

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

HOUSE BILL HB1041

By: Worthen

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2001, Sections 5-141 and 5-141.2, which relate to teacher salary and incentive pay plans; requiring school districts to adopt differential pay for teachers; requiring school districts to adopt an incentive pay plan; deleting obsolete language; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 5-141, is amended to read as follows:

Section 5-141. A. Each school district of this state shall adopt a minimum salary schedule and shall transmit a copy of it to the State Board of Education within thirty (30) days after adoption. A school district shall not calculate teacher's salaries solely as a proportion of the salaries of that district's administrators. Districts shall ~~be encouraged to~~ provide compensation schedules ~~to~~ that reflect district policies and circumstances, including differential pay for different subject areas and special incentives for teachers in districts with specific geographical attributes. The State Department of Education shall compile a report of the minimum salary schedules for every school district in the state and shall provide such information to the Governor, Speaker of the House of Representatives, and President Pro Tempore of the Senate no later than December 15 of each year.

B. Each school district shall file within fifteen (15) days of signing the contract, the employment contract of the superintendent of the school district with the State Department of Education. The

Department shall keep all such contracts available for inspection by the public. The school district shall not be authorized to pay any salary, benefits or other compensation to a superintendent which are not specified in the contract on file and shall not pay administrators any amounts for accumulated sick leave that are not calculated on the same formula used for determining payment for accumulated sick leave benefits for other full-time employees of that school district and shall not pay administrators any amounts for accumulated vacation leave benefits that are not calculated on the same formula used for determining payment for accumulated vacation leave benefits for other twelve-month full-time employees of that school district.

C. By October 1 of each year each district board of education shall prepare a schedule of salaries and fringe benefits paid administrators employed by the district, including a description of the fringe benefits. The schedule shall be a public record and shall be disclosed as required by the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes. The district board shall file a copy of the schedule with the State Department of Education within one week of completion.

D. For purposes of this section the term "administrator" shall include employees who are employed and certified as superintendents, assistant superintendents, principals, and assistant principals and who have responsibilities for supervising classroom teachers.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 5-141.2, is amended to read as follows:

Section 5-141.2 A. On or before September 1, 1990, the State Board of Education shall develop not fewer than five (5) different model incentive pay plans and shall distribute information about each plan to every school district board of education. No plan developed by the Board or implemented by the local school board shall permit payment in any one (1) year of incentives to any one

teacher amounting to more than twenty percent (20%) of said teacher's regular salary, exclusive of fringe benefits or extra duty pay. Any incentive pay award shall be an annual award and shall not be a part of a teacher's continuing contract. Any incentive pay awards received shall be excluded from such teacher's compensation for purposes of calculating retirement pursuant to the Teachers' Retirement System of Oklahoma, established in Section 17-102 of Title 70 of the Oklahoma Statutes and shall not be subject to taxes levied by the Federal Insurance Contributions Act (F.I.C.A.), to the extent such exemption is provided by federal law.

B. Beginning with the ~~1991-92~~ 2003-04 school year, each school district board of education ~~may~~ shall adopt an academically based, district incentive pay plan for the district's classroom teachers. The district ~~may~~ shall adopt any incentive pay plan consistent with the requirements of this section, which may include any incentive pay plan developed by the State Board of Education pursuant to this section. The local school board shall appoint an advisory committee consisting of teachers, parents, business persons or farmers and other local citizens to advise the board in formulating an incentive pay plan. Prior to the adoption of such plan, the board of education shall place such plan on the school board agenda for public comment and shall submit the plan to the State Board of Education for final approval on or before March 1. The board of education shall comply with the provisions of this subsection for any year a plan is to be modified.

C. ~~Beginning with the 1991-92 school year, a~~ A school district shall be required to adopt and implement an academically based, district incentive pay plan for any school year following the receipt by the school district board of education, of a petition signed by twenty percent (20%) of the classroom teachers employed in the district which calls for the adoption of an incentive pay plan for the district.

D. Pupil test scores shall not be the sole criterion for allocation of incentive pay under any plan developed or approved by the Board.

E. For the purposes of this section only, "classroom teacher" shall mean any employee who holds certification and assignment outside the classification of administrator.

F. The State Board of Education shall promulgate rules ~~and regulations~~ necessary for the effective implementation and administration of this section.

G. Each local board of education shall provide for a local evaluation committee which shall advise the board on which teachers are to receive incentive pay awards and the amount of each incentive pay award according to the plan.

H. Nothing herein shall preclude a school district from supplementing to any monies appropriated to such district for the purposes of the district's incentive pay plan, monies from the district's general fund.

SECTION 3. This act shall become effective July 1, 2003.

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

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