

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1959

By: Provenzano

7
8 COMMITTEE SUBSTITUTE

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

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

20 SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.16, as
21 last amended by Section 4, Chapter 301, O.S.L. 2016 (70 O.S. Supp.
22 2018, Section 6-101.16), is amended to read as follows:

23 Section 6-101.16 A. By December 15, 2011, the State Board of
24 Education shall adopt a new statewide system of evaluation to be
25 known as the Oklahoma Teacher and Leader Effectiveness Evaluation
26 System (TLE). The Board shall work cooperatively with school
27 districts to incorporate the components of the TLE in all school

1 districts by the 2017-2018 school year as provided for in Section 6-
2 101.10 of this title.

3 B. The TLE shall include the following components:

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

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

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

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

- 18 a. organizational and classroom management skills,
 - 19 b. ability to provide effective instruction,
 - 20 c. focus on continuous improvement and professional
21 growth,
 - 22 d. interpersonal skills, and
 - 23 e. leadership skills;
- 24

1 4. 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 5. An individualized program of professional development for
15 all teachers and administrators as adopted by the school district
16 board of education as set forth in subsection B of Section 6-101.10
17 of this title;

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

23 7. For all district evaluations, student performance, including
24 performance on the statewide criterion-referenced tests if

1 available, shall be discussed with the teacher and may be one of the
2 considerations for the teacher's district evaluation rating.

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

6 D. By December 1, 2015, the Teacher and Leader Effectiveness
7 Commission shall recommend to the State Board of Education multiple
8 reliable, research-based measures to provide a quantitative
9 evaluation component for teachers. The State Board of Education
10 shall approve and publish a list of approved measures by February 1,
11 2016.

12 E. A school district with an average daily attendance of more
13 than thirty-five thousand (35,000) which has incorporated
14 quantitative components of the TLE into its evaluation system of
15 teachers and administrators prior to the 2015-2016 school year may
16 continue using its evaluation system, as defined by the school
17 district's written policies, notwithstanding the provisions of this
18 section and regardless of the State Board of Education's adoption of
19 quantitative components pursuant to this 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 Educational Quality and Accountability timely
23 electronic data linked to teachers and leaders derived from the TLE
24 for purposes of providing a basis for the development of

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

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

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

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

23 1. During the first nine (9) weeks of the school year, the
24 school district of which the teacher is employed exceeds class size

1 limitations as provided in Sections 18-113.1, 18-113.2 and 18-113.3
2 of this title and the school district has determined the reason for
3 exceeding the limitation was caused, at least in part, by
4 insufficient or lack of staff or teachers;

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

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

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

21 SECTION 2. This act shall become effective November 1, 2019.

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23 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/26/2019
24 - DO PASS, As Amended.