

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2032

By: Coffee

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5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,  
8 Sections 5-141.2 and 5-141.3, which relate to  
9 incentive pay plans; clarifying language; providing  
10 an effective date; and declaring an emergency.

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

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

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

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

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

22 C. Beginning with the 1991-92 school year, a school district  
23 shall be required to adopt and implement an academically based,  
24 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.

22 SECTION 2. AMENDATORY 70 O.S. 2001, Section 5-141.3, is  
23 amended to read as follows:

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1 Section 5-141.3 Teacher Incentive Pay programs that have been  
2 approved by the State Board of Education prior to implementation ~~and~~  
3 ~~have been evaluated by the State Board of Education to have~~  
4 ~~successfully completed the year according to the approved district~~  
5 ~~plan~~ shall be eligible for partial reimbursement of incentive pay  
6 awards from the funds appropriated for Teacher Incentive Pilot  
7 Programs. Such state reimbursements shall not exceed fifty percent  
8 (50%) of the amount awarded to any teacher not to exceed Five  
9 Hundred Dollars (\$500.00), whichever is less. Such reimbursements  
10 shall not be provided to more than fifty percent (50%) of the  
11 certified instructional staff of a school district. Application for  
12 reimbursement shall be submitted to the State Board of Education no  
13 later than July 1 of the year following the implementation year and  
14 reimbursement of approved claims shall occur no later than September  
15 1.

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.

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