STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

SENATE BILL 291 By: Corn

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2001, Section 6-204.2, as last amended by Section 1, Chapter 197, O.S.L. 2007 (70 O.S. Supp. 2008, Section 6-204.2), which relates to the Education Leadership Oklahoma program; increasing maximum number of scholarship recipients; amending Section 1, Chapter 503, O.S.L. 2004, as last amended by Section 1, Chapter 212, O.S.L. 2007 (70 O.S. Supp. 2008, Section 18-114.12), which relates to the teacher minimum salary schedule; specifying minimum salary increases for certain school years; extending salary schedule to thirty years; amending 70 O.S. 2001, Section 26-105, as last amended by Section 2, Chapter 180, O.S.L. 2007 (70 O.S. Supp. 2008, Section 26-105), which relates to the Larry Dickerson Education Flexible Benefits Allowance Act; deleting obsolete language; providing a dependent flexible benefit allowance for certain education employees; requiring certain wage increases for support employees; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 6-204.2, as last amended by Section 1, Chapter 197, O.S.L. 2007 (70 O.S. Supp. 2008, Section 6-204.2), is amended to read as follows:

Section 6-204.2 A. Subject to the availability of funds, the Oklahoma Commission for Teacher Preparation and the State Board of Education are authorized to establish the Education Leadership Oklahoma program.

B. The purposes of the Education Leadership Oklahoma program are:

1. Provide teachers throughout the state information about National Board certification and the Education Leadership Oklahoma program scholarships and services;

2. Provide technical assistance and National Board certified mentors to all teachers seeking National Board certification upon request;

3. Provide scholarships, pursuant to the Education Leadership Oklahoma Act and Oklahoma Commission for Teacher Preparation rules, for teachers seeking National Board certification;

4. Provide a bonus to teachers who achieve National Board certification pursuant to the Education Leadership Oklahoma Act and State Board of Education rules;

5. Reward teachers who achieve National Board certification without the financial support of the Education Leadership Oklahoma program by awarding them the application fee and the amount of the scholarship given to Education Leadership Oklahoma participants pursuant to this section and commission rules; and

6. Provide recognition to National Board certified teachers.

C. To fulfill the objectives of the Education Leadership Oklahoma Act, the Oklahoma Commission for Teacher Preparation shall:

1. Inform teachers of the Education Leadership Oklahoma program and the scholarships and services it provides to teachers seeking National Board certification, emphasizing recruiting efforts toward teachers at high-poverty schools, low-achieving schools and in counties with the lowest percentage of teachers who have achieved National Board certification;

2. Collect and review applications to the scholarship program from interested teachers;

3. Establish an applicant review committee for the purpose of identifying scholarship recipients pursuant to the Education Leadership Oklahoma Act for the Education Leadership Oklahoma program; and

4. Ensure that all scholarship recipients, alternates, and teachers seeking National Board certification independently receive adequate information regarding the level of commitment required to acquire National Board certification.

D. The applicant review committee shall:

1. Consist of:

a. five classroom teachers appointed by the State Board of Education, at least one of whom shall be a National Board certified teacher, if available,

b. five classroom teachers appointed by the Oklahoma Commission for Teacher Preparation, at least one of whom shall be a National Board certified teacher, if available,

c. three classroom teachers appointed by the Oklahoma State Regents for Higher Education, at least one of whom shall be a National Board certified teacher, if available, and

d. a chair to be designated by the Executive Director of the Oklahoma Commission for Teacher Preparation from among the appointed members; and

2. Select up to ~~four hundred~~ six hundred fifty teachers each year, of whom a minimum of twenty-five percent (25%) teach at schools on the school improvement list as determined by the State Board of Education pursuant to the No Child Left Behind Act or schools with more than fifty percent (50%) of students who qualify for the free and reduced price lunch program, and the appropriate number of alternates, who:

a. have demonstrated a commitment to excellence in teaching,

b. meet all eligibility requirements for potential certification as established by the National Board for Professional Teaching Standards,

c. are employed in an Oklahoma public school, and

d. meet other requirements of the Commission.

E. Subject to the availability of funds appropriated by the Legislature for the purposes of this subsection, the application fee for National Board certification shall be paid for scholarship recipients by the Commission, and scholarship recipients shall be provided a scholarship in the amount of Five Hundred Dollars ($500.00) to cover other expenses associated with obtaining National Board certification.

F. It is the intent of the Legislature that the Oklahoma Commission for Teacher Preparation contract with Southeastern Oklahoma State University to establish Education Leadership Oklahoma program training in higher education teacher preparation programs in the state to assist teachers in meeting the requirements to obtain National Board certification.

G. All teachers seeking National Board certification shall be eligible to participate in Education Leadership Oklahoma program training to assist them in meeting the requirements of the National Board certification process, free of charge.

H. The Oklahoma Commission for Teacher Preparation shall promulgate rules for the selection of scholarship recipients, the selection and utilization of alternates, the payment and reimbursement of application fees, and the issuance of scholarships.

I. Subject to district board of education policy or collective bargaining agreement, additional professional leave days may be

granted to teachers seeking National Board certification for National Board certification portfolio development. During the two (2) days of the additional professional days granted to teachers for National Board certification portfolio development, a substitute teacher shall be provided by the school district at no cost to the teacher.

J. The State Board of Education shall provide all teachers who attain National Board certification a bonus in the amount of Five Thousand Dollars ($5,000.00) annually no later than January 31 for as long as they maintain their National Board certification and are teaching in the classroom full-time in an Oklahoma public school. No school or school district shall be liable for payment of bonuses pursuant to this section.

K. The bonus shall not be included in the calculation of the teacher's salary for purposes of meeting the district or statutory minimum salary schedule or for purposes of compensating Oklahoma Teachers' Retirement System contributions or benefits.

L. The State Board of Education shall promulgate rules for the provision of the bonus pursuant to this section to include, but not be limited to, a process by which a National Board certified teacher will verify that:

1. The National Board certification has not lapsed; and

2. The teacher is still a full-time teacher.

M. It is the intent of the Legislature that the Oklahoma State Regents for Higher Education incorporate the National Board certification portfolio development into all programs in education leading to a master's level degree.

N. Upon implementation of this subsection as provided for in subsection O of this section, the State Board of Education shall provide all teachers who attain National Board certification a bonus in the amount of Seven Thousand Dollars ($7,000.00) annually no later than January 31 for as long as they maintain their National Board certification and are full-time teachers in an Oklahoma public school. No school or school district shall be liable for payment of bonuses pursuant to this section. Upon implementation, the bonus provided for in this subsection shall replace the bonus provided for in subsection J of this section.

O. Implementation of subsection N of this section shall be contingent upon the appropriation by the Legislature of state funds for the specific purpose of implementing subsection N of this section. Nothing in this section shall prevent the State Board of Education or a school district board of education from utilizing private, local, or federal funds to implement subsection N of this section.

SECTION 2. AMENDATORY Section 1, Chapter 503, O.S.L. 2004, as last amended by Section 1, Chapter 212, O.S.L. 2007 (70 O.S. Supp. 2008, Section 18-114.12), is amended to read as follows:

Section 18-114.12 A. For the 2005-06 school year, teachers in the public schools of Oklahoma shall receive in salary and/or fringe benefits not less than the amounts specified in the following schedule:

MINIMUM SALARY SCHEDULE

Years of Experience	Bachelor's Degree	Master's Degree	Doctor's Degree
0	$28,000	$29,200	$30,400
1	$28,375	$29,575	$30,775
2	$28,750	$29,950	$31,150
3	$29,125	$30,325	$31,525
4	$29,500	$30,700	$31,900
5	$29,900	$31,100	$32,300
6	$30,300	$31,500	$32,700
7	$30,700	$31,900	$33,100
8	$31,100	$32,300	$33,500
9	$31,500	$32,700	$33,900
10	$31,925	$33,125	$34,325
11	$32,350	$33,550	$34,750
12	$32,775	$33,975	$35,175
13	$33,200	$34,400	$35,600
14	$33,625	$34,825	$36,025
15	$34,050	$35,250	$36,450
16	$34,475	$35,675	$36,875

17	$34,900	$36,100	$37,300
18	$35,325	$36,525	$37,725
19	$35,750	$36,950	$38,150
20	$36,175	$37,375	$38,575
21	$36,600	$37,800	$39,000
22	$37,025	$38,225	$39,425
23	$37,450	$38,650	$39,850
24	$37,875	$39,075	$40,275
25	$38,300	$39,500	$40,700

B. For the 2006-07 school year, teachers in the public schools of Oklahoma shall receive in salary and/or fringe benefits not less than the amounts specified in the following schedule:

MINIMUM SALARY SCHEDULE

Years of Experience	Bachelor's Degree	Master's Degree	Doctor's Degree
0	$31,000	$32,200	$33,400
1	$31,375	$32,575	$33,775
2	$31,750	$32,950	$34,150
3	$32,125	$33,325	$34,525
4	$32,500	$33,700	$34,900
5	$32,900	$34,100	$35,300
6	$33,300	$34,500	$35,700
7	$33,700	$34,900	$36,100
8	$34,100	$35,300	$36,500

9	$34,500	$35,700	$36,900
10	$34,925	$36,125	$37,325
11	$35,350	$36,550	$37,750
12	$35,775	$36,975	$38,175
13	$36,200	$37,400	$38,600
14	$36,625	$37,825	$39,025
15	$37,050	$38,250	$39,450
16	$37,475	$38,675	$39,875
17	$37,900	$39,100	$40,300
18	$38,325	$39,525	$40,725
19	$38,750	$39,950	$41,150
20	$39,175	$40,375	$41,575
21	$39,600	$40,800	$42,000
22	$40,025	$41,225	$42,425
23	$40,450	$41,650	$42,850
24	$40,875	$42,075	$43,275
25	$41,300	$42,500	$43,700

C. Beginning with the 2007-08 school year, teachers in the public schools of Oklahoma shall receive in salary and/or fringe benefits not less than the amounts specified in the following schedule:

MINIMUM SALARY SCHEDULE

Years of Experience	Bachelor's Degree	Master's Degree	Doctor's Degree

0	$31,600	$32,800	$34,000
1	$31,975	$33,175	$34,375
2	$32,350	$33,550	$34,750
3	$32,725	$33,925	$35,125
4	$33,100	$34,300	$35,500
5	$33,500	$34,700	$35,900
6	$33,900	$35,100	$36,300
7	$34,300	$35,500	$36,700
8	$34,700	$35,900	$37,100
9	$35,100	$36,300	$37,500
10	$35,950	$37,575	$39,625
11	$36,375	$38,000	$40,050
12	$36,800	$38,425	$40,475
13	$37,225	$38,850	$40,900
14	$37,650	$39,275	$41,325
15	$38,075	$39,700	$41,750
16	$38,500	$40,125	$42,175
17	$38,925	$40,550	$42,600
18	$39,350	$40,975	$43,025
19	$39,775	$41,400	$43,450
20	$40,200	$41,825	$43,875
21	$40,625	$42,250	$44,300
22	$41,050	$42,675	$44,725
23	$41,475	$43,100	$45,150

24	$41,900	$43,525	$45,575
25	$42,325	$43,950	$46,000

D. Beginning with the 2009-10 school year, teachers in the public schools of Oklahoma shall receive in salary and/or fringe benefits not less than the amounts specified in the following schedule:

MINIMUM SALARY SCHEDULE

Years of Experience	Bachelor's Degree	Master's Degree	Doctor's Degree
0	$34,600	$35,800	$37,000
1	$34,975	$36,175	$37,375
2	$35,350	$36,550	$37,750
3	$35,725	$36,925	$38,125
4	$36,100	$37,300	$38,500
5	$36,500	$37,700	$38,900
6	$36,900	$38,100	$39,300
7	$37,300	$38,500	$39,700
8	$37,700	$38,900	$40,100
9	$38,100	$39,300	$40,500
10	$38,950	$40,575	$42,625
11	$39,375	$41,000	$43,050
12	$39,800	$41,425	$43,475
13	$40,225	$41,850	$43,900
14	$40,650	$42,275	$44,325

15	$41,075	$42,700	$44,750
16	$41,500	$43,125	$45,175
17	$41,925	$43,550	$45,600
18	$42,350	$43,975	$46,025
19	$42,775	$44,400	$46,450
20	$43,200	$44,825	$46,875
21	$43,625	$45,250	$47,300
22	$44,050	$45,675	$47,725
23	$44,475	$46,100	$48,150
24	$44,900	$46,525	$48,575
25	$45,325	$46,950	$49,000
26	$45,750	$47,375	$49,425
27	$46,175	$47,800	$49,850
28	$46,600	$48,225	$50,275
29	$47,025	$48,650	$50,700
30	$47,450	$49,075	$51,125

E. Beginning with the 2010-11 school year, teachers in the public schools of Oklahoma shall receive in salary and/or fringe benefits not less than the amounts specified in the following schedule:

MINIMUM SALARY SCHEDULE

Years of Experience	Bachelor's Degree	Master's Degree	Doctor's Degree
0	$37,600	$38,800	$40,000

1	$37,975	$39,175	$40,375
2	$38,350	$39,550	$40,750
3	$38,725	$39,925	$41,125
4	$39,100	$40,300	$41,500
5	$39,500	$40,700	$41,900
6	$39,900	$41,100	$42,300
7	$40,300	$41,500	$42,700
8	$40,700	$41,900	$43,100
9	$41,100	$42,300	$43,500
10	$41,950	$43,575	$45,625
11	$42,375	$44,000	$46,050
12	$42,800	$44,425	$46,475
13	$43,225	$44,850	$46,900
14	$43,650	$45,275	$47,325
15	$44,075	$45,700	$47,750
16	$44,500	$46,125	$48,175
17	$44,925	$46,550	$48,600
18	$45,350	$46,975	$49,025
19	$45,775	$47,400	$49,450
20	$46,200	$47,825	$49,875
21	$46,625	$48,250	$50,300
22	$47,050	$48,675	$50,725
23	$47,475	$49,100	$51,150
24	$47,900	$49,525	$51,575

25	$48,325	$49,950	$52,000
26	$48,750	$50,375	$52,425
27	$49,175	$50,800	$52,850
28	$49,600	$51,225	$53,275
29	$50,025	$51,650	$53,700
30	$50,450	$52,075	$54,125

F. Beginning with the 2011-12 school year, teachers in the public schools of Oklahoma shall receive in salary and/or fringe benefits not less than the amounts specified in the following schedule:

MINIMUM SALARY SCHEDULE

Years of Experience	Bachelor's Degree	Master's Degree	Doctor's Degree
0	$40,600	$41,800	$43,000
1	$40,975	$42,175	$43,375
2	$41,350	$42,550	$43,750
3	$41,725	$42,925	$44,125
4	$42,100	$43,300	$44,500
5	$42,500	$43,700	$44,900
6	$42,900	$44,100	$45,300
7	$43,300	$44,500	$45,700
8	$43,700	$44,900	$46,100
9	$44,100	$45,300	$46,500
10	$44,950	$46,575	$48,625

11	$45,375	$47,000	$49,050
12	$45,800	$47,425	$49,475
13	$46,225	$47,850	$49,900
14	$46,650	$48,275	$50,325
15	$47,075	$48,700	$50,750
16	$47,500	$49,125	$51,175
17	$47,925	$49,550	$51,600
18	$48,350	$49,975	$52,025
19	$48,775	$50,400	$52,450
20	$49,200	$50,825	$52,875
21	$49,625	$51,250	$53,300
22	$50,050	$51,675	$53,725
23	$50,475	$52,100	$54,150
24	$50,900	$52,525	$54,575
25	$51,325	$52,950	$55,000
26	$51,750	$53,375	$55,425
27	$52,175	$53,800	$55,850
28	$52,600	$54,225	$56,275
29	$53,025	$54,650	$56,700
30	$53,450	$55,075	$57,125

G. When determining the Minimum Salary Schedule, "fringe benefits" shall mean all or part of retirement benefits, excluding the contributions made pursuant to subsection A of Section 17-108.1 of this title and the flexible benefit allowance pursuant to Section

26-105 of this title from the flexible benefit allowance funds disbursed by the State Board of Education and the State Board of Career and Technology Education pursuant to Section 26-104 of this title. Any of the degrees referred to in this section shall be from a college recognized by the State Board of Education. The State Board of Education shall accept teaching experience from out-of-state school districts that are accredited by the State Board of Education or appropriate state accrediting agency for the districts. For the purpose of state salary increments and retirement, no teacher shall be granted credit for more than five (5) years' active duty in the military service, or out-of-state teaching experience as a certified teacher or its equivalent. Nothing in this section shall prohibit boards of education from crediting more years of experience on district salary schedules than those allowed for state purposes. The State Board of Education shall recognize, for purposes of certification and salary increments, the years of experience of a certified teacher who teaches in the Department of Corrections' educational program beginning with fiscal year 1981. The State Board of Education shall recognize for purposes of certification and salary increments the years of experience of a Vocational Rehabilitation Counselor under the Department of Human Services if the counselor was employed as a certified teacher by the State Department of Education when the Division of Vocational Rehabilitation was transferred from the State Board of Career and

Technology Education or the State Board of Education to the Oklahoma Public Welfare Commission on July 1, 1968.

~~E.~~ H. The State Board of Education shall recognize for purposes of certification and salary increments all of the years of experience a:

1. Vocational Rehabilitation Counselor completed while employed by the Department of Human Services if such counselor was certified as a teacher or was eligible for certification as a teacher in Oklahoma;

2. Certified teacher completed while employed by the Department of Human Services Child Study Center at University Hospital, if the teacher was certified as a teacher in Oklahoma; and

3. Certified school psychologist or psychometrist completed while employed as a doctoral intern, psychological assistant, or psychologist with any agency of the State of Oklahoma if the experience primarily involved work with persons of school or preschool age and if the person was, at the time the experience was acquired, certified as, or eligible for certification as, a school psychologist or psychometrist.

~~F.~~ I. The provisions of this section shall not apply to teachers who have entered into postretirement employment with a public school in Oklahoma and are still receiving a monthly retirement benefit.

SECTION 3. AMENDATORY 70 O.S. 2001, Section 26-105, as last amended by Section 2, Chapter 180, O.S.L. 2007 (70 O.S. Supp. 2008, Section 26-105), is amended to read as follows:

Section 26-105. A. The flexible benefit allowance shall be used by a school district employee who is participating in the cafeteria plan to purchase major medical health care plan coverage offered by the school district through a cafeteria plan. Any excess flexible benefit allowance over the cost of the major medical coverage purchased by the employee who is participating in the cafeteria plan may be used to purchase any of the additional benefits offered by the school district or may be taken as taxable compensation as provided in subsection C of this section. Certified personnel who choose not to participate in the school-district-sponsored cafeteria plan shall receive Sixty-nine Dollars and seventy-one cents ($69.71) per month as taxable compensation in lieu of the flexible benefit allowance amount provided in subsection B of this section. Support personnel who choose not to participate in the school-district-sponsored cafeteria plan shall receive One Hundred Eighty-nine Dollars and sixty-nine cents ($189.69) per month as taxable compensation in lieu of the flexible benefit allowance amount provided in subsection B of this section.

B. Each eligible school district employee shall be credited annually with a specified amount as a flexible benefit allowance which shall be available for the purchase of benefits. The amount

of the flexible benefit allowance credited to each eligible school district employee shall be communicated to the employee prior to the enrollment period for each plan year.

1. ~~For the fiscal year ending June 30, 2002, the flexible benefit allowance amount for certified personnel shall be no less than Sixty nine Dollars and seventy one cents ($69.71) per month. For the fiscal year ending June 30, 2002, the flexible benefit allowance amount for support personnel shall be no less than One Hundred Eighty-nine Dollars and sixty-nine cents ($189.69) per month.~~

~~2. For the fiscal year ending June 30, 2004, the flexible benefit allowance amount for certified personnel shall be no less than fifty-eight percent (58%) of the premium amount for the HealthChoice (Hi) option plan for an individual offered by the State and Education Employees Group Insurance Board.~~ For the fiscal year ending June 30, 2003, and each fiscal year thereafter, the flexible benefit allowance amount for support personnel shall be no less than one hundred percent (100%) of the premium amount for the HealthChoice (Hi) option plan for an individual offered by the State and Education Employees Group Insurance Board.

~~3.~~ 2. For the fiscal year ending June 30, 2005, and each fiscal year thereafter, the flexible benefit allowance amount for certified personnel shall be no less than one hundred percent (100%) of the premium amount for the HealthChoice (Hi) option plan for an

individual offered by the State and Education Employees Group Insurance Board.

3. For the fiscal year ending June 30, 2010, and each fiscal year thereafter, the flexible benefit allowance credited to each eligible school district employee who elects to purchase major medical health care plan coverage offered by the school district through a cafeteria plan for such employee's dependent or dependents shall be increased as follows:

a. for a spouse, seventy-five percent (75%) of the price of the HealthChoice (Hi) option benefit plan available for coverage of a spouse,

b. for one child, seventy-five percent (75%) of the price of the HealthChoice (Hi) option benefit plan available for coverage of one child,

c. for two or more children, seventy-five percent (75%) of the price of the HealthChoice (Hi) option benefit plan available for coverage of two or more children,

d. for a spouse and one child, seventy-five percent (75%) of the price of the HealthChoice (Hi) option benefit plan available for coverage of a spouse and one child, or

e. for a spouse and two or more children, seventy-five percent (75%) of the price of the HealthChoice (Hi)

option benefit plan available for coverage of a spouse and two or more children.

C. If a school district employee who is participating in the cafeteria plan elects benefits whose sum total is less than the flexible benefit allowance, the employee shall receive any excess flexible benefit allowance as taxable compensation. Such taxable compensation shall be paid in substantially equal amounts each pay period over the plan year. Except as otherwise provided for in subsection D of this section, on termination during a plan year, a participating school district employee shall have no right to receive any taxable cash compensation allocated to the portion of the plan year after the termination of the employee.

D. In cases where the employee of a school district fulfills the terms of their contract and terminates employment for the subsequent year, the employee shall be entitled to the flexible benefit allowance for the remainder of the current benefit term. For purposes of this subsection, "benefit term" shall mean the twelve-month period after the initiation of benefits for the position held by the employee.

E. Each school district employee shall make an annual election of benefits under the plan during an enrollment period to be held prior to the beginning of each plan year. The enrollment period dates will be determined annually and will be announced by the school district, providing the enrollment period shall end no later

than thirty (30) days before the beginning of the plan year. Each school district employee shall make an irrevocable advance election for the plan year or the remainder of the plan year pursuant to procedures the school district shall prescribe.

F. The school district shall prescribe the forms that school district employees shall be required to use in making their elections, and may prescribe deadlines and other procedures for filing the elections.

G. School district employees hired after the closing of the enrollment period shall be allowed to make an election as provided in ~~this act~~ Section 26-101 et seq. of this title.

H. A district board of education shall have the option of providing a flexible benefit allowance to the superintendent of the school district in an amount not more than the amount of the flexible benefit allowance established for certified personnel in subsection B of this section. Funding for the flexible benefit allowance for a superintendent shall be provided through local revenue.

SECTION 4. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. Contingent on the availability of funds appropriated for the purposes of this section, each school district shall provide to every full-time state-funded support employee a wage increase equivalent to One Thousand Five Hundred Dollars ($1,500.00) for each

of the 2009-2010, 2010-2011, and 2011-2012 school years. The wage increases shall be over the base amount the employee earned during the preceding school year provided the support employee is employed by the same school district for the following school year.

B. Support employees employed on a part-time basis shall receive a pro-rated increase. The increase prescribed by this section shall be in addition to any other compensation and fringe benefits mandated by law or collective bargaining agreement, unless the hours or duties of the support employee are reduced proportionately.

SECTION 5. This act shall become effective July 1, 2009.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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