

1 ENGROSSED SENATE
2 BILL NO. 706

By: Ford and Pittman of the
Senate

3 and

4 Casey of the House

5
6 [teachers - evaluation policies - certain study -
7 Teacher and Leader Effectiveness Evaluation System -
8 certain evaluation percentage for certain teachers -
9 certain alternative percentages - ~~effective date~~ -
emergency]

10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.10, as
12 last amended by Section 1, Chapter 331, O.S.L. 2014 (70 O.S. Supp.
13 2014, Section 6-101.10), is amended to read as follows:

14 Section 6-101.10. A. Each school district board of education
15 shall maintain and annually review, following consultation with or
16 involvement of representatives selected by local teachers, a written
17 policy of evaluation for all teachers and administrators. In those
18 school districts in which there exists a professional negotiations
19 agreement made in accordance with Section 509.1 et seq. of this
20 title, the procedure for evaluating members of the negotiations unit
21 and any standards of performance and conduct proposed for adoption
22 beyond those established by the State Board of Education shall be
23 negotiable items. Nothing in this section shall be construed to
24 annul, modify or to preclude the renewal or continuing of any

1 existing agreement heretofore entered into between any school
2 district and any organizational representative of its employees.
3 Every policy of evaluation adopted by a board of education shall:

4 1. Be based upon a set of minimum criteria developed by the
5 State Board of Education, which shall be revised and based upon the
6 Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE)
7 developed by the State Board of Education as provided in Section 6-
8 101.16 of this title. The revisions to each policy of evaluation
9 shall be phased in according to the following schedule:

10 a. for evaluations of teachers and administrators
11 conducted during the 2012-2013 school year, school
12 districts shall for purposes of testing the TLE
13 incorporate on a trial basis the qualitative
14 components of the TLE as provided for in subparagraph
15 b of paragraph 4 of subsection B of Section 6-101.16
16 of this title into the evaluations used in all or a
17 representative sampling of school sites within the
18 district and may at the option of the school district
19 incorporate on a trial basis the other academic
20 measurement quantitative components of the TLE as
21 provided for in division (2) of subparagraph a of
22 paragraph 4 of subsection B of Section 6-101.16 of
23 this title into the evaluations used in all or a
24

1 representative sampling of school sites within the
2 district,

- 3 b. for evaluations of teachers and administrators
4 conducted during the 2013-2014 school year, school
5 districts shall incorporate and put into operation the
6 qualitative components of the TLE as provided for in
7 subparagraph b of paragraph 4 of subsection B of
8 Section 6-101.16 of this title into the evaluations
9 used in all school sites within the district. For the
10 2013-2014 school year one hundred percent (100%) of
11 the evaluation rating of teachers and administrators
12 shall be based on the qualitative component of the
13 TLE. In addition, for evaluations of teachers and
14 administrators conducted during the 2013-2014 school
15 year, school districts shall for purposes of testing
16 the TLE incorporate on a trial basis the student
17 academic growth and other academic measurement
18 quantitative components of the TLE as provided for in
19 subparagraph a of paragraph 4 of subsection B of
20 Section 6-101.16 of this title into the evaluations
21 used in all or a representative sampling of school
22 sites within the district. However, nothing in this
23 subparagraph shall preclude a school district with an
24 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

1 expense the quantitative model of the TLE and basing
2 up to fifty percent (50%) of the evaluation rating of
3 teachers and administrators on the quantitative
4 components of the TLE, as defined by the district's
5 written policy, during the 2014-2015, 2015-2016, and
6 2016-2017 school ~~year~~ years, and

- 7 d. for evaluations of teachers and administrators
8 conducted during the ~~2015-2016~~ 2017-2018 school year
9 and each school year thereafter, school districts
10 shall fully implement the TLE and incorporate and put
11 into operation both the qualitative components of the
12 TLE as provided for in subparagraph b of paragraph 4
13 of subsection B of Section 6-101.16 of this title and
14 the student academic growth and other academic
15 measurement quantitative components of the TLE as
16 provided for in subparagraph a of paragraph 4 of
17 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 ~~2015-2016~~ 2017-2018 school year and
20 each school year thereafter, fifty percent (50%) of
21 the evaluation rating of teachers and administrators
22 shall be based on the qualitative component of the TLE
23 and fifty percent (50%) shall be based on the
24 quantitative component of the TLE;

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

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

8 4. Provide that every probationary teacher receive formative
9 feedback from the evaluation process at least two times per school
10 year, once during the fall semester and once during the spring
11 semester;

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

16 6. Provide that, except for superintendents of independent and
17 elementary school districts and superintendents of area school
18 districts who shall be evaluated by the school district board of
19 education, all certified personnel shall be evaluated by a
20 principal, assistant principal, or other trained certified
21 individual designated by the school district board of education.

22 B. All individuals designated by the school district board of
23 education to conduct the personnel evaluations shall be required to
24 participate in training conducted by the State Department of

1 Education or training provided by the school district using
2 guidelines and materials developed by the State Department of
3 Education prior to conducting evaluations.

4 C. The State Department of Education shall develop and conduct
5 workshops pursuant to statewide criteria which train individuals in
6 conducting evaluations.

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

9 E. The State Board of Education, in consultation with the
10 Teacher and Leader Effectiveness Commission, shall study continued
11 implementation of the TLE to produce a system that promotes
12 reflection and professional growth for teachers and leaders.

13 F. Refusal by a school district to comply with the provisions
14 of this section shall be grounds for withholding State Aid funds
15 until compliance occurs.

16 ~~F.~~ G. Data collected pursuant to this section shall not be
17 subject to the Oklahoma Open Meeting Act or the Oklahoma Open
18 Records Act.

19 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.16, as
20 last amended by Section 3, Chapter 331, O.S.L. 2014 (70 O.S. Supp.
21 2014, 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~~ 2017-
4 2018 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:

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. For those teachers who have at
19 least one tested grade or subject, school districts shall have the
20 option of adopting an alternative percentage from that set forth in
21 division (1) of subparagraph a of paragraph 4 of this subsection;
22 ~~and~~

23 8. For first-year and second-year teachers, evaluations shall
24 be based solely on qualitative components set forth in subparagraph

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

4 9. For teachers who were previously employed by a different
5 school district and for teachers who enter into post-retirement
6 employment with a public school, school districts shall have the
7 option of evaluating the teachers based solely on qualitative
8 components set forth in subparagraph b of paragraph 4 of this
9 subsection, and the State Board of Education shall adopt alternative
10 percentages from those set forth in paragraph 4 of this subsection.

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

13 D. The Teacher and Leader Effectiveness Commission shall adopt
14 the student academic growth and other academic measurement
15 quantitative components of the TLE as provided for in subparagraph a
16 of paragraph 4 of subsection B of Section 6-101.16 of this title by
17 May 1, 2014. The Commission shall provide oversight and advise the
18 State Board of Education on the development and implementation of
19 the TLE.

20 E. A school district which has incorporated quantitative
21 components of the TLE pursuant to subparagraphs b and c of paragraph
22 1 of subsection A of Section 6-101.10 of this title may continue
23 using those quantitative components, as defined by the school
24 districts' written policies, regardless of the State Board of

1 Education's adoption of quantitative components pursuant to this
2 section.

3 F. The State Department of Education shall provide to the
4 Oklahoma State Regents for Higher Education and the Oklahoma
5 Commission for Teacher Preparation timely electronic data linked to
6 teachers and leaders derived from the TLE for purposes of providing
7 a basis for the development of accountability and quality
8 improvements of the teacher preparation system. The data shall be
9 provided in a manner and at such times as agreed upon between the
10 Department, the State Regents and the Commission.

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

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

17 ~~SECTION 3. This act shall become effective July 1, 2015.~~

18 ~~SECTION 4. It being immediately necessary for the preservation~~
19 ~~of the public peace, health and safety, an emergency is hereby~~
20 ~~declared to exist, by reason whereof this act shall take effect and~~
21 ~~be in full force from and after its passage and approval.~~

1 Passed the Senate the 9th day of March, 2015.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2015.

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8 _____
9 Presiding Officer of the House
of Representatives