

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 706

By: Ford

AS INTRODUCED

An Act relating to teachers; amending 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, which relates to evaluation policies; directing certain evaluation components to be used during certain school years; directing the State Board of Education, in certain consultation, to conduct certain study; amending 70 O.S. 2011, Section 6-101.16, as last amended by Section 3, Chapter 331, O.S.L. 2014 (70 O.S. Supp. 2014, Section 6-101.16), which relates to the Teacher and Leader Effectiveness Evaluation System; delaying implementation of certain system; allowing school districts to adopt certain evaluation percentage for certain teachers; directing the State Board of Education to adopt certain alternative percentages; providing an effective date; and 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 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

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

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

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

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

- 10 b. for evaluations of teachers and administrators
11 conducted during the 2013-2014 school year, school
12 districts shall incorporate and put into operation the
13 qualitative components of the TLE as provided for in
14 subparagraph b 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 2013-2014 school year one hundred percent (100%) of
18 the evaluation rating of teachers and administrators
19 shall be based on the qualitative component of the
20 TLE. In addition, for evaluations of teachers and
21 administrators conducted during the 2013-2014 school
22 year, school districts shall for purposes of testing
23 the TLE incorporate on a trial basis the student
24 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 or a representative sampling of school sites within the district. 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 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

1 teachers and administrators shall be based on the
2 qualitative component of the TLE, and no portion of
3 the evaluation rating shall be based on the
4 quantitative components of the TLE. However, nothing
5 in this subparagraph shall preclude a school district
6 with an average daily attendance of more than thirty-
7 five thousand (35,000) from incorporating at its own
8 expense the quantitative model of the TLE and basing
9 up to fifty percent (50%) of the evaluation rating of
10 teachers and administrators on the quantitative
11 components of the TLE, as defined by the district's
12 written policy, during the 2014-2015, 2015-2016, and
13 2016-2017 school ~~year~~ years, and

- 14 d. for evaluations of teachers and administrators
15 conducted during the ~~2015-2016~~ 2017-2018 school year
16 and each school year thereafter, school districts
17 shall fully implement the TLE and incorporate and put
18 into operation both the qualitative components of the
19 TLE as provided for in subparagraph b of paragraph 4
20 of subsection B of Section 6-101.16 of this title and
21 the student academic growth and other academic
22 measurement quantitative components of the TLE as
23 provided for in subparagraph a of paragraph 4 of
24 subsection B of Section 6-101.16 of this title into

1 the evaluations used in all school sites within the
2 district. For the ~~2015-2016~~ 2017-2018 school year and
3 each school year thereafter, fifty percent (50%) of
4 the evaluation rating of teachers and administrators
5 shall be based on the qualitative component of the TLE
6 and fifty percent (50%) shall be based on the
7 quantitative component of the TLE;

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

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

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

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

23 6. Provide that, except for superintendents of independent and
24 elementary school districts and superintendents of area school

1 districts who shall be evaluated by the school district board of
2 education, all certified personnel shall be evaluated by a
3 principal, assistant principal, or other trained certified
4 individual designated by the school district board of education.

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

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

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

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

20 F. Refusal by a school district to comply with the provisions
21 of this section shall be grounds for withholding State Aid funds
22 until compliance occurs.
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1 ~~F.~~ G. Data collected pursuant to this section shall not be
2 subject to the Oklahoma Open Meeting Act or the Oklahoma Open
3 Records Act.

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

7 Section 6-101.16. A. By December 15, 2011, the State Board of
8 Education shall adopt a new statewide system of evaluation to be
9 known as the Oklahoma Teacher and Leader Effectiveness Evaluation
10 System (TLE). The Board shall work cooperatively with school
11 districts to fully implement both the quantitative and qualitative
12 components of the TLE in all school districts by the ~~2015-2016~~ 2017-
13 2018 school year as provided for in Section 6-101.10 of this title,
14 including determining the final calculation of the student academic
15 growth measurement as provided for in division (1) of subparagraph a
16 of paragraph 4 of subsection B of this section and developing a
17 teacher/student assignment verification system.

18 B. The TLE shall include the following components:

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

- 20 a. superior,
- 21 b. highly effective,
- 22 c. effective,
- 23 d. needs improvement, and
- 24 e. ineffective;

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

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

6 4. Quantitative and qualitative assessment components measured
7 as follows:

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

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

14 (2) fifteen percentage points based on other academic
15 measurements, and

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

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

24 a. organizational and classroom management skills,

- b. ability to provide effective instruction,
- c. focus on continuous improvement and professional growth,
- d. interpersonal skills, and
- e. leadership skills;

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

- a. organizational and school management, including retention and development of effective teachers and dismissal of ineffective teachers,
- b. instructional leadership,
- c. professional growth and responsibility,
- d. interpersonal skills,
- e. leadership skills, and
- f. stakeholder perceptions;

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

1 overall school academic growth. For those teachers who have at
2 least one tested grade or subject, school districts shall have the
3 option of adopting an alternative percentage from that set forth in
4 division (1) of subparagraph a of paragraph 4 of this subsection;
5 and

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

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

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

20 D. The Teacher and Leader Effectiveness Commission shall adopt
21 the student academic growth and other academic measurement
22 quantitative components of the TLE as provided for in subparagraph a
23 of paragraph 4 of subsection B of Section 6-101.16 of this title by
24 May 1, 2014. The Commission shall provide oversight and advise the

1 State Board of Education on the development and implementation of
2 the TLE.

3 E. A school district which has incorporated quantitative
4 components of the TLE pursuant to subparagraphs b and c of paragraph
5 1 of subsection A of Section 6-101.10 of this title may continue
6 using those quantitative components, as defined by the school
7 districts' written policies, regardless of the State Board of
8 Education's adoption of quantitative components pursuant to this
9 section.

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

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

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

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

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

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