

Senate Bill 1048

Sponsored by Senator KRUSE; Senator HASS (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Oregon Teacher Effectiveness and Career Enhancement Initiative Program within Department of Education. Describes application process and other requirements of program.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public school teachers; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

SECTION 1. As used in sections 1 to 5 of this 2010 Act:

4
5 (1) **"Effective teacher" means a teacher who has a majority of students that demonstrate**
6 **a rate of student achievement or student growth of at least one grade level during a school**
7 **year.**

8 (2) **"Program participant" means a public charter school, a school district or an educa-**
9 **tion service district that is a participant in the Oregon Teacher Effectiveness and Career**
10 **Enhancement Initiative Program established by section 2 of this 2010 Act.**

11 (3) **"Student achievement" means:**

12 (a) **A student's score on a state assessment; or**

13 (b) **A student's performance, as measured by any of the following indicators:**

14 (A) **Progress on an interim assessment or a formative assessment;**

15 (B) **The timeline on which the student is expected to graduate from high school;**

16 (C) **A score on a college entrance exam; or**

17 (D) **A score on a final examination for a course.**

18 (4) **"Student growth" means the positive change in achievement data for a student be-**
19 **tween successive points in time, as corrected for measurement error. Student growth may**
20 **be measured by a variety of approaches based on longitudinal data and may include other**
21 **measurements of student learning.**

22 **SECTION 2. (1) The Oregon Teacher Effectiveness and Career Enhancement Initiative**
23 **Program is established in the Department of Education.**

24 (2) **The purpose of the program established by this section is to encourage program par-**
25 **ticipants to implement policy changes that:**

26 (a) **Facilitate the recruitment and retention of effective teachers;**

27 (b) **Support and reward teachers who improve their knowledge and instructional skills;**

28 **and**

29 (c) **Increase student achievement and student growth.**

30 (3)(a) **The department shall:**

31 (A) **Create and make available a standard form by which an applicant to be a program**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 participant may apply to participate in the program.

2 (B) Establish timelines for applying to participate in the program. The timelines must
 3 require the applicant to apply at least one school year prior to the school year in which the
 4 applicant expects to fully implement the policy changes.

5 (b) Notwithstanding paragraph (a)(B) of this subsection, the Superintendent of Public
 6 Instruction may waive the requirement that an applicant apply at least one school year prior
 7 to the school year in which the applicant expects to fully implement policy changes if the
 8 superintendent determines that the applicant does not need additional time to fully imple-
 9 ment the policy changes.

10 **SECTION 3.** (1) To be eligible to participate in the Oregon Teacher Effectiveness and
 11 Career Enhancement Initiative Program established by section 2 of this 2010 Act, an appli-
 12 cant to be a program participant must have:

13 (a) An up-to-date school improvement plan or district continuous improvement plan; and

14 (b) Research-based standards for teaching and professional development that support a
 15 framework for professional practice and that provide opportunities related to mentoring,
 16 performance evaluation, professional development and teacher leadership.

17 (2) An applicant to become a program participant must submit to the Department of
 18 Education an implementation schedule and an application that demonstrates an intent to:

19 (a) Provide teachers with expanded career opportunities that allow the teachers to pur-
 20 sue a variety of positions throughout their careers, depending upon their interests, instruc-
 21 tional leadership abilities and accomplishments.

22 (b) Ensure that the effectiveness of each teacher is evaluated annually by using a reli-
 23 able, transparent, equitable, standards-based evaluation process that determines the effec-
 24 tiveness of teachers by:

25 (A) Using multiple measures that take into account student achievement and student
 26 growth as primary factors; and

27 (B) Identifying which of four designated performance evaluation categories best describes
 28 each teacher's performance for the school year.

29 (c) Provide teachers with relevant and research-based professional development that is
 30 ongoing, collaborative, centered on students, integrated with the teacher's regular responsi-
 31 bilities, located at the teacher's regular site of employment and based on statewide standards
 32 for teacher professional development.

33 (d) If necessary, restructure school days, weeks or years to provide time during the
 34 regular school day for teachers to meet, learn and plan with other teachers while maintain-
 35 ing or increasing student learning time.

36 (e) Develop a compensation model for teachers that:

37 (A) Does not base salary on seniority;

38 (B) May provide additional compensation to an effective teacher based on the responsi-
 39 bilities of the teacher, the accomplishments of the teacher in the classroom and the per-
 40 formance of the teacher's students; and

41 (C) Does not reduce the current amount of compensation that is paid to a teacher.

42 (f) Document student achievement or student growth.

43 (g) Offer incentives to increase the number and percentage of effective teachers who
 44 teach in:

45 (A) Schools in which more than 50 percent of students qualify for a program providing

1 free or reduced price lunches;

2 (B) Rural schools; or

3 (C) Subjects that are difficult to staff, including science, mathematics, special education
4 and English as a second language.

5 (h) Offer incentives based on evidence of increased student achievement or student
6 growth to:

7 (A) A school;

8 (B) A teacher; or

9 (C) A team composed of teachers or administrators in one or more schools.

10 (i) Allow any teacher employed by the program participant to participate in the program
11 without any quotas or other limits related to teaching.

12 (j) Encourage collaboration rather than competition among teachers.

13 (3) An application described in subsection (2) of this section must:

14 (a) For a public charter school, be submitted by the board of directors of the public
15 charter school and include evidence of teacher support.

16 (b) For a school district, be submitted by the district school board and include evidence
17 of support by the district superintendent and the exclusive bargaining representative of the
18 teachers of the district.

19 (c) For an education service district, be submitted by the board of directors of the edu-
20 cation service district and include evidence of support by the superintendent of the district
21 and each of the exclusive bargaining representatives of the teachers of the district.

22 **SECTION 4.** (1) Within 60 days of receiving a completed application for the Oregon
23 Teacher Effectiveness and Career Enhancement Initiative Program established by section 2
24 of this 2010 Act, the Department of Education must convene a review committee that in-
25 cludes teachers, administrators and policy leaders to recommend to the Superintendent of
26 Public Instruction whether to approve or disapprove the application. Applications shall be
27 approved on a first-come, first-served basis contingent upon available funding.

28 (2) If an application is disapproved, the superintendent must give the applicant timely
29 notice of the specific reasons for disapproving the application. The applicant may revise and
30 resubmit the application and related documents to the superintendent within 30 days of re-
31 ceiving notice of the superintendent's disapproval and the superintendent must approve or
32 disapprove the revised application within 60 days of receiving the revised application.

33 (3) If an application is approved, a program participant must enter into a binding agree-
34 ment with the superintendent that outlines policy changes necessary to satisfy the intentions
35 described in the application. The agreement must be legally binding on the program partic-
36 ipant and, if necessary, become part of the collective bargaining agreement.

37 (4)(a) After an agreement is entered into, the program participant is entitled to receive
38 additional funding that equals \$100 per student in the school or district of the program par-
39 ticipant, based on the average number of students in the school or district during the pre-
40 vious school year.

41 (b) After the first school year in which a program participant receives funding as de-
42 scribed in paragraph (a) of this subsection, the amount the program participant shall receive
43 for each student shall be adjusted based on the Consumer Price Index, as defined in ORS
44 327.006.

45 **SECTION 5.** (1) Prior to June 15 of each year, each school participating in the Oregon

1 **Teacher Effectiveness and Career Enhancement Initiative Program established by section 2**
2 **of this 2010 Act shall provide a report:**

3 (a) **For a program participant that is a public charter school, to the district school board**
4 **of the school district in which the school is located;**

5 (b) **For a program participant that is a school district, to the district school board of the**
6 **school district in which the school is located; and**

7 (c) **For a program participant that is an education service district, to the board of di-**
8 **rectors for the education service district in which the school is located.**

9 (2) **A report provided under subsection (1) of this section shall:**

10 (a) **Describe the implementation and effectiveness of the policy changes that the program**
11 **participant agreed to implement in the agreement entered into as provided by section 4 of**
12 **this 2010 Act; and**

13 (b) **Identify the number and percentage of teachers in each of the designated perform-**
14 **ance evaluation categories for each school.**

15 (3) **A district school board or a board of directors of an education service district that**
16 **receives a report as provided by subsection (1) of this section shall transmit to the Super-**
17 **intendent of Public Instruction:**

18 (a) **A copy of the report; and**

19 (b) **A summary of the findings and recommendations of the district, as based on the re-**
20 **port.**

21 (4) **If the superintendent determines that a program participant is not complying with**
22 **the requirements of the agreement entered into as provided by section 4 of this 2010 Act, the**
23 **superintendent may withhold the additional funding from the program participant. Prior to**
24 **withholding funding, the superintendent must notify the program participant of any defi-**
25 **ciencies and provide the program participant an opportunity to comply with the require-**
26 **ments of the agreement.**

27 **SECTION 6. This 2010 Act being necessary for the immediate preservation of the public**
28 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**
29 **on its passage.**

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