

1 ENGROSSED SENATE
2 BILL NO. 2033

By: Coffee and Jolley of the
Senate

3 and

4 Benge of the House

5
6
7 [schools - excluding incentive pay awards from
8 compensation - codification - effective date -
9 emergency]

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

13 SECTION 1. AMENDATORY 70 O.S. 2001, Section 5-141.2, is
14 amended to read as follows:

15 Section 5-141.2. A. ~~On~~ Except as provided in Section 2 of this
16 act, on or before September 1, 1990, the State Board of Education
17 shall develop not fewer than five (5) different model incentive pay
18 plans and shall distribute information about each plan to every
19 school district board of education. No plan developed by the Board
20 or implemented by the ~~local~~ district school board shall permit
21 payment in any one (1) year of incentives to any one teacher
22 amounting to more than ~~twenty percent (20%)~~ fifty percent (50%) of
23 ~~said~~ the teacher's regular salary, exclusive of fringe benefits or
24 extra duty pay. Any incentive pay award shall be an annual award

1 and shall not be a part of a teacher's continuing contract. Any
2 incentive pay awards received shall be excluded from ~~such the~~
3 teacher's compensation for purposes of calculating retirement
4 pursuant to the Teachers' Retirement System of Oklahoma, established
5 in Section 17-102 of ~~Title 70 of the Oklahoma Statutes~~ this title
6 and shall not be subject to taxes levied by the Federal Insurance
7 Contributions Act (F.I.C.A.), to the extent such exemption is
8 provided by federal law.

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

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

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

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

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

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

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

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 5-141.4 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 A. 1. In addition to incentive pay plans authorized pursuant
5 to Section 5-141.2 of Title 70 of the Oklahoma Statutes, beginning
6 with the 2011-12 school year, a school district may implement an
7 incentive pay plan that rewards teachers who are effective at
8 increasing student and school growth in achievement.

9 2. Teacher effectiveness measures shall include:

10 a. value-added student growth data, and

11 b. an evidence-based performance rubric.

12 3. The performance rubric shall include the following domains
13 linked to student success:

14 a. organizational and classroom management skills,

15 b. ability to provide effective instruction,

16 c. focus on continuous improvement and professional
17 growth,

18 d. interpersonal skills, and

19 e. leadership skills.

20 B. 1. Beginning with the 2011-12 school year, a school
21 district may implement an incentive pay plan that rewards principals
22 and administrators who are effective at school growth in
23 achievement.

24 2. Leader effectiveness measures shall include:

- a. value-added school growth data,
- b. stakeholder perceptions, derived from parent, student, and teacher surveys, and
- c. leader evaluation results based on an evidence-based performance rubric.

3. The performance rubric for principal and administrator evaluations shall be research-based and consist of the following domains linked to school success:

- a. organizational and school management,
- b. instructional leadership,
- c. professional growth and responsibility,
- d. interpersonal skills, and
- e. leadership skills.

C. Incentive pay plans implemented pursuant to subsections A and B of this section shall be based on teacher effectiveness and leader effectiveness measures and thresholds, developed through a collaborative planning process involving all stakeholders, including teachers.

D. Districts may develop and implement incentive pay systems for teaching in critical shortage subject areas, in low-performing schools, or in the subject areas of Science, Technology, Engineering, and Math (STEM).

E. Prior to implementation of any incentive pay plan developed pursuant to this section, the district board of education shall

1 place the plan on the agenda for public comment at a meeting of the
2 district board of education and shall submit the plan to the State
3 Board of Education for final approval. The district board of
4 education shall comply with the provisions of this subsection for
5 any year a plan is to be modified.

6 F. Any incentive pay award shall be an annual award and shall
7 not be a part of an employee's continuing contract. Any incentive
8 pay awards received shall be excluded from compensation for purposes
9 of calculating retirement pursuant to the Teachers' Retirement
10 System of Oklahoma, established in Section 17-102 of Title 70 of the
11 Oklahoma Statutes and shall not be subject to taxes levied by the
12 Federal Insurance Contributions Act (F.I.C.A.), to the extent such
13 exemption is provided by federal law.

14 SECTION 3. This act shall become effective July 1, 2010.

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

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1 Passed the Senate the 9th day of March, 2010.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2010.

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9 Presiding Officer of the House
10 of Representatives