

THE STATE SENATE  
Monday, February 22, 2010

Committee Substitute for  
Senate Bill No. 2033

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 2033 - By: Coffee of the Senate and Bengtson 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:

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

Section 5-141.2. A. ~~On~~ Except as provided in Section 2 of this act, 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~~ district school board shall permit payment in any one (1) year of incentives to any one teacher amounting to more than ~~twenty percent (20%)~~ fifty percent (50%) of ~~said~~ the 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~~ the teacher's compensation for purposes of calculating retirement

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

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

21 C. Beginning with the 1991-92 school year, a school district  
22 shall be required to adopt and implement an academically based,  
23 district incentive pay plan for any school year following the

1 receipt by the school district board of education, of a petition  
2 signed by twenty percent (20%) of the classroom teachers employed in  
3 the district which calls for the adoption of an incentive pay plan  
4 for the district.

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

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

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

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

18 H. Nothing herein shall preclude a school district from  
19 supplementing to any monies appropriated to ~~such~~ the district for  
20 the purposes of the district's incentive pay plan, monies from the  
21 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.

1           2. Leader effectiveness measures shall include:

2           a. value-added school growth data,

3           b. stakeholder perceptions, derived from parent, student,

4           and teacher surveys, and

5           c. leader evaluation results based on an evidence-based

6           performance rubric.

7           3. The performance rubric for principal and administrator

8 evaluations shall be research-based and consist of the following

9 domains linked to school success:

10           a. organizational and school management,

11           b. instructional leadership,

12           c. professional growth and responsibility,

13           d. interpersonal skills, and

14           e. leadership skills.

15           C. Incentive pay plans implemented pursuant to subsections A

16 and B of this section shall be based on teacher effectiveness and

17 leader effectiveness measures and thresholds, developed through a

18 collaborative planning process involving all stakeholders, including

19 teachers.

20           D. Districts may develop and implement incentive pay systems

21 for teaching in critical shortage subject areas, in low-performing

22 schools, or in the subject areas of Science, Technology,

23 Engineering, and Math (STEM).

1 E. Prior to implementation of any incentive pay plan developed  
2 pursuant to this section, the district board of education shall  
3 place the plan on the agenda for public comment at a meeting of the  
4 district board of education and shall submit the plan to the State  
5 Board of Education for final approval. The district board of  
6 education shall comply with the provisions of this subsection for  
7 any year a plan is to be modified.

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

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

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

21 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-17-10 - DO  
22 PASS, As Amended and Coauthored.