

1 ENGROSSED HOUSE
2 BILL NO. 1959

By: Provenzano of the House

3 and

4 Pemberton of the Senate

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6
7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 6-101.16, as last amended by Section 4,
9 Chapter 301, O.S.L. 2016 (70 O.S. Supp. 2018, Section
10 6-101.16), which relates to the Oklahoma Teacher and
11 Leader Effectiveness Evaluation System; exempting
12 teachers from certain evaluation under certain
13 conditions for certain time period; requiring
14 continued participation in certain professional
15 development programs; and providing an effective
16 date.

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

18 SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.16, as
19 last amended by Section 4, Chapter 301, O.S.L. 2016 (70 O.S. Supp.
20 2018, Section 6-101.16), is amended to read as follows:

21 Section 6-101.16 A. By December 15, 2011, the State Board of
22 Education shall adopt a new statewide system of evaluation to be
23 known as the Oklahoma Teacher and Leader Effectiveness Evaluation
24 System (TLE). The Board shall work cooperatively with school
districts to incorporate the components of the TLE in all school
districts by the 2017-2018 school year as provided for in Section 6-
101.10 of this title.

1 B. The TLE shall include the following components:

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

5 2. A five-tier district evaluation rating system as follows:

- 6 a. superior,
- 7 b. highly effective,
- 8 c. effective,
- 9 d. needs improvement, and
- 10 e. ineffective;

11 3. An evidence-based qualitative assessment tool for the
12 teacher qualitative portion of the TLE that will include observable
13 and measurable characteristics of personnel and classroom practices
14 that are correlated to student performance success, including, but
15 not limited to:

- 16 a. organizational and classroom management skills,
- 17 b. ability to provide effective instruction,
- 18 c. focus on continuous improvement and professional
19 growth,
- 20 d. interpersonal skills, and
- 21 e. leadership skills;

22 4. An evidence-based qualitative assessment tool for the leader
23 qualitative portion of the TLE that will include observable and
24 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;

5. An individualized program of professional development for all teachers and administrators as adopted by the school district board of education as set forth in subsection B of Section 6-101.10 of this title;

6. For districts choosing to use, at their own expense, quantitative measures of teachers and leaders as part of the district evaluation rating, such measures shall include a minimum of one reliable, research-based measure as approved by the State Board of Education pursuant to subsection D of this section; and

7. For all district evaluations, student performance, including performance on the statewide criterion-referenced tests if available, shall be discussed with the teacher and may be one of the considerations for the teacher's district evaluation rating.

1 C. Career teachers receiving a district evaluation rating of
2 "superior" or "highly effective" under the TLE may be evaluated once
3 every three (3) years.

4 D. By December 1, 2015, the Teacher and Leader Effectiveness
5 Commission shall recommend to the State Board of Education multiple
6 reliable, research-based measures to provide a quantitative
7 evaluation component for teachers. The State Board of Education
8 shall approve and publish a list of approved measures by February 1,
9 2016.

10 E. A school district with an average daily attendance of more
11 than thirty-five thousand (35,000) which has incorporated
12 quantitative components of the TLE into its evaluation system of
13 teachers and administrators prior to the 2015-2016 school year may
14 continue using its evaluation system, as defined by the school
15 district's written policies, notwithstanding the provisions of this
16 section and regardless of the State Board of Education's adoption of
17 quantitative components pursuant to this section.

18 F. The State Department of Education shall provide to the
19 Oklahoma State Regents for Higher Education and the Oklahoma
20 Commission for Educational Quality and Accountability timely
21 electronic data linked to teachers and leaders derived from the TLE
22 for purposes of providing a basis for the development of
23 accountability and quality improvements of the teacher preparation
24 system. The data shall be provided in a manner and at such times as

1 agreed upon between the Department, the State Regents and the
2 Commission.

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

6 H. The State Department of Education shall keep all data
7 collected pursuant to the TLE and records of annual evaluations
8 received pursuant to this section confidential. Records created
9 pursuant to this section which identify, in any way, a current or
10 former public employee shall not be subject to disclosure under the
11 Oklahoma Open Records Act. Nothing in this subsection shall be
12 construed to prohibit disclosure otherwise required by this section;
13 provided, however, any provisions requiring disclosure of TLE
14 records shall be construed narrowly and all individually identifying
15 information shall be removed from such records to the fullest extent
16 possible.

17 I. Until November 1, 2022, a certified teacher subject to an
18 individual annual evaluation pursuant to this section shall be
19 exempt from an evaluation in the current year, if the following
20 conditions are met:

21 1. During the first nine (9) weeks of the school year, the
22 school district of which the teacher is employed exceeds class size
23 limitations as provided in Sections 18-113.1, 18-113.2 and 18-113.3
24 of this title and the school district has determined the reason for

1 exceeding the limitation was caused, at least in part, by
2 insufficient or lack of staff or teachers;

3 2. During the current school year in which year the teacher
4 shall be exempt from the evaluation, the teacher chooses to teach,
5 if offered by the school district as an option, an additional
6 section of a course or provides any additional educational
7 instruction in a class in the school for which the teacher is
8 employed in lieu of taking a scheduled planning period. The
9 exemption for the current year shall not be used in place of
10 financial compensation for the additional section taught; and

11 3. During the two (2) school years immediately preceding the
12 year the teacher shall be exempt from the evaluation, the teacher
13 received an individual rating equivalent to "effective" or higher as
14 listed in paragraph 2 of subsection B of this section.

15 J. Teachers receiving the exemption provided in subsection I of
16 this section shall still participate in programs of professional
17 development adopted by the school district board of education as
18 described in subsection B of Section 6-101.10 of this title.

19 SECTION 2. This act shall become effective November 1, 2019.
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1 Passed the House of Representatives the 5th day of March, 2019.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2019.

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8 Presiding Officer of the Senate