

1 ENGROSSED SENATE AMENDMENTS
TO

2 ENGROSSED HOUSE
3 BILL NO. 1290

By: Cannaday, Bennett, Casey,
Perryman, Sherrer, Cockcroft
and Hoskin of the House

4
5 and

6 Fields of the Senate
7

8 An Act relating to schools; amending 70 O.S. 2011,
9 Section 6-101.10, as last amended by Section 1,
10 Chapter 331, O.S.L. 2014 (70 O.S. Supp. 2014, Section
11 6-101.10), which relates to teacher evaluation
12 policies; amending 70 O.S. 2011, Section 6-101.16, as
13 last amended by Section 3, Chapter 331, O.S.L. 2014
14 (70 O.S. Supp. 2014, Section 6-101.16), which relates
15 to the Oklahoma Teacher and Leader Effectiveness
16 Evaluation System; modifying dates for implementation
17 of the Oklahoma Teacher and Leader Effectiveness
18 Evaluation System; clarifying duties of the State
19 Board of Education; modifying date for adoption of
20 recommendations by the Teacher and Leader
21 Effectiveness Commission; clarifying
22 responsibilities; amending 70 O.S. 2011, Section 6-
23 101.17, which relates to the Teacher and Leader
24 Effectiveness Commission; adding duties; and
declaring an emergency.

AUTHOR: Add the following Senate Coauthor: Ford

AMENDMENT NO. 1. Page 1, strike the title to read:

"[schools - teacher evaluation policies -
~~emergency~~]"

AMENDMENT NO. 2. Page 1, strike the enacting clause

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24 Effectiveness Commission; adding duties; and
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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

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

12 Every policy of evaluation adopted by a board of education shall:

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

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

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

11 b. for evaluations of teachers and administrators
12 conducted during the 2013-2014 school year, school
13 districts shall incorporate and put into operation the
14 qualitative components of the TLE as provided for in
15 subparagraph b of paragraph 4 of subsection B of
16 Section 6-101.16 of this title into the evaluations
17 used in all school sites within the district. For the
18 2013-2014 school year one hundred percent (100%) of
19 the evaluation rating of teachers and administrators
20 shall be based on the qualitative component of the
21 TLE. In addition, for evaluations of teachers and
22 administrators conducted during the 2013-2014 school
23 year, school districts shall for purposes of testing
24 the TLE incorporate on a trial basis the student

1 academic growth and other academic measurement
2 quantitative components of the TLE as provided for in
3 subparagraph a of paragraph 4 of subsection B of
4 Section 6-101.16 of this title into the evaluations
5 used in all or a representative sampling of school
6 sites within the district. However, nothing in this
7 subparagraph shall preclude a school district with an
8 average daily attendance of more than thirty-five
9 thousand (35,000) from incorporating at its own
10 expense the quantitative model of the TLE and basing
11 up to fifty percent (50%) of the evaluation rating of
12 teachers and administrators on the quantitative
13 components of the TLE, as defined by the district's
14 written policy, during the 2013-2014 school year,

15 c. for evaluations of teachers and administrators
16 conducted during the 2014-2015, 2015-2016 and 2016-
17 2017 school ~~year~~ years, school districts shall for
18 purposes of establishing baseline data incorporate the
19 student academic growth and other academic measurement
20 quantitative components of the TLE as provided for in
21 subparagraph a of paragraph 4 of subsection B of
22 Section 6-101.16 of this title into the evaluations
23 used in all school sites within the district. For the
24 2014-2015, 2015-2016 and 2016-2017 school ~~year~~ years

1 one hundred percent (100%) of the evaluation rating of
2 teachers and administrators shall be based on the
3 qualitative component of the TLE, and no portion of
4 the evaluation rating shall be based on the
5 quantitative components of the TLE. However, nothing
6 in this subparagraph shall preclude a school district
7 with an average daily attendance of more than thirty-
8 five thousand (35,000) from incorporating at its own
9 expense the quantitative model of the TLE and basing
10 up to fifty percent (50%) of the evaluation rating of
11 teachers and administrators on the quantitative
12 components of the TLE, as defined by the district's
13 written policy, during the 2014-2015, 2015-2016 and
14 2016-2017 school ~~year~~ years, and

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

1 subsection B of Section 6-101.16 of this title into
2 the evaluations used in all school sites within the
3 district. For the ~~2015-2016~~ 2017-2018 school year and
4 each school year thereafter, fifty percent (50%) of
5 the evaluation rating of teachers and administrators
6 shall be based on the qualitative component of the TLE
7 and fifty percent (50%) shall be based on the
8 quantitative component of the TLE;

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

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

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

20 5. Provide that every teacher be evaluated once every year,
21 except for career teachers receiving a "superior" or "highly
22 effective" rating under the TLE, who may be evaluated once every two
23 (2) years; and
24

1 6. Provide that, except for superintendents of independent and
2 elementary school districts and superintendents of area school
3 districts who shall be evaluated by the school district board of
4 education, all certified personnel shall be evaluated by a
5 principal, assistant principal, or other trained certified
6 individual designated by the school district board of education.

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

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

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

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

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

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

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

1 observed qualitative assessment as well as contribution to the
2 overall school academic growth; and

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

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

10 D. The Teacher and Leader Effectiveness Commission shall adopt
11 recommendations on the student academic growth and other academic
12 measurement quantitative components of the TLE as provided for in
13 subparagraph a of paragraph 4 of subsection B of Section 6-101.16 of
14 this title by May 1, ~~2014~~ 2016. The Commission shall provide
15 oversight and advise the State Board of Education on the development
16 and implementation of the TLE as provided for in Section 6-101.17 of
17 this title.

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

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

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

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

15 SECTION 3. AMENDATORY 70 O.S. 2011, Section 6-101.17, is
16 amended to read as follows:

17 Section 6-101.17 A. There is hereby created to continue until
18 July 1, 2016, in accordance with the provisions of the Oklahoma
19 Sunset Law, the Teacher and Leader Effectiveness Commission.

20 B. The membership of the Commission shall consist of:

21 1. The Superintendent of Public Instruction, or designee;

22 2. A member of the Senate, appointed by the President Pro
23 Tempore of the Senate;

24

1 3. A member of the House of Representatives, appointed by the
2 Speaker of the House of Representatives;

3 4. A member of the Senate, appointed by the Minority Leader of
4 the Senate;

5 5. A member of the House of Representatives, appointed by the
6 Minority Leader of the House of Representatives;

7 6. A representative from the Office of the Governor or the
8 executive cabinet, appointed by the Governor;

9 7. The Executive Director of the Oklahoma Commission for
10 Teacher Preparation, or designee;

11 8. A representative of a technology center school district,
12 appointed by the Director of the Oklahoma Department of Career and
13 Technology Education;

14 9. A representative of an institution within The Oklahoma State
15 System of Higher Education, appointed by the Chancellor of Higher
16 Education;

17 10. A representative of a statewide organization representing
18 school district boards of education, appointed by the President Pro
19 Tempore of the Senate;

20 11. A representative of a statewide organization representing
21 public school superintendents, appointed by the Speaker of the House
22 of Representatives;

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1 12. A representative of a statewide organization representing
2 business and education, appointed by the President Pro Tempore of
3 the Senate;

4 13. An individual employed by a business or company located in
5 this state, appointed by the Speaker of the House of
6 Representatives;

7 14. Three ~~(3)~~ representatives, one ~~(1)~~ from each of the three
8 ~~(3)~~ largest statewide organizations representing active public
9 school teachers, appointed by the Governor;

10 15. A representative of a statewide parent-teacher
11 organization, appointed by the Governor;

12 16. A representative of a philanthropic organization involved
13 in education, appointed by the Governor; and

14 17. An individual involved in Science, Technology, Engineering
15 and Mathematics (STEM) education, appointed by the Governor.

16 C. Initial appointments pursuant to the provisions of this
17 section shall be made no later than August 1, 2010. Members shall
18 serve at the pleasure of the appointing authority. Vacancies shall
19 be filled by the original appointing authority. The State
20 Superintendent of Public Instruction, or designee, shall serve as
21 chair of the Commission. Members of the Commission shall select a
22 vice-chair from the membership of the Commission. Meetings of the
23 Commission shall be held at the call of the chair. A majority of
24

1 the members of the Commission shall constitute a quorum for the
2 transaction of any business.

3 D. Members of the Commission shall receive no compensation for
4 serving on the Commission, but shall receive travel reimbursement as
5 follows:

6 1. State employees who are members of the Commission shall be
7 reimbursed for travel expenses incurred in the performance of their
8 duties by their respective agencies in accordance with the State
9 Travel Reimbursement Act;

10 2. Legislative members shall be reimbursed in accordance with
11 Section 456 of Title 74 of the Oklahoma Statutes; and

12 3. All other members of the Commission shall be reimbursed by
13 the State Department of Education for travel expenses incurred in
14 the performance of their duties in accordance with the State Travel
15 Reimbursement Act.

16 E. Staff support for the Commission shall be provided by the
17 State Department of Education and the Oklahoma Commission for
18 Teacher Preparation.

19 F. Members who serve on the Commission shall be exempt from the
20 dual-office-holding prohibitions of Section 6 of Title 51 of the
21 Oklahoma Statutes.

22 G. The Commission shall comply with the provisions of the
23 Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

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1 H. The duties of the Commission, as specified in subsection I
2 of this section, shall not be contingent upon the state being
3 selected to receive or the state actually receiving any federal Race
4 to the Top funding.

5 I. The Commission shall provide oversight and advise the State
6 Board of Education on the development and implementation of the
7 Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as
8 created in Section 6-101.16 of this title, including:

9 1. Making recommendations to the State Board regarding the
10 development and implementation of the TLE prior to adoption of any
11 permanent rules or policies by the State Board. The Commission
12 shall evaluate, conduct research and advise the Board on the use of
13 and changes to the value-added models and student learning and
14 outcome objective sets of goals approved by the Board for
15 calculating student academic growth after the evaluation and
16 research. The Commission shall adopt recommendations on calculating
17 student academic growth and other academic measures by May 1, 2016.
18 The Board shall not adopt final permanent rules or policies until
19 the recommendations of the Commission are adopted;

20 2. Regularly reviewing progress toward development and
21 implementation of the quantitative and qualitative measures that
22 comprise the TLE;

23 3. Regularly reviewing progress toward timely access to student
24 growth data;

1 4. Regularly reviewing the correlation between the quantitative
2 and qualitative scores and other data to ensure that the TLE is
3 being implemented with validity and that evaluations of individuals
4 conducted by school districts are meaningful and demonstrate that
5 reasonable distinctions are being made relating to performance;

6 5. Assuring input and participation from teachers and leaders
7 on the development and implementation of the TLE;

8 6. Gathering public comment on the development and
9 effectiveness of the TLE; and

10 7. Assuring that the TLE is based on research-based national
11 best practices and methodology.

12 J. The Commission shall issue a report by December 31 of each
13 year and submit a copy of the report to the Governor, the Speaker of
14 the House of Representatives and the President Pro Tempore of the
15 Senate.

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

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1 Passed the House of Representatives the 11th day of March, 2015.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2015.

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8 _____
9 Presiding Officer of the Senate