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February 25, 2015

AS AMENDED

SENATE BILL NO. 706

By: Ford of the Senate

and

Casey of the House

[teachers - evaluation policies - certain study -
Teacher and Leader Effectiveness Evaluation System -
certain evaluation percentage for certain teachers -
certain alternative percentages - ~~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 1, Chapter 331, O.S.L. 2014 (70 O.S. Supp. 2014, 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 title, the procedure for evaluating members of the negotiations unit and any standards of performance and conduct proposed for adoption beyond those established by the State Board of Education shall be

1 negotiable items. Nothing in this section shall be construed to
2 annul, modify or to preclude the renewal or continuing of any
3 existing agreement heretofore entered into between any school
4 district and any organizational representative of its employees.
5 Every policy of evaluation adopted by a board of education shall:

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

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

1 this title into the evaluations used in all or a
2 representative sampling of school sites within the
3 district,

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

1 average daily attendance of more than thirty-five
2 thousand (35,000) from incorporating at its own
3 expense the quantitative model of the TLE and basing
4 up to fifty percent (50%) of the evaluation rating of
5 teachers and administrators on the quantitative
6 components of the TLE, as defined by the district's
7 written policy, during the 2013-2014 school year,

- 8 c. for evaluations of teachers and administrators
9 conducted during the 2014-2015, 2015-2016, and 2016-
10 2017 school ~~year~~ years, school districts shall for
11 purposes of establishing baseline data incorporate the
12 student academic growth and other academic measurement
13 quantitative components of the TLE as provided for in
14 subparagraph a 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 2014-2015, 2015-2016, and 2016-2017 school ~~year~~ years,
18 one hundred percent (100%) of the evaluation rating of
19 teachers and administrators shall be based on the
20 qualitative component of the TLE, and no portion of
21 the evaluation rating shall be based on the
22 quantitative components of the TLE. However, nothing
23 in this subparagraph shall preclude a school district
24 with an average daily attendance of more than thirty-

1 five thousand (35,000) from incorporating at its own
2 expense the quantitative model of the TLE and basing
3 up to fifty percent (50%) of the evaluation rating of
4 teachers and administrators on the quantitative
5 components of the TLE, as defined by the district's
6 written policy, during the 2014-2015, 2015-2016, and
7 2016-2017 school ~~year~~ years, and

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

1 and fifty percent (50%) shall be based on the
2 quantitative component of 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. The State Board of Education, in consultation with the
13 Teacher and Leader Effectiveness Commission, shall study continued
14 implementation of the TLE to produce a system that promotes
15 reflection and professional growth for teachers and leaders.

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

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

22 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.16, as
23 last amended by Section 3, Chapter 331, O.S.L. 2014 (70 O.S. Supp.
24 2014, Section 6-101.16), is amended to read as follows:

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~~ 2017-
7 2018 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. For those teachers who have at
21 least one tested grade or subject, school districts shall have the
22 option of adopting an alternative percentage from that set forth in
23 division (1) of subparagraph a of paragraph 4 of this subsection;
24 ~~and~~

1 8. For first-year and second-year teachers, evaluations shall
2 be based solely on qualitative components set forth in subparagraph
3 b of paragraph 4 of this subsection and the State Board of Education
4 shall adopt alternative percentages from those set forth in
5 paragraph 4 of this subsection; and

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

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

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

22 E. A school district which has incorporated quantitative
23 components of the TLE pursuant to subparagraphs b and c of paragraph
24 1 of subsection A of Section 6-101.10 of this title may continue

1 using those quantitative components, as defined by the school
2 districts' written policies, regardless of the State Board of
3 Education's adoption of quantitative components pursuant to this
4 section.

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

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

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

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

20 ~~SECTION 4. It being immediately necessary for the preservation~~
21 ~~of the public peace, health and safety, an emergency is hereby~~

~~declared to exist, by reason whereof this act shall take effect and
be in full force from and after its passage and approval.~~

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
February 25, 2015 - DO PASS AS AMENDED