

# SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

## FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1828, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

\_\_\_\_\_  
Senator Ford

Ford-EB-FS-Req#3501  
4/7/2014 9:56 AM

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

FLOOR SUBSTITUTE

FOR

SENATE BILL NO. 1828

By: Ford of the Senate

and

Nelson of the House

FLOOR SUBSTITUTE

[ teacher and leader evaluations - disclosure at  
certain hearings - Oklahoma Teacher and Leader  
Effectiveness Evaluation System - certain data  
confidential - effective date -  
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  
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

1 title, the procedure for evaluating members of the negotiations unit  
2 and any standards of performance and conduct proposed for adoption  
3 beyond those established by the State Board of Education shall be  
4 negotiable items. Nothing in this section shall be construed to  
5 annul, modify or to preclude the renewal or continuing of any  
6 existing agreement heretofore entered into between any school  
7 district and any organizational representative of its employees.  
8 Every policy of evaluation adopted by a board of education shall:

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

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

1 measurement quantitative components of the TLE as  
2 provided for in division (2) of subparagraph a of  
3 paragraph 4 of subsection B of Section 6-101.16 of  
4 this title into the evaluations used in all or a  
5 representative sampling of school sites within the  
6 district,

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

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

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

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

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

1 (50%) shall be based on the quantitative component of  
2 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.  
24

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 6-101.11, is  
18 amended to read as follows:

19 Section 6-101.11. Whenever any evaluation is made of a teacher  
20 or administrator, a true copy of the evaluation shall be presented  
21 to the person evaluated, who shall acknowledge the written  
22 evaluation by signing the original. Within two (2) weeks after the  
23 evaluation, the person evaluated may respond and said response shall  
24 be made part of the record. Except by order of a court of competent



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

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

22 Section 6-101.16. A. By December 15, 2011, the State Board of  
23 Education shall adopt a new statewide system of evaluation to be  
24 known as the Oklahoma Teacher and Leader Effectiveness Evaluation

1 System (TLE). The Board shall work cooperatively with school  
2 districts to fully implement both the quantitative and qualitative  
3 components of the TLE in all school districts by the 2015-2016  
4 school year as provided for in Section 6-101.10 of this title,  
5 including determining the final calculation of the student academic  
6 growth measurement as provided for in division (1) of subparagraph a  
7 of paragraph 4 of subsection B of this section and developing a  
8 teacher/student assignment verification system.

9 B. The TLE shall include the following components:

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

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

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

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

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

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

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

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

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

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

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

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

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