

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 ENGROSSED SENATE

5 BILL NO. 1828

By: Ford of the Senate

and

Nelson of the House

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9 An Act relating to teacher and leader evaluations;
10 amending 70 O.S. 2011, Section 6-101.10, as last
11 amended by Section 2, Chapter 373, O.S.L. 2013 (70
12 O.S. Supp. 2013, Section 6-101.10), which relates to
13 a written policy of evaluation; directing certain
14 data to not be subject to the Open Meeting Act and
15 the Open Records Act; amending 70 O.S. 2011, Section
16 6-101.11, which relates to copies of evaluations;
17 directing certain data to be available to authorized
18 representatives of the State Department of Education
19 and certain designees; providing for disclosure at
20 certain hearings; amending 70 O.S. 2011, Section 6-
21 101.16, as last amended by Section 4, Chapter 373,
22 O.S.L. 2013 (70 O.S. Supp. 2013, Section 6-101.16),
23 which relates to the Oklahoma Teacher and Leader
24 Effectiveness Evaluation System; directing the State
25 Department of Education to keep certain data
26 confidential; providing an effective date; and
27 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:

1 Section 6-101.10. A. Each school district board of education
2 shall maintain and annually review, following consultation with or
3 involvement of representatives selected by local teachers, a written
4 policy of evaluation for all teachers and administrators. In those
5 school districts in which there exists a professional negotiations
6 agreement made in accordance with Section 509.1 et seq. of this
7 title, the procedure for evaluating members of the negotiations unit
8 and any standards of performance and conduct proposed for adoption
9 beyond those established by the State Board of Education shall be
10 negotiable items. Nothing in this section shall be construed to
11 annul, modify or to preclude the renewal or continuing of any
12 existing agreement heretofore entered into between any school
13 district and any organizational representative of its employees.
14 Every policy of evaluation adopted by a board of education shall:

15 1. Be based upon a set of minimum criteria developed by the
16 State Board of Education, which shall be revised and based upon the
17 Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE)
18 developed by the State Board of Education as provided in Section 6-
19 101.16 of this title. The revisions to each policy of evaluation
20 shall be phased in according to the following schedule:

21 a. for evaluations of teachers and administrators
22 conducted during the 2012-2013 school year, school
23 districts shall for purposes of testing the TLE
24 incorporate on a trial basis the qualitative

1 components of the TLE as provided for in subparagraph
2 b of paragraph 4 of subsection B of Section 6-101.16
3 of this title into the evaluations used in all or a
4 representative sampling of school sites within the
5 district and may at the option of the school district
6 incorporate on a trial basis the other academic
7 measurement quantitative components of the TLE as
8 provided for in division (2) of subparagraph a of
9 paragraph 4 of subsection B of Section 6-101.16 of
10 this title into the evaluations used in all or a
11 representative sampling of school sites within the
12 district,

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

1 year, school districts shall for purposes of testing
2 the TLE incorporate on a trial basis the student
3 academic growth and other academic measurement
4 quantitative components of the TLE as provided for in
5 subparagraph a of paragraph 4 of subsection B of
6 Section 6-101.16 of this title into the evaluations
7 used in all or a representative sampling of school
8 sites within the district. However, nothing in this
9 subparagraph shall preclude a school district with an
10 average daily attendance of more than thirty-five
11 thousand (35,000) from incorporating at its own
12 expense the quantitative model of the TLE and basing
13 up to fifty percent (50%) of the evaluation rating of
14 teachers and administrators on the quantitative
15 components of the TLE, as defined by the district's
16 written policy, during the 2013-2014 school year,
17 c. for evaluations of teachers and administrators
18 conducted during the 2014-2015 school year, school
19 districts shall for purposes of establishing baseline
20 data incorporate the student academic growth and other
21 academic measurement quantitative components of the
22 TLE as provided for in subparagraph a of paragraph 4
23 of subsection B of Section 6-101.16 of this title into
24 the evaluations used in all school sites within the

1 district. For the 2014-2015 school year one hundred
2 percent (100%) of the evaluation rating of teachers
3 and administrators shall be based on the qualitative
4 component of the TLE, and no portion of the evaluation
5 rating shall be based on the quantitative components
6 of the TLE. However, nothing in this subparagraph
7 shall preclude a school district with an average daily
8 attendance of more than thirty-five thousand (35,000)
9 from incorporating at its own expense the quantitative
10 model of the TLE and basing up to fifty percent (50%)
11 of the evaluation rating of teachers and
12 administrators on the quantitative components of the
13 TLE, as defined by the district's written policy,
14 during the 2014-2015 school year, and

- 15 d. for evaluations of teachers and administrators
16 conducted during the 2015-2016 school year and each
17 school year thereafter, school districts shall fully
18 implement the TLE and incorporate and put into
19 operation both the qualitative components of the TLE
20 as provided for in subparagraph b of paragraph 4 of
21 subsection B of Section 6-101.16 of this title and the
22 student academic growth and other academic measurement
23 quantitative components of the TLE as provided for in
24 subparagraph a of paragraph 4 of subsection B of

1 Section 6-101.16 of this title into the evaluations
2 used in all school sites within the district. For the
3 2015-2016 school year and each school year thereafter,
4 fifty percent (50%) of the evaluation rating of
5 teachers and administrators shall be based on the
6 qualitative component of the TLE and fifty percent
7 (50%) shall be based on the quantitative component of
8 the TLE;

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

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

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

20 5. Provide that every teacher be evaluated once every year,
21 except for career teachers receiving a "superior" or "highly
22 effective" rating under the TLE, who may be evaluated once every two
23 (2) years; and
24

1 6. Provide that, except for superintendents of independent and
2 elementary school districts and superintendents of area school
3 districts who shall be evaluated by the school district board of
4 education, all certified personnel shall be evaluated by a
5 principal, assistant principal, or other trained certified
6 individual designated by the school district board of education.

7 B. All individuals designated by the school district board of
8 education to conduct the personnel evaluations shall be required to
9 participate in training conducted by the State Department of
10 Education or training provided by the school district using
11 guidelines and materials developed by the State Department of
12 Education prior to conducting evaluations.

13 C. The State Department of Education shall develop and conduct
14 workshops pursuant to statewide criteria which train individuals in
15 conducting evaluations.

16 D. The State Board of Education shall monitor compliance with
17 the provisions of this section by school districts.

18 E. Refusal by a school district to comply with the provisions
19 of this section shall be grounds for withholding State Aid funds
20 until compliance occurs.

21 F. Data collected pursuant to this section shall not be subject
22 to the Oklahoma Open Meeting Act or the Oklahoma Open Records Act.

23 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.11, is
24 amended to read as follows:

1 Section 6-101.11. Whenever any evaluation is made of a teacher
2 or administrator, a true copy of the evaluation shall be presented
3 to the person evaluated, who shall acknowledge the written
4 evaluation by signing the original. Within two (2) weeks after the
5 evaluation, the person evaluated may respond and said response shall
6 be made part of the record. Except by order of a court of competent
7 jurisdiction, evaluation documents and the responses thereto shall
8 be available only to the evaluated person, the board of education,
9 the administrative staff making the evaluation, the board and
10 administrative staff of any school to which such evaluated person
11 applies for employment and such other persons as are specified by
12 the teacher in writing and shall be subject to disclosure at ~~a~~ any
13 ~~hearing or trial de novo~~ involving a teacher or administrator's
14 dismissal or nonrenewal from employment. Data collected pursuant to
15 Section 6-101.10 shall be available to authorized representatives of
16 the State Department of Education and its contracting designees who
17 must be contractually bound to the Department to maintain
18 confidentiality of all information received from the Department when
19 such evaluation data is used by the Department for data
20 collection/analysis purposes under the Oklahoma Teacher and Leader
21 Effectiveness Evaluation System, and such other persons as are
22 specified by the teacher in writing and shall be subject to
23 disclosure at any hearing involving a teacher or administrator's
24 dismissal or nonrenewal from employment.

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

4 Section 6-101.16. A. By December 15, 2011, the State Board of
5 Education shall adopt a new statewide system of evaluation to be
6 known as the Oklahoma Teacher and Leader Effectiveness Evaluation
7 System (TLE). The Board shall work cooperatively with school
8 districts to fully implement both the quantitative and qualitative
9 components of the TLE in all school districts by the 2015-2016
10 school year as provided for in Section 6-101.10 of this title,
11 including determining the final calculation of the student academic
12 growth measurement as provided for in division (1) of subparagraph a
13 of paragraph 4 of subsection B of this section and developing a
14 teacher/student assignment verification system.

15 B. The TLE shall include the following components:

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

- 17 a. superior,
- 18 b. highly effective,
- 19 c. effective,
- 20 d. needs improvement, and
- 21 e. ineffective;

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

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

3 4. Quantitative and qualitative assessment components measured
4 as follows:

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

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

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

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

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

21 a. organizational and classroom management skills,
22 b. ability to provide effective instruction,
23 c. focus on continuous improvement and professional
24 growth,

1 d. interpersonal skills, and

2 e. leadership skills;

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

8 a. organizational and school management, including
9 retention and development of effective teachers and
10 dismissal of ineffective teachers,

11 b. instructional leadership,

12 c. professional growth and responsibility,

13 d. interpersonal skills,

14 e. leadership skills, and

15 f. stakeholder perceptions;

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

23 8. For first-year teachers, evaluations shall be based solely
24 on qualitative components set forth in subparagraph b of paragraph 4

1 of this subsection and the State Board of Education shall adopt
2 alternative percentages from those set forth in paragraph 4 of this
3 subsection.

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

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

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

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

1 improvements of the teacher preparation system. The data shall be
2 provided in a manner and at such times as agreed upon between the
3 Department, the State Regents and the Commission.

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

7 H. The State Department of Education shall keep all data
8 collected pursuant to the TLE and records of annual evaluations
9 received pursuant to this section confidential.

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

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

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16 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04/08/2014
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