

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2836

By: Sears, Coody, Denney,
Tibbs, Cooksey and Derby of
the House

7 and

8 Ford of the Senate
9

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to schools; authorizing school
12 district to implement a teacher performance pay plan;
13 making implementation contingent upon funding;
14 specifying certain components; authorizing school
15 district to implement a school leader performance pay
16 plan; making implementation contingent upon funding;
17 defining term; specifying certain components;
18 requiring submission of a performance pay plan to the
19 State Board of Education; requiring submission of
20 certain evidence; directing the State Board to review
21 and approve or disapprove a performance pay plan;
22 requiring certain submission upon modification of a
23 performance pay plan; establishing the amount of an
24 award; requiring awards to be excluded from certain
contract, calculation and taxes; directing the State
Board to conduct an annual evaluation of all
performance pay plans; making evaluation contingent
upon funding; specifying contents of the evaluation;
requiring preparation of a report and delivery to
certain persons; directing the State Board to develop
certain guidelines and distribute information;
providing for codification; and providing an
effective date.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 6-301 of Title 70, unless there
4 is created a duplication in numbering, reads as follows:

5 A. 1. Contingent upon the availability of funding, a school
6 district may implement a teacher performance pay plan. The teacher
7 performance pay plan shall include measures for improving school
8 district, teacher, class, and student performance.

9 2. The teacher performance pay plan shall be approved by the
10 school district board of education and have the following
11 components:

12 a. measures of student academic growth and
13 achievement with performance goals and
14 benchmarks for improvement for individual
15 students,

16 b. measures of professional growth and
17 development with performance goals and
18 benchmarks for improvement for individual
19 teachers, and

20 c. a review and evaluation tool to measure progress and
21 success of the plan.

22 B. 1. Contingent upon the availability of funding, a school
23 district may implement a school leader performance pay plan. The
24 school leader performance pay plan shall include measures for

1 improving school district, school site, teacher, class, and student
2 performance.

3 2. For purposes of this act a school leader shall include a
4 principal, assistant principal or any other school-site
5 administrator with supervisory authority of teachers.

6 3. The school leader performance pay plan shall be approved by
7 the school district board of education and have the following
8 components:

9 a. measures of school academic growth and achievement
10 with performance goals and benchmarks for improvement
11 for the school,

12 b. measures of professional growth and development with
13 performance goals and benchmarks for improvement for
14 individual school leaders, and

15 c. a review and evaluation tool to measure progress and
16 success of the plan.

17 C. A school district shall submit a teacher and school leader
18 performance pay plan to the State Board of Education for review
19 together with evidence:

20 1. That a minimum of four classroom teachers have been involved
21 in the development of the plan;

22 2. That the plan has been made available for public input,
23 review and comment; and
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1 3. That the plan has been presented to the public at a
2 regularly scheduled meeting of the board of education.

3 D. The State Board of Education shall review and approve a
4 performance pay plan submitted to the Board if it is determined that
5 the plan meets the requirements of this act. If the performance pay
6 plan does not meet the requirements of this act, the State Board
7 shall reject the plan and provide written notification to the school
8 district board of education along with the grounds for rejection.

9 E. A school district board of education shall comply with the
10 provisions of subsections C and D of this section any time a
11 performance pay plan implemented pursuant to this act is modified.

12 F. The minimum performance pay award shall be an amount of not
13 less than One Thousand Dollars (\$1,000.00) per year that is in
14 addition to the regular salary of the teacher or school leader,
15 exclusive of fringe benefits or extra-duty pay. The performance pay
16 award shall not be part of the continuing contract of an employee.
17 Any performance pay awards received shall not be included in the
18 compensation of the teacher or school leader for purposes of
19 calculating Teachers' Retirement System of Oklahoma contributions or
20 benefits and shall not be subject to taxes levied by the Federal
21 Insurance Contributions Act (F.I.C.A.), to the extent such exemption
22 is provided by federal law.

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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 6-302 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Contingent upon the availability of funds, the State Board
5 of Education may conduct, or contract with another entity to
6 conduct, a comprehensive evaluation of every teacher performance pay
7 plan and school leader performance pay plan established by school
8 districts pursuant to this act. The evaluation shall include:

9 1. Detailed information regarding the distribution of
10 performance pay awards to classroom teachers under a teacher
11 performance pay plan system and school leaders under a school leader
12 performance pay plan, including the measurements used by the school
13 districts in determining the amounts of the awards; and

14 2. A comprehensive, quantitative analysis of the impact of the
15 plan on participating school districts, including the impact on key
16 objectives of the programs, specifically student achievement gains,
17 student attendance, student completion rates, teacher and school
18 leader retention, and teacher and school leader satisfaction.

19 B. The State Board shall annually prepare and deliver to each
20 member of the Legislature a completed report as required in this
21 section describing the results of the evaluation.

22 C. The State Board of Education shall develop guidelines and
23 distribute information for school districts to follow in developing
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1 a teacher performance pay plan as provided for in Section 1 of this
2 act.

3 SECTION 3. This act shall become effective September 1, 2010.
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