

THE HOUSE OF REPRESENTATIVES  
Wednesday, February, 24, 2010

Committee Substitute for  
House Bill No. 2302

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2302 - By: BANZ AND DENNEY  
of the House and FORD of the Senate.

An Act relating to schools; amending Section 1, Chapter 466, O.S.L. 2005, as last amended by Section 2, Chapter 439, O.S.L. 2008 (70 O.S. Supp. 2009, Section 3-152.1), which relates to the Academic Achievement Award program; modifying number of certain awards granted under the program; adding certain award levels; changing date for distributing monetary award; directing the State Board of Education to identify certain school sites for certain awards; modifying calculation of the awards; specifying allocation of funding for awards based on availability of funds; establishing API score requirements for certain awards; deleting monetary awards for certain categories; modifying amount of certain monetary award; providing monetary award amounts for certain awards; modifying certain definitions; limiting award to certain qualified employees; requiring the State Board to make certain announcement and post list of award winners on certain Internet website; providing an effective date; and declaring an emergency.

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

1           SECTION 1.    AMENDATORY    Section 1, Chapter 466, O.S.L. 2005, as last  
2 amended by Section 2, Chapter 439, O.S.L. 2008 (70 O.S. Supp. 2009, Section 3-152.1), is  
3 amended to read as follows:

4           Section 3-152.1 A. The State Board of Education shall develop an Academic  
5 Achievement Award (AAA) program. The AAA program shall provide monetary awards  
6 to qualified employees at ~~the~~

1           1. ~~The top four schools~~ school site that ~~attain~~ attains the highest overall student  
2 achievement ~~and the~~ as measured by the average of the last three reported Academic  
3 Performance Index (API) scores in each of the five groups based on average daily  
4 membership (ADM) as provided for in subsection D of this section;

5           2. ~~The top four schools~~ school site that ~~attain~~ attains the highest annual  
6 improvement in student achievement as measured by the average of the last three  
7 reported Academic Performance Index (API) scores in each of five groups based on  
8 average daily membership (ADM) as provided for in subsection D of this section. ~~The~~  
9 ~~AAA program shall also provide monetary awards to qualified employees at all schools;~~

10           3. All school sites that ~~attain a total~~ an average API score of one thousand five  
11 hundred (1,500) for the last three reported API scores for regular education students  
12 tested; and

13           4. All school sites that attain the “Gold”, “Silver”, or “Bronze” levels as measured by  
14 an average API score as established in paragraph 6 of subsection B of this section for the  
15 last three reported API scores.

16           B. 1. No later than ~~January~~ March 31 of each year, the State Board of Education  
17 shall provide a monetary award to all qualified employees at school sites designated as  
18 recipients of the Academic Achievement Award as calculated pursuant to this section.

19           2. The Board shall determine the amount of funds available for the AAA program,  
20 which shall include funds appropriated for the AAA program and may include other  
21 funds identified by the Board, which may be used for this purpose. Each year, based on  
22 the amount of available funding, the Board shall provide awards to all qualified

1 employees at school sites which have qualified for awards in each category in the  
2 following order, with awards being made for each subsequent category to as many school  
3 sites which have qualified for awards as can be funded with the remaining funds:

- 4 a. paragraph 3 of this subsection,
- 5 b. paragraph 4 of this subsection,
- 6 c. paragraph 5 of this subsection,
- 7 d. subparagraph a of paragraph 6 of this subsection,
- 8 e. subparagraph b of paragraph 6 of this subsection, and
- 9 f. subparagraph c of paragraph 6 of this subsection.

10 3. The Board shall determine the top ~~four~~ school sites site in each of the groups as  
11 designated in subsection D of this section that have achieved the highest overall student  
12 achievement as measured by the average of the last three reported API scores as  
13 calculated pursuant to Section 3-150 of this title.

14 4. The Board shall determine the top ~~four~~ school sites site in each of the groups as  
15 designated in subsection D of this section that have achieved the highest annual average  
16 percentage improvement in student achievement as measured by the average of the last  
17 three reported API ~~score~~ scores as compared to the previous three-year average of  
18 reported API scores.

19 5. The Board shall determine the school sites that have an average API score of one  
20 thousand five hundred (1,500) for the last three reported API scores for regular education  
21 students tested.

1           6. The Board shall determine the school sites that have an average API score for  
2 the last three reported API scores that meet the following levels:

3           a. Gold level – an average API score between one thousand four hundred  
4 ninety-nine (1,499) and one thousand three hundred ninety-five  
5 (1,395),

6           b. Silver level – an average API score between one thousand three  
7 hundred ninety-four (1,394) and one thousand two hundred seventy-  
8 five (1,275), and

9           c. Bronze level – an average API score between one thousand two  
10 hundred seventy-four (1,274) and one thousand one hundred fifty-five  
11 (1,155).

12           7. In the event of tie scores, the Board shall select the school site with the highest  
13 annual percentage improvement in student achievement as measured by the API score  
14 as compared to the previous year. If a tie still exists, the Board shall select the school  
15 site with the highest annual percentage improvement in reading achievement as  
16 compared to the previous year as measured by the reading assessments administered  
17 pursuant to Section 1210.508 of this title.

18           ~~7.~~ 8. Any school site that qualifies for more than one award as provided for in  
19 paragraphs 3, 4 ~~and~~, 5 and 6 of this subsection shall receive the ~~highest~~ award with the  
20 highest monetary amount the school site qualifies for as calculated pursuant to  
21 subsection C of this section, but in no case shall any school site receive more than one  
22 award.

1 C. 1. The amount of monetary award to be paid to each qualified employee at each  
2 school site identified as an award recipient as determined pursuant to paragraphs 3 and  
3 4 of subsection B of this section shall be ~~as follows~~:

- 4 a. ~~Three Thousand Dollars (\$3,000.00) for each first-place school,~~
- 5 b. ~~Two Thousand Dollars (\$2,000.00) for each second-place school,~~
- 6 c. ~~One Thousand Dollars (\$1,000.00) for each third-place school, and~~
- 7 d. ~~Five Hundred Dollars (\$500.00) for each fourth-place school.~~

8 2. The amount of monetary award to be paid to each qualified employee at each  
9 school site identified as having an average API score of one thousand five hundred  
10 (1,500) for the last three reported API scores for regular education students tested as  
11 determined pursuant to paragraph 5 of subsection B of this section shall be ~~Three~~  
12 ~~Thousand Dollars (\$3,000.00)~~ Two Thousand Dollars (\$2,000.00).

13 3. The amount of monetary award to be paid to each qualified employee at each  
14 school site identified as having attained the Gold, Silver, or Bronze levels as determined  
15 pursuant to paragraph 6 of subsection B of this section shall be as follows:

- 16 a. One Thousand Dollars (\$1,000.00) for each Gold level school,
- 17 b. Five Hundred Dollars (\$500.00) for each Silver level school, and
- 18 c. Two Hundred Fifty Dollars (\$250.00) for each Bronze level school.

19 D. Groups shall be designated based on average daily membership (ADM) as  
20 follows:

- 21 1. Group 1 - 0 to 135 ADM;
- 22 2. Group 2 - 136 to 235 ADM;

1 3. Group 3 - 236 to 345 ADM;

2 4. Group 4 - 346 to 505 ADM; and

3 5. Group 5 - 506 or more ADM.

4 E. For purposes of this section, “qualified employees” means all certified personnel,  
5 ~~as defined in Section 26-103 of this title, employed in the~~ to serve as a teacher, principal,  
6 supervisor, administrator, counselor, librarian, or certified or registered nurse at a school  
7 site which has been identified as a recipient of an Academic Achievement Award for at  
8 ~~least one-half (1/2)~~ eighty-five (85) days or equivalent hours of the school year ~~from which~~  
9 ~~the student test data used for the awards provided for in this section was derived~~ which  
10 is the last school year used to calculate the three-year average API score which is used to  
11 determine eligibility for an award. For charter schools formed and operated pursuant to  
12 the Oklahoma Charter School Act, qualified employees shall include all administrative  
13 and instructional personnel that meet the requirements of this subsection regardless of  
14 whether they are certified. Qualified employees shall not include certified personnel who  
15 are employed ~~in~~ at the school site in a noncertified position and the superintendent of the  
16 school district. ~~For awards granted for the 2007-2008 school year and each school year~~  
17 ~~thereafter, for early elementary schools which do not contain a grade level that is tested~~  
18 ~~under the Oklahoma School Testing Program Act but use the test data from a grade level~~  
19 ~~that is tested to calculate the API score for the school,~~ qualified. Qualified employees  
20 shall include the certified personnel ~~identified as the primary classroom teachers for the~~  
21 ~~grade level from which the student test data used to calculate the API score was derived~~  
22 ~~who are employed by the school district at another school site for at least one-half (1/2) of~~

1 ~~the school year~~ employed at an elementary school site for at least eighty-five (85) days or  
2 equivalent hours of the school year if students who are enrolled at the elementary site  
3 were enrolled in an early elementary school site which contains only prekindergarten,  
4 kindergarten, first- or second-grade levels that qualifies for an award. Qualified  
5 employees shall include the certified personnel employed at an early elementary school  
6 site which contains only prekindergarten, kindergarten, first- or second-grade levels for  
7 at least eighty-five (85) days or equivalent hours of the school year if students who were  
8 enrolled at the early elementary site are now enrolled at an elementary school site that  
9 qualifies for an award.

10 F. Qualified employees who are ~~employed at~~ assigned to more than one school site  
11 which is identified as an award recipient shall qualify for only one award, which shall be  
12 the highest award the employee qualifies for. For qualified employees who are employed  
13 as less than a one full-time-equivalent employee (FTE) by a school district and are  
14 assigned to a school site identified as an award recipient or who are employed as one  
15 FTE by a school district but are assigned as less than one FTE at a school site identified  
16 as an award recipient, the amount of the monetary award paid to the qualified employee  
17 shall be prorated based on the prior year final certified personnel FTE reported on the  
18 certified personnel report for the school site for the qualified employee.

19 G. No school site or school district shall be liable for payment of awards pursuant to  
20 this section. Awards shall not be included in the calculation of the salary of the teacher  
21 for purposes of meeting the district or statutory minimum salary schedule or for

1 purposes of calculating Teachers' Retirement System of Oklahoma contributions or  
2 benefits.

3 H. The State Board of Education shall promulgate rules necessary for the  
4 implementation of this section. The Board shall annually announce and recognize the  
5 school sites that have qualified for an award under the Academic Achievement Award  
6 program and shall post a list of the school sites on the Internet website for the State  
7 Department of Education.

8 SECTION 2. This act shall become effective July 1, 2010.

9 SECTION 3. It being immediately necessary for the preservation of the public  
10 peace, health and safety, an emergency is hereby declared to exist, by reason whereof  
11 this act shall take effect and be in full force from and after its passage and approval.

12 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,  
13 dated 02-23-10 - DO PASS, As Amended and Coauthored.