

1 **SENATE FLOOR VERSION**

2 April 10, 2017

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1161

By: Rogers of the House

and

Stanislawski of the Senate

7
8
9 COMMITTEE SUBSTITUTE

10 [schools - deleting and modifying requirements for
11 evaluation and professional development policies -
12 repealer - ~~effective date~~ -
13 emergency]

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

15 SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.3, as
16 last amended by Section 2, Chapter 360, O.S.L. 2016 (70 O.S. Supp.
17 2016, Section 6-101.3), is amended to read as follows:

18 Section 6-101.3. As used in Section 6-101 et seq. of this
19 title:

20 1. "Administrator" means a duly certified person who devotes a
21 majority of time to service as a superintendent, elementary
22 superintendent, principal, supervisor, vice principal or in any
23 other administrative or supervisory capacity in the school district;

1 2. "Dismissal" means the discontinuance of the teaching service
2 of an administrator or teacher during the term of a written
3 contract, as provided by law;

4 3. "Nonreemployment" means the nonrenewal of the contract of an
5 administrator or teacher upon expiration of the contract;

6 4. "Career teacher" means a teacher who:

7 a. ~~is employed by a school district prior to the 2017-~~
8 ~~2018 school year and has completed three (3) or more~~
9 consecutive complete school years as a teacher in one
10 school district under a written continuing or
11 temporary teaching contract, ~~or~~

12 b. ~~is employed for the first time by a school district~~
13 ~~under a written continuing or temporary teaching~~
14 ~~contract during the 2017-2018 school year and~~
15 ~~thereafter:~~

16 ~~(1) has completed three (3) consecutive complete~~
17 ~~school years as a teacher in one school district~~
18 ~~under a written continuing or temporary teaching~~
19 ~~contract and has achieved a district evaluation~~
20 ~~rating of "superior" as measured pursuant to the~~
21 ~~TLE as set forth in Section 6-101.16 of this~~
22 ~~title for at least two (2) of the three (3)~~
23 ~~school years,~~

- 1 ~~(2) has completed four (4) consecutive complete~~
2 ~~school years as a teacher in one school district~~
3 ~~under a written continuing or temporary teaching~~
4 ~~contract, has averaged a district evaluation~~
5 ~~rating of at least "effective" as measured~~
6 ~~pursuant to the TLE for the four-year period, and~~
7 ~~has received district evaluation ratings of at~~
8 ~~least "effective" for the last two (2) years of~~
9 ~~the four-year period, or~~
- 10 ~~(3) has completed four (4) or more consecutive~~
11 ~~complete school years in one school district~~
12 ~~under a written continuing or temporary teaching~~
13 ~~contract and has not met the requirements of~~
14 ~~subparagraph a or b of this paragraph, only if~~
15 ~~the principal of the school at which the teacher~~
16 ~~is employed submits a petition to the~~
17 ~~superintendent of the school district requesting~~
18 ~~that the teacher be granted career status, the~~
19 ~~superintendent agrees with the petition, and the~~
20 ~~school district board of education approves the~~
21 ~~petition. The principal shall specify in the~~
22 ~~petition the underlying facts supporting the~~
23 ~~granting of career status to the teacher;~~

1 5. "Teacher hearing" means the hearing before a school district
2 board of education after a recommendation for dismissal or
3 nonreemployment of a teacher has been made but before any final
4 action is taken on the recommendation, held for the purpose of
5 affording the teacher all rights guaranteed by the United States
6 Constitution and the Constitution of Oklahoma under circumstances
7 and for enabling the board to determine whether to approve or
8 disapprove the recommendation;

9 6. "Probationary teacher" means a teacher who:

10 a. ~~is employed by a school district prior to the 2017-~~
11 ~~2018 school year and has completed fewer than three~~
12 (3) consecutive complete school years as a teacher in
13 one school district under a written teaching contract,
14 ~~or~~

15 b. ~~is employed for the first time by a school district~~
16 ~~under a written teaching contract during the 2017-2018~~
17 ~~school year and thereafter and has not met the~~
18 ~~requirements for career teacher as provided in~~
19 ~~paragraph 4 of this section;~~

20 7. "Suspension" or "suspended" means the temporary
21 discontinuance of the services of an administrator or teacher, as
22 provided by law; and

23 8. "Teacher" means ~~a person defined as a teacher in Section 1-~~
24 ~~116 of this title; and~~

1 ~~9. "District evaluation rating" means the rating issued based~~
2 ~~on the components of the TLE as set forth in subsection B of Section~~
3 ~~6-101.16 of this title~~ any person who is employed to serve as a
4 counselor, librarian or classroom teacher or in any other
5 instructional capacity.

6 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.10, as
7 last amended by Section 2, Chapter 301, O.S.L. 2016 (70 O.S. Supp.
8 2016, Section 6-101.10), is amended to read as follows:

9 Section 6-101.10. A. Each school district board of education
10 shall maintain and annually review, following consultation with or
11 involvement of representatives selected by local teachers, a written
12 policy of evaluation and corresponding professional development for
13 all teachers and administrators. In those school districts in which
14 there exists a professional negotiations agreement made in
15 accordance with Section 509.1 et seq. of this title, the procedure
16 for evaluating members of the negotiations unit and any standards of
17 performance and conduct proposed for adoption beyond those
18 established by the State Board of Education shall be negotiable
19 items. Nothing in this section shall be construed to annul, modify
20 or to preclude the renewal or continuing of any existing agreement
21 heretofore entered into between any school district and any
22 organizational representative of its employees.

1 B. Every policy of evaluation and corresponding professional
2 development adopted by a board of education of a school district
3 shall:

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

10 a. ~~for the 2014-2015, 2015-2016 and 2016-2017 school~~
11 ~~years, the evaluation rating of teachers and~~
12 ~~administrators shall be based on the qualitative~~
13 ~~component of the TLE. For the 2016-2017 school year,~~
14 ~~the State Department of Education shall work with~~
15 ~~school districts to develop individualized programs of~~
16 ~~professional development as described in subsection B~~
17 ~~of this section. However, nothing in this~~
18 ~~subparagraph shall preclude a school district with an~~
19 ~~average daily attendance of more than thirty-five~~
20 ~~thousand (35,000) from continuing to use quantitative~~
21 ~~components which the district has incorporated at its~~
22 ~~own expense prior to the 2015-2016 school year into~~
23 ~~its evaluation system of teachers and administrators,~~
24 ~~as defined by the district's written policy,~~

1 ~~b. for evaluations of teachers and administrators~~
2 ~~conducted during the 2017-2018 school year, and each~~
3 ~~school year thereafter, school districts shall~~
4 ~~incorporate and put into operation the qualitative~~
5 ~~component of the TLE as provided for in subsection B~~
6 ~~of Section 6-101.16 of this title into the evaluations~~
7 ~~used in all school sites within the district. For the~~
8 ~~2017-2018 school year, and each school year~~
9 ~~thereafter, teachers and administrators shall receive~~
10 ~~a district evaluation rating based on the components~~
11 ~~of the TLE as set forth in subsection B of Section 6-~~
12 ~~101.16 of this title. For the 2017-2018 school year,~~
13 ~~school districts shall incorporate the individualized~~
14 ~~programs of professional development as described in~~
15 ~~subsection B of this section on a pilot program basis,~~
16 ~~and~~

17 ~~e. for evaluations of teachers and administrators~~
18 ~~conducted during the 2018-2019 school year, and each~~
19 ~~school year thereafter, school districts shall fully~~
20 ~~incorporate and put into operation the individualized~~
21 ~~programs of professional development as described in~~
22 ~~subsection B of this section;~~

23 ~~2.~~

1 be a reflective practice model of teacher and administrator
2 professionalism which includes an evaluation component and a
3 professional development component.

4 C. The evaluation component of every policy of evaluation and
5 corresponding professional development adopted by a school district
6 board of education shall:

7 1. Incorporate a qualitative assessment tool adopted by the
8 school district board of education for the purposes of the Oklahoma
9 Teacher and Leader Effectiveness Evaluation System. The qualitative
10 assessment tool may be any methods developed or adopted by the
11 school district board of education for purposes of the Oklahoma
12 Teacher and Leader Effectiveness Evaluation System which are valid,
13 reliable, research-based and supported by a body of evidence;

14 2. Provide for the development of a focused and individualized
15 professional development plan for the teacher or administrator that
16 is consistent with the qualitative assessment tool or tools
17 criteria; and

18 3. School districts may choose to propose to the State
19 Department of Education other models of qualitative evaluation that
20 are valid, reliable, research-based and supported by a body of
21 evidence. Proposed models of evaluation shall support a desire by a
22 school district to provide an innovative approach that addresses
23 local instructional philosophy and initiatives. The proposed
24 evaluation tool may deviate from the current approved qualitative

1 models and rating system but shall include individualized
2 professional development plans. The proposed evaluation model shall
3 be approved by the State Department of Education prior to
4 implementation.

5 D. The professional development component of every policy of
6 evaluation and corresponding professional development adopted by a
7 school district board of education shall:

8 1. Establish an annual professional growth goal for the teacher
9 or administrator that is developed by the teacher or administrator
10 in collaboration with the evaluator;

11 2. Be tailored to address a specific area or criteria
12 identified through the qualitative assessment tool or tools
13 criteria;

14 3. Allow the teacher or administrator to actively engage with
15 learning practices that are evidence-based, researched practices
16 that are correlated with increased student achievement; and

17 4. Be supported by resources that are easily available and
18 supplied by the school district and the State Department of
19 Education.

20 E. School districts shall monitor compliance with each
21 professional development plan as described in subsection D of this
22 section. All professional development completed pursuant to a
23 professional development plan shall count toward the total number of
24 points a teacher or administrator is required to complete as

1 established by the board of education of the school district
2 pursuant to Section 6-194 of this title. The implementation of the
3 professional development plan requirements pursuant to this section
4 shall not be construed as increasing the professional development
5 points requirement.

6 F. "Professional development" means professional learning
7 experiences that are designed to improve an educator's capacity to
8 serve students. Professional development plans as described in
9 subsection D of this section may include, but are not limited to,
10 the following learning practices:

11 1. Presenter-led workshops;

12 2. Individual or faculty studies of books, scholarly articles,
13 video productions and/or any other instructional media;

14 3. Peer observations;

15 4. Committee studies to address student achievement issues;

16 5. Work related to a specific subject area or areas that is
17 associated with obtaining an advanced degree or professional
18 certification;

19 6. Action research projects designed to improve student
20 achievement;

21 7. Participation in local, regional or state initiatives
22 associated with the development or implementation of curriculum
23 standards;

24

1 8. Participation as a mentor teacher to provide guidance,
2 support, coaching and assistance to teachers;

3 9. Participation as a mentee teacher; and

4 10. Participation as a lead teacher to plan and deliver
5 professional development activities designed to improve
6 instructional strategies based on needs or requests of teachers in
7 the school district.

8 G. In addition to the evaluation and professional development
9 components that are required to be included in every policy of
10 evaluation and corresponding professional development, a school
11 district board of education may adopt additional components and
12 procedures. The components adopted by the school district board of
13 education may include:

14 1. Student learning components or quantitative assessment
15 measures that are based on teacher or school district assessments
16 developed or adopted by teachers or school districts that can be
17 used to demonstrate student growth over one (1) academic year or
18 multiple academic years as elected, approved and funded by the
19 school district board of education; and

20 2. Teacher and administrator professionalism based on
21 observable and measurable characteristics of professionalism
22 including, but not limited to, interpersonal skills, parental
23 involvement, continuous improvement and professional growth,
24 classroom or school organization and management skills and

1 leadership skills.

2 H. Every policy of evaluation and corresponding
3 professional development adopted by a school district board of
4 education shall include a five-tier rating system as follows:

- 5 1. Superior;
- 6 2. Highly effective;
- 7 3. Effective;
- 8 4. Needs improvement; and
- 9 5. Ineffective.

10 I. Every policy of evaluation and corresponding professional
11 development adopted by a school district board of education shall:

12 1. Be prescribed in writing at the time of adoption and at all
13 times when amendments to the policy are adopted. The original
14 policy and all amendments to the policy shall be promptly made
15 available to all persons subject to the policy;

16 ~~3.~~ 2. Provide that all evaluations be made in writing and that
17 evaluation documents and responses thereto be maintained in a
18 personnel file for each evaluated person;

19 ~~4.~~ 3. Provide that every probationary teacher receive formative
20 feedback from the evaluation process at least two times per school
21 year, once during the fall semester and once during the spring
22 semester;

23 ~~5.~~ 4. Provide that every career teacher be evaluated ~~once every~~
24 ~~year, except for career teachers receiving a district evaluation~~

1 ~~rating of "superior" or "highly effective" under the TLE who may be~~
2 ~~evaluated once every three (3) years and every career teacher shall~~
3 ~~participate in an annual professional growth plan review;~~

4 5. Provide that every teacher who receives a rating below the
5 acceptable level of performance as established by the board of
6 education be provided a comprehensive remediation plan and
7 instructional coaching; and

8 6. Provide that, except for superintendents of independent and
9 elementary school districts and superintendents of area school
10 districts who shall be evaluated by the school district board of
11 education, all certified personnel shall be evaluated through formal
12 or informal observations by a principal, assistant principal,
13 ~~designee of the principal, supervisor, content expert, department~~
14 ~~chair, peer committee or other trained persons or groups of persons~~
15 ~~designated by the school district board of education~~ or district
16 level administrator.

17 ~~B. 1. Every policy of professional development adopted by a~~
18 ~~school district board of education shall provide for the development~~
19 ~~of a focused and individualized program of professional development~~
20 ~~for the teacher or administrator that is consistent with the~~
21 ~~qualitative component of the TLE. The policy of professional~~
22 ~~development shall:~~

23 a. ~~establish an annual professional growth goal for the~~
24 ~~teacher or administrator that is developed by the~~

1 ~~teacher or administrator in collaboration with the~~
2 ~~evaluator,~~

3 ~~b. be tailored to address a specific area or criteria~~
4 ~~identified through the qualitative component of the~~
5 ~~TLE,~~

6 ~~e. allow the teacher or administrator to actively engage~~
7 ~~with learning practices that are evidence-based,~~
8 ~~researched practices that are correlated with~~
9 ~~increased student achievement, and~~

10 ~~d. be supported by resources that are easily available~~
11 ~~and supplied by the school district and the State~~
12 ~~Department of Education.~~

13 ~~2. School districts shall monitor compliance with each~~
14 ~~individualized program of professional development implemented~~
15 ~~pursuant to this subsection. All professional development completed~~
16 ~~pursuant to an individualized program of professional development~~
17 ~~shall count toward the total number of points a teacher or~~
18 ~~administrator is required to complete as established by a school~~
19 ~~district board of education pursuant to Section 6-194 of this title.~~
20 ~~The implementation of the individualized program of professional~~
21 ~~development required by this subsection shall not be construed as~~
22 ~~increasing the professional development points requirements.~~

1 ~~3. Individualized programs of professional development required~~
2 ~~by this subsection may include but are not limited to the following~~
3 ~~learning practices:~~

- 4 ~~a. presenter-led workshops,~~
- 5 ~~b. individual or faculty studies of books, scholarly~~
6 ~~articles and video productions,~~
- 7 ~~c. peer observations,~~
- 8 ~~d. committee studies to address student achievement~~
9 ~~issues,~~
- 10 ~~e. work related to a specific subject area or areas~~
11 ~~associated with obtaining an advanced degree or~~
12 ~~professional certification,~~
- 13 ~~f. action research projects designed to improve student~~
14 ~~achievement, and~~
- 15 ~~g. participation in local, regional or state initiatives~~
16 ~~associated with the development or implementation of~~
17 ~~curriculum standards.~~

18 ~~C. J.~~ All individuals designated by the school district board
19 of education to conduct the personnel evaluations shall be required
20 to participate in training conducted by the State Department of
21 Education or training provided by the school district using
22 ~~guidelines and materials developed by the State Department of~~
23 ~~Education~~ prior to conducting evaluations.

1 ~~D. The State Department of Education shall develop and conduct~~
2 ~~workshops pursuant to statewide criteria which train individuals in~~
3 ~~conducting evaluations.~~

4 ~~E.~~ K. The State Board of Education shall monitor compliance
5 with the provisions of this section ~~by~~ through the annual
6 accreditation of the school districts.

7 ~~F. The State Board of Education shall study continued~~
8 ~~implementation of the TLE to produce a system that promotes~~
9 ~~reflection and professional growth for teachers and leaders.~~

10 ~~G.~~ L. Refusal by a school district to comply with the
11 provisions of this section shall be grounds for withholding State
12 Aid funds until compliance occurs.

13 ~~H.~~ M. Data collected pursuant to this section shall not be
14 subject to the Oklahoma Open Meeting Act or the Oklahoma Open
15 Records Act.

16 SECTION 3. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 6-101.18 of Title 70, unless
18 there is created a duplication in numbering, reads as follows:

19 A. For the 2014-2015, 2015-2016 and 2016-2017 school years, the
20 evaluation rating of teachers and administrators shall be based on
21 the qualitative component of the Oklahoma Teacher and Leader
22 Effectiveness Evaluation System (TLE) as described in subsection C
23 of Section 2 of this act.

24

1 B. For the 2016-2017 school year, the State Department of
2 Education shall work with school districts to develop individualized
3 programs of professional development as described in subsection D of
4 Section 2 of this act.

5 C. For the 2017-2018 school year, school districts shall
6 incorporate the individualized programs of professional development
7 as described in subsection D of Section 2 of this act on a pilot
8 program basis.

9 D. For evaluations of teachers and administrators conducted
10 during the 2018-2019 school year, and each school year thereafter,
11 school districts shall fully incorporate and put into operation the
12 individualized programs of professional development as described in
13 subsection D of Section 2 of this act.

14 SECTION 4. REPEALER 70 O.S. 2011, Sections 6-101.16, as
15 last amended by Section 4, Chapter 301, O.S.L. 2016, 6-101.17 and 6-
16 182, as last amended by Section 1, Chapter 108, O.S.L. 2016 and
17 Sections 1, 2 and 3, Chapter 275, O.S.L. 2016 (70 O.S. Supp. 2016,
18 Sections 6-101.16, 6-182, 6-301, 6-302 and 6-303), are hereby
19 repealed.

20 ~~SECTION 5. This act shall become effective August 1, 2017.~~

21 ~~SECTION 6. It being immediately necessary for the preservation~~
22 ~~of the public peace, health or safety, an emergency is hereby~~

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24

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

3 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
4 April 10, 2017 - DO PASS AS AMENDED
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