SENATE FLOOR VERSION
April 8, 2015
AS AMENDED

ENGROSSED HOUSE
BILL NO. 1290

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

and

Fields and Ford of the Senate

[schools - teacher evaluation policies - ~~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 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 of the TLE and basing up to fifty percent (50%) of the evaluation rating 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, 2015-2016 and 2016-2017 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, 2015-2016 and 2016-2017 school ~~year~~ years one hundred percent (100%) of 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 of the TLE and basing up to fifty percent (50%) of the evaluation rating of teachers and administrators on the quantitative components of the TLE, as defined by the district's written policy, during the 2014-2015, 2015-2016 and 2016-2017 school ~~year~~ years, and

d. for evaluations of teachers and administrators conducted during the ~~2015-2016~~ 2017-2018 school year and each school year thereafter, school districts shall fully implement the TLE and incorporate and put into operation both 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 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~~ 2017-2018 school year and each school year thereafter, fifty percent (50%) of the evaluation rating of teachers and administrators shall be based on the qualitative component of the TLE

and fifty percent (50%) shall be 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 "superior" or "highly effective" rating 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. 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. Data collected pursuant to this section shall not be subject to the Oklahoma Open Meeting Act or the Oklahoma Open Records Act.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.16, as last amended by Section 3, Chapter 331, O.S.L. 2014 (70 O.S. Supp. 2014, 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 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~~ 2017-2018 school year as provided for in Section 6-101.10 of this title~~, including determining~~. Until full implementation of the TLE, the Board shall continue working with school districts and the Teacher and Leader Effectiveness Commission to determine 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. Comprehensive remediation plans and instructional coaching for all teachers rated as needs improvement or ineffective;

4. Quantitative and qualitative assessment components measured as follows:

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

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

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

b. fifty percent (50%) of the rating 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. Emphasis shall be placed on the observed qualitative assessment as well as contribution to the overall school academic growth; 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.

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

D. The Teacher and Leader Effectiveness Commission shall adopt recommendations on 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 by May 1, ~~2014~~ 2016. The Commission shall provide oversight and advise the State Board of Education on the development and implementation of the TLE as provided for in Section 6-101.17 of this title.

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

F. 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.

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

H. 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.

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

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

B. The membership of the Commission shall consist of:

1. The Superintendent of Public Instruction, or designee;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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. The Commission shall evaluate, conduct research and advise the Board on the use of and changes to the value-added models and student learning and outcome objective sets of goals approved by the Board for calculating student academic growth after the evaluation and research. The Commission shall adopt recommendations on calculating student academic growth and other academic measures by May 1, 2016. The Board shall not adopt final permanent rules or policies until the recommendations of the Commission are adopted;

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

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

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

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

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

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

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

~~**SECTION 4. 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.**~~

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