

Oklahoma








Law Analyzed	SB 2033
Date Passed	2010
Overall Rating	8

In May 2010, as part of its effort to compete for a federal Race to the Top grant, Oklahoma's Republican-controlled legislature passed and Governor Brad Henry (D) signed SB 2033. The law established new requirements for teacher evaluations, required the State Board of Education to revise Oklahoma standards to align with the Common Core, and required the State Board to establish a process for identifying and intervening in low-performing schools.




Before SB 2033, Oklahoma already had laws that required evaluations annually for all teachers and twice a year for probationary teachers and made "instructional ineffectiveness" a cause for teacher dismissal. Building on this base, SB 2033 requires the State Board of Education to establish a new statewide educator evaluation system, the Oklahoma Teacher and Leader Effectiveness Evaluation System, that includes five tiers of educator performance and incorporates quantitative academic measures as at least 50 percent of a teacher's or principal's rating, with observable and measurable qualitative measures as the other 50 percent. The law also requires teachers to demonstrate effectiveness in evaluations in order to earn tenure, requires the dismissal of both tenured and untenured teachers who are consecutively rated "ineffective" or "needs improvement," and makes adjustments to the timeline for dismissing underperforming teachers. It also raises the statutory cap on performance-based compensation from 20 to 50 percent of a teacher's base salary and requires evaluation performance, rather than seniority, to be the primary factor in layoffs.

Oklahoma's provisions related to teacher evaluation, performance-based tenure, dismissal of underperforming teachers, and ending "last in, first out" layoffs are all strong. But the law does not address other important issues, including the ability of principals to decide who teaches in their schools, reporting to parents and the public on teacher effectiveness, and preventing students from being consecutively taught by ineffective teachers. In passing SB 2033, Oklahoma's legislators improved on an already strong base, and they now have the opportunity to make further improvements.

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Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes. Oklahoma's law requires probationary teachers to be evaluated at least twice annually, and all teachers to be evaluated once annually. These requirements pre-date SB 2033.	
Are principals, as well as teachers, evaluated?	Yes. Legislation requires evaluations of both teachers and administrators.	
Is evidence of student learning a factor in teacher evaluations?	Student academic growth must constitute at least 50 percent of the teacher's evaluation (35 percent based on student academic growth on state tests and 15 percent on other academic measures). The remaining 50 percent of the evaluation must be based on rigorous and fair qualitative assessment components including organizational and classroom management skills, ability to provide effective instruction, continuous improvement and professional growth, interpersonal skills, and leadership skills.	
Do evaluations differentiate between multiple levels of educator performance?	The law defines five levels of teacher performance: superior, highly-effective, effective, needs improvement, and ineffective.	
Are parents and the public provided clear information about teacher effectiveness?	The law neither requires nor precludes districts from informing parents and the public of teachers' effectiveness.	
Are educator preparation programs accountable for graduates' effectiveness?	The law requires the State Department of Education to provide the Regents for Higher Education and Commission on Teacher Preparation data on teacher effectiveness linked to preparation programs, to enable them to hold programs accountable and drive quality improvement, but does not describe how programs are held accountable or require public reporting.	
Is tenure linked to effectiveness?	Yes. To become a "career teacher" a new teacher must complete 3 consecutive years of teaching with at least two years rated "superior" and none rated below "effective" or 4 years of teaching with an average rating of "effective" (and the last two years rated "effective"). A teacher with 4 years experience who fails to meet these requirements may earn career status if requested by principal and approved by superintendent. No process for revoking tenure, but career teachers may be dismissed based in "ineffective" or "needs improvement" ratings.	

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Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	The law changes the definition of “instructional ineffectiveness,” a grounds for teacher dismissal under pre-existing state law, to include: Two consecutive years rated ineffective, three consecutive years rated “needs improvement,” or failure to average a rating of “effective” over a five-year period. It mandates that teachers who meet these criteria shall be dismissed or not reemployed. Probationary teachers shall be dismissed or not reemployed if they receive two consecutive ineffective ratings or fail to attain career status after four years. The law also establishes a process for teacher dismissals: When a teacher receives a rating that may lead to a recommendation of dismissal or non-reemployment, the administrator shall admonish the teacher and establish a timeline for improvement not to exceed two months. When a superintendent recommends dismissal of a teacher, the teacher has a right to a hearing before the school board, which votes in open meeting whether to accept the recommendation of dismissal. A career teacher who disagrees with the board’s decision has the right to petition for a <i>de novo</i> trial, which is a nonjury trial before the court. In the trial <i>de novo</i> , the burden of proof is on the superintendent and the standard is preponderance of the evidence. The court shall not give preclusive effect to the findings of the board of education. The decision of the court is final unless the teacher appeals in the manner provided by law for civil cases.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Yes. The law requires teacher evaluation ratings to be the primary basis used in determining the retention or reassignment of teachers.	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The law applies to teacher reassignments due to reductions in force. There are no mutual consent provisions and no provisions for exit from employment when excessed teachers cannot find new positions.	

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Do principals have authority to decide who teaches in their schools?	The law does not require mutual consent hiring.	<input type="radio"/>
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	<input type="radio"/>
Are effective teachers rewarded with increased compensation?	Yes. The law increases the limit on performance-based compensation and authorizes districts to create performance-based compensation systems that award bonuses to teachers based on their evaluation ratings. Also authorizes differential pay for teachers in shortage areas, low-performing schools, and STEM. Law does not require performance-based incentive pay, but does require districts to create such systems if 20 percent of all teachers in the district sign a petition requesting one. Permits differential pay only as bonuses, not adjustments in base salary, and excludes these bonuses from state retirement system.	<input checked="" type="radio"/>