

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
3/6/2014 9:27 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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13 54-2-3501 EB 3/6/2014 9:27:36 AM

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