

1 ENGROSSED SENATE
2 BILL NO. 1828

By: Ford of the Senate

3 and

4 Nelson of the House

5
6 An Act relating to teacher and leader evaluations;
7 amending 70 O.S. 2011, Section 6-101.10, as last
8 amended by Section 2, Chapter 373, O.S.L. 2013 (70
9 O.S. Supp. 2013, Section 6-101.10), which relates to
10 a written policy of evaluation; directing certain
11 data to not be subject to the Open Meeting Act and
12 the Open Records Act; amending 70 O.S. 2011, Section
13 6-101.11, which relates to copies of evaluations;
14 directing certain data to be available to authorized
15 representatives of the State Department of Education
16 and certain designees; providing for disclosure at
17 certain hearings; amending 70 O.S. 2011, Section 6-
18 101.16, as last amended by Section 4, Chapter 373,
19 O.S.L. 2013 (70 O.S. Supp. 2013, Section 6-101.16),
20 which relates to the Oklahoma Teacher and Leader
21 Effectiveness Evaluation System; directing the State
22 Department of Education to keep certain data
23 confidential; providing an effective date; 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 2, Chapter 373, O.S.L. 2013 (70 O.S. Supp.
2013, 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

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 school year, 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 school year one hundred percent (100%) of the evaluation rating of teachers and administrators shall be based on the qualitative

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

- 12 d. for evaluations of teachers and administrators
13 conducted during the 2015-2016 school year and each
14 school year thereafter, school districts shall fully
15 implement the TLE and incorporate and put into
16 operation both the qualitative components of the TLE
17 as provided for in subparagraph b of paragraph 4 of
18 subsection B of Section 6-101.16 of this title and the
19 student 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 school sites within the district. For the
24 2015-2016 school year and each school year thereafter,

1 fifty percent (50%) of the evaluation rating of
2 teachers and administrators shall be based on the
3 qualitative component of the TLE and fifty percent
4 (50%) shall be based on the quantitative component of
5 the TLE;

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

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

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

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

21 6. Provide that, except for superintendents of independent and
22 elementary school districts and superintendents of area school
23 districts who shall be evaluated by the school district board of
24 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 6-101.11, is amended to read as follows:

Section 6-101.11. Whenever any evaluation is made of a teacher or administrator, a true copy of the evaluation shall be presented to the person evaluated, who shall acknowledge the written evaluation by signing the original. Within two (2) weeks after the

1 evaluation, the person evaluated may respond and said response shall
2 be made part of the record. Except by order of a court of competent
3 jurisdiction, evaluation documents and the responses thereto shall
4 be available only to the evaluated person, the board of education,
5 the administrative staff making the evaluation, the board and
6 administrative staff of any school to which such evaluated person
7 applies for employment and such other persons as are specified by
8 the teacher in writing and shall be subject to disclosure at ~~a~~ any
9 hearing ~~or trial de novo~~ involving a teacher or administrator's
10 dismissal or nonrenewal from employment. Data collected pursuant to
11 Section 6-101.10 shall be available to authorized representatives of
12 the State Department of Education and its contracting designees who
13 must be contractually bound to the Department to maintain
14 confidentiality of all information received from the Department when
15 such evaluation data is used by the Department for data
16 collection/analysis purposes under the Oklahoma Teacher and Leader
17 Effectiveness Evaluation System, and such other persons as are
18 specified by the teacher in writing and shall be subject to
19 disclosure at any hearing involving a teacher or administrator's
20 dismissal or nonrenewal from employment.

21 SECTION 3. AMENDATORY 70 O.S. 2011, Section 6-101.16, as
22 last amended by Section 4, Chapter 373, O.S.L. 2013 (70 O.S. Supp.
23 2013, Section 6-101.16), is amended to read as follows:
24

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
7 school year as provided for in Section 6-101.10 of this title,
8 including determining the final calculation of the student academic
9 growth measurement as provided for in division (1) of subparagraph a
10 of paragraph 4 of subsection B of this section and developing a
11 teacher/student assignment verification system.

12 B. The TLE shall include the following components:

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

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

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

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

24

1 4. Quantitative and qualitative assessment components measured
2 as follows:

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

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

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

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

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

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

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

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

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

21 8. For first-year teachers, evaluations shall be based solely
22 on qualitative components set forth in subparagraph b of paragraph 4
23 of this subsection and the State Board of Education shall adopt
24

1 alternative percentages from those set forth in paragraph 4 of this
2 subsection.

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

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

12 E. A school district which has incorporated quantitative
13 components of the TLE pursuant to subparagraphs b and c of paragraph
14 1 of subsection A of Section ~~2 of this act~~ 6-101.10 of this title
15 may continue using those quantitative components, as defined by the
16 school districts' written policies, regardless of the State Board of
17 Education's adoption of quantitative components pursuant to this
18 section.

19 F. The State Department of Education shall provide to the
20 Oklahoma State Regents for Higher Education and the Oklahoma
21 Commission for Teacher Preparation timely electronic data linked to
22 teachers and leaders derived from the TLE for purposes of providing
23 a basis for the development of accountability and quality
24 improvements of the teacher preparation system. The data shall be

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 4. This act shall become effective July 1, 2014.

10 SECTION 5. It being immediately necessary for the preservation
11 of the public peace, health and safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14 Passed the Senate the 11th day of March, 2014.

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16 _____
17 Presiding Officer of the Senate

18 Passed the House of Representatives the ____ day of _____,
19 2014.

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21 _____
22 Presiding Officer of the House
23 of Representatives
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