

ESB 2033

THE HOUSE OF REPRESENTATIVES
Monday, April 12, 2010

ENGROSSED
Senate Bill No. 2033
As Amended

ENGROSSED SENATE BILL NO. 2033 - By: COFFEE AND JOLLEY of the Senate and
BENGE of the House.

[schools - excluding incentive pay awards from compensation - codification -
effective date - emergency]

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

1 SECTION 1. AMENDATORY 70 O.S. 2001, Section 5-141.2, is amended to
2 read as follows:
3 Section 5-141.2. A. ~~On~~ Except as provided in Section 2 of this act, on or before
4 September 1, 1990, the State Board of Education shall develop not fewer than five (5)
5 different model incentive pay plans and shall distribute information about each plan to
6 every school district board of education. No plan developed by the Board or implemented
7 by the ~~local~~ district school board shall permit payment in any one (1) year of incentives to
8 any one teacher amounting to more than ~~twenty percent (20%)~~ fifty percent (50%) of ~~said~~
9 the teacher's regular salary, exclusive of fringe benefits or extra duty pay. Any incentive
10 pay award shall be an annual award and shall not be a part of a teacher's continuing
11 contract. Any incentive pay awards received shall be excluded from ~~such~~ the teacher's

1 compensation for purposes of calculating retirement pursuant to the Teachers'
2 Retirement System of Oklahoma, established in Section 17-102 of ~~Title 70 of the~~
3 ~~Oklahoma Statutes~~ this title and shall not be subject to taxes levied by the Federal
4 Insurance Contributions Act (F.I.C.A.), to the extent such exemption is provided by
5 federal law.

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

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

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

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

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

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

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

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

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

21 2. Teacher effectiveness measures shall include:

22 a. value-added student growth data, and

- 1 b. an evidence-based performance rubric.
- 2 3. The performance rubric shall include the following domains linked to student
- 3 success:
- 4 a. organizational and classroom management skills,
- 5 b. ability to provide effective instruction,
- 6 c. focus on continuous improvement and professional growth,
- 7 d. interpersonal skills, and
- 8 e. leadership skills.

9 B. 1. Beginning with the 2011-12 school year, a school district may implement an

10 incentive pay plan that rewards principals and administrators who are effective at school

11 growth in achievement.

- 12 2. Leader effectiveness measures shall include:
- 13 a. value-added school growth data,
- 14 b. stakeholder perceptions, derived from parent, student, and teacher
- 15 surveys, and
- 16 c. leader evaluation results based on an evidence-based performance
- 17 rubric.

- 18 3. The performance rubric for principal and administrator evaluations shall be
- 19 research-based and consist of the following domains linked to school success:
- 20 a. organizational and school management,
- 21 b. instructional leadership,
- 22 c. professional growth and responsibility,

1 d. interpersonal skills, and

2 e. leadership skills.

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

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

10 E. Prior to implementation of any incentive pay plan developed pursuant to this
11 section, the district board of education shall place the plan on the agenda for public
12 comment at a meeting of the district board of education and shall submit the plan to the
13 State Board of Education for final approval. The district board of education shall comply
14 with the provisions of this subsection for any year a plan is to be modified.

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

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

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

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
5 dated 04-08-10 - DO PASS, As Amended.