Section 6-101.10 of this title may continue
14 using those quantitative components, as defined by the school
15 districts' written policies, regardless of the State Board of
16 Education's adoption of quantitative components pursuant to this
17 section.

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

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

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

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

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

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

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

16 2. A member of the Senate, appointed by the President Pro
17 Tempore of the Senate;

18 3. A member of the House of Representatives, appointed by the
19 Speaker of the House of Representatives;

20 4. A member of the Senate, appointed by the Minority Leader of
21 the Senate;

22 5. A member of the House of Representatives, appointed by the
23 Minority Leader of the House of Representatives;

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

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

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

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

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

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

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

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

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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.**~~

13 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
14 April 8, 2015 - DO PASS AS AMENDED

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