

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
BILL NO. 1267

By: Sears of the House

3
4 and

5 Ford of the Senate

6
7 An Act relating to education appropriations;
8 requiring transfer of funds to the Teachers'
9 Retirement System of Oklahoma for the teachers'
10 retirement credit; providing for noncodification; and
11 declaring an emergency.

12 AUTHOR: Add the following House Coauthor: Hickman

13 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
14 entire bill and insert

15 "An Act relating to education evaluation; amending
16 Sections 6 and 7, Chapter 291, O.S.L. 2010 (70 O.S.
17 Supp. 2010, Sections 6-101.16 and 6-101.17), which
18 relate to the Teacher and Leader Effectiveness
19 Evaluation System; renaming certain commission;
20 deleting certain requirements for certain commission;
21 providing an effective date; and declaring an
22 emergency.

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

24 SECTION 1. AMENDATORY Section 6, Chapter 291, O.S.L.
2010 (70 O.S. Supp. 2010, Section 6-101.16), 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

1 known as the Oklahoma Teacher and Leader Effectiveness Evaluation
2 System (TLE).

3 B. The TLE shall include the following components:

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

- 5 a. superior,
- 6 b. highly effective,
- 7 c. effective,
- 8 d. needs improvement, and
- 9 e. ineffective;

10 2. Annual evaluations that provide feedback to improve student
11 learning and outcomes;

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

14 4. Quantitative and qualitative assessment components measured
15 as follows:

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

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

22 (2) fifteen percentage points based on other academic
23 measurements, and

24

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

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

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

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

- 20 a. organizational and school management, including
21 retention and development of effective teachers and
22 dismissal of ineffective teachers,
- 23 b. instructional leadership,
- 24 c. professional growth and responsibility,

- d. interpersonal skills,
- e. leadership skills, and
- f. stakeholder perceptions; and

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, an assessment using objective measures of teacher effectiveness including student performance on unit or end-of-year tests. Emphasis shall be placed on the observed qualitative assessment as well as contribution to the overall school academic growth.

C. ~~The Oklahoma Race to the Top~~ Teacher and Leader Effectiveness Commission ~~created in Section 7 of this act~~ shall provide oversight and advise the State Board of Education on the development and implementation of the TLE.

D. The State Department of Education shall provide to the Oklahoma State Regents for Higher Education and the Oklahoma Commission for Teacher Preparation 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.

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

4 SECTION 2. AMENDATORY Section 7, Chapter 291, O.S.L.
5 2010 (70 O.S. Supp. 2010, Section 6-101.17), is amended to read as
6 follows:

7 Section 6-101.17. A. There is hereby created to continue until
8 July 1, 2016, in accordance with the provisions of the Oklahoma
9 Sunset Law, the ~~Oklahoma Race to the Top~~ Teacher and Leader
10 Effectiveness Commission.

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

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

13 2. A member of the Senate, appointed by the President Pro
14 Tempore of the Senate;

15 3. A member of the House of Representatives, appointed by the
16 Speaker of the House of Representatives;

17 4. A member of the Senate, appointed by the Minority Leader of
18 the Senate;

19 5. A member of the House of Representatives, appointed by the
20 Minority Leader of the House of Representatives;

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

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

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

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

7 10. A representative of a statewide organization representing
8 school district boards of education, appointed by the President Pro
9 Tempore of the Senate;

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

13 12. A representative of a statewide organization representing
14 business and education, appointed by the President Pro Tempore of
15 the Senate;

16 13. An individual employed by a business or company located in
17 this state, appointed by the Speaker of the House of
18 Representatives;

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

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

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

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

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

15 D. Members of the Commission shall receive no compensation for
16 serving on the Commission, but shall receive travel reimbursement as
17 follows:

18 1. State employees who are members of the Commission shall be
19 reimbursed for travel expenses incurred in the performance of their
20 duties by their respective agencies in accordance with the State
21 Travel Reimbursement Act;

22 2. Legislative members shall be reimbursed in accordance with
23 Section 456 of Title 74 of the Oklahoma Statutes; and
24

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

5 E. Staff support for the Commission shall be provided by the
6 State Department of Education and the Oklahoma Commission for
7 Teacher Preparation.

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

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

13 H. The duties of the Commission, as specified in ~~paragraphs 6~~
14 ~~and 7 of~~ subsection I of this section, shall not be contingent upon
15 the state being selected to receive or the state actually receiving
16 any federal Race to the Top funding.

17 I. The Commission shall:

18 ~~1. Coordinate and report on the effort of the state to~~
19 ~~implement the federal Race to the Top program;~~

20 ~~2. Work closely with members of the executive cabinet, the~~
21 ~~State Board of Education, executives of state agencies, and~~
22 ~~legislative leaders to determine the requirements imposed on and~~
23 ~~opportunities afforded to the state by the federal Race to the Top~~

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1 ~~program, as well as the most efficient and productive use of Race to~~
2 ~~the Top funding;~~

3 ~~3. Monitor the flow of federal Race to the Top program funds to~~
4 ~~ensure compliance with all requirements of the law and transparency~~
5 ~~of the process;~~

6 ~~4. Ensure that adequate reporting and compliance mechanisms and~~
7 ~~safeguards regarding the federal Race to the Top program are in~~
8 ~~place;~~

9 ~~5. Ensure full, thorough and easily accessible public~~
10 ~~disclosure of the use of all funds received under the federal Race~~
11 ~~to the Top program;~~

12 ~~6. Monitor progress of results in areas described in the state~~
13 ~~Race to the Top plan, including:~~

14 ~~a. raising student achievement overall and by subgroup~~
15 ~~and closing gaps in achievement;~~

16 ~~b. adopting common high-quality curricular standards;~~

17 ~~c. supporting the transition to enhanced standards and~~
18 ~~high quality assessments;~~

19 ~~d. accessing and using state education data;~~

20 ~~e. using data to improve instruction;~~

21 ~~f. providing high-quality pathways for aspiring teachers~~
22 ~~and administrators;~~

23 ~~g. development of effectiveness measures for teachers and~~
24 ~~administrators;~~

- ~~h. improving teacher and administrator effectiveness based on performance,~~
- ~~i. ensuring equitable distribution of effective teachers and administrators,~~
- ~~j. improving the effectiveness of teacher and administrator preparation programs,~~
- ~~k. providing effective support to teachers and administrators,~~
- ~~l. turning around the lowest-achieving schools, and~~
- ~~m. ensuring successful conditions for high-performing charter school and other innovative schools; and~~

7. ~~Provide~~ provide oversight and advise the State Board of Education on the development and implementation of the Oklahoma Teacher and Leader Effectiveness ~~and~~ Evaluation System (TLE) as created in Section ~~6 of this act~~ 6-101.16 of this title, including:

~~a. making~~

1. Making recommendations to the State Board regarding the development and implementation of the TLE prior to adoption of any permanent rules or policies by the State Board~~;~~;

~~b. regularly~~

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

~~c. regularly~~

1 3. Regularly reviewing progress toward timely access to student
2 growth data~~;~~i;

3 ~~d. — regularly~~

4 4. Regularly reviewing the correlation between the quantitative
5 and qualitative scores and other data to ensure that the TLE is
6 being implemented with validity and that evaluations of individuals
7 conducted by school districts are meaningful and demonstrate that
8 reasonable distinctions are being made relating to performance~~;~~i;

9 ~~e. — assuring~~

10 5. Assuring input and participation from teachers and leaders
11 on the development and implementation of the TLE~~;~~i;

12 ~~f. — gathering~~

13 6. Gathering public comment on the development and
14 effectiveness of the TLE~~;~~i and

15 ~~g. — assuring~~

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

18 J. The Commission shall issue a report by December 31 of each
19 year and submit a copy of the report to the Governor, the Speaker of
20 the House of Representatives and the President Pro Tempore of the
21 Senate.

22 SECTION 3. This act shall become effective July 1, 2011.

23 SECTION 4. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

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

3 Passed the Senate the 20th day of April, 2011.

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Presiding Officer of the Senate

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7 Passed the House of Representatives the ____ day of _____,

8 2011.

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Presiding Officer of the House
of Representatives

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2 BILL NO. 1267

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8 requiring transfer of funds to the Teachers'
9 Retirement System of Oklahoma for the teachers'
10 retirement credit; providing for noncodification; and
11 declaring an emergency.

12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 5. NEW LAW A new section of law not to be
15 codified in the Oklahoma Statutes reads as follows:

16 Of the funds appropriated in Section 7, Chapter 427, O.S.L. 2010
17 for the support of public school activities, the State Board of
18 Education shall transfer Thirty-five Million Three Hundred Eleven
19 Thousand Three Hundred Seventy-five Dollars (\$35,311,375.00) to the
20 Teachers' Retirement System of Oklahoma for the purpose of funding
21 the teachers' retirement credit created in Section 17-108.2 of Title
22 70 of the Oklahoma Statutes.

23 SECTION 6. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

