STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

SENATE BILL 1879 By: Ford

AS INTRODUCED

An Act relating to teacher National Board certification; amending 70 O.S. 2011, Section 6-204.2, which relates to the Education Leadership Oklahoma program; removing certain condition; clarifying eligibility for certain bonus; modifying certain dates; providing for payment of certain fees by the Commission; modifying purpose of certain program; eliminating certain committee; modifying objectives of certain Commission; updating name of certain fee; modifying eligibility for certain payments; declaring intent of Legislature; amending 70 O.S. 2011, Section 6-206, which relates to certain school employees salary bonus; modifying eligibility for certain bonus; amending 70 O.S. 2011, Section 6-204.4, which relates to certain revolving fund; changing the name of the fund; adding to the purpose of the fund; 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. 2011, Section 6-204.2, is amended to read as follows:

Section 6-204.2. A. ~~Subject to the availability of funds, the~~ 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, and in accordance with subsection M of this section;

~~5.~~ 4. 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~~ a scholarship ~~given to Education Leadership Oklahoma participants pursuant to this section and commission rules~~ as provided in subsection D of this section; and

~~6.~~ 5. Provide recognition to National Board certified teachers.

C. Except as otherwise provided for in subsection ~~P~~ M of this section, 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.~~ 2. 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. Except as otherwise provided for in subsection P~~ N ~~of this section, select up to four hundred 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 and except as otherwise provided for in subsection ~~P~~ M of this section, the Commission shall pay for the application processing charge and assessment fee for National Board certification ~~shall be paid for scholarship recipients by the Commission, and scholarship recipients shall be provided~~ not to exceed Two Thousand Seven Hundred Fifty Dollars ($2,750.00) and a scholarship in the amount of Five Hundred Dollars ($500.00) to cover other expenses associated with obtaining National Board certification to all teachers who obtain 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~~

E. The Commission shall promulgate rules for up-front payment of the application processing charge and assessment fee and scholarship, for applicants selected pursuant to Commission rules, not to exceed one hundred (100) applicants per fiscal year. If an applicant who receives the up-front payment does not complete National Board certification within three (3) years, then the

applicant shall repay the Commission the amount provided by the Commission pursuant to this subsection. All applicants who do not receive an up-front payment and successfully complete National Board certification shall be reimbursed by the Commission for the application processing charge and assessment fee, not to exceed Two Thousand Seven Hundred Fifty Dollars ($2,750.00).

~~G.~~ F. Except as otherwise provided for in subsection ~~P~~ M of this section, 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.~~ G. 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.~~ H. 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.~~ I. Except as otherwise provided for in subsection ~~P~~ M of this section, 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. Teachers shall be eligible to receive an annual bonus for ~~as long as they maintain~~ the duration of their current National Board certification, not to exceed ten (10) annual payments per certification period, and so long as they 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.~~ J. 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.~~ K. 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; and

3. The teacher has not exceeded the limit of ten (10) annual payments per certification period.

~~M.~~ L. 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.~~

~~P.~~ M. 1. Except as otherwise provided, the Oklahoma Commission for Teacher Preparation shall not accept any applications for the Education Leadership Oklahoma program, award scholarships pursuant

to the Education Leadership Oklahoma Act or pay the National Board certification application processing charge and assessment fee for scholarship recipients after June 30, 2010, through June 30, 2012. The Commission may pay any scholarship amounts or pay the National Board certification application fees incurred after June 30, 2010, for any teacher selected for the Education Leadership Oklahoma program before June 30, 2010.

2. Except as otherwise provided, the State Board of Education shall not provide a bonus in the amount of Five Thousand Dollars ($5,000.00) as authorized in subsection ~~J~~ I of this section beginning June 30, 2010, ~~through June 30, 2012,~~ to any teacher who attains National Board certification after June 30, 2010~~, through June 30, 2012~~. The Board shall provide a bonus to any teacher who attains National Board certification after June 30, 2010, if the teacher was selected for the Education Leadership Oklahoma program before June 30, 2010, or the teacher has submitted an application for National Board certification to the National Board for Professional Teaching Standards before June 30, 2010.

3. Except as otherwise provided, if a teacher who qualifies for a bonus pursuant to this section is not provided an annual bonus by the State Board of Education, the teacher shall receive an annual bonus payment after the teacher's current National Board certification is expired, for a total of ten (10) annual payments.

However, in no event shall an eligible teacher receive more than ten (10) annual payments per certification period.

N. For the fiscal year ending June 30, 2013 and each fiscal year thereafter, the Legislature shall appropriate Fifteen Million Dollars ($15,000,000.00) to be deposited into the Oklahoma Teacher Performance Pay Revolving Fund for the purpose of funding National Board certification bonuses and establishing a performance pay system. All funds remaining in the Oklahoma Teacher Performance Pay Revolving Fund at the end of the fiscal year, after all bonuses are paid, shall be used by the State Department of Education to implement a performance pay system in accordance with the teacher and leader effectiveness evaluation system provided in Section 6-101.16 of this title.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-206, is amended to read as follows:

Section 6-206. A. Subject to the availability of funds, the State Board of Education shall provide an annual salary bonus in the amount of Five Thousand Dollars ($5,000.00) no later than January 31 of each year to the following employees of public school districts:

1. Any school psychologist who has been designated as a Nationally Certified School Psychologist by the National School Psychology Certification Board; and

2. Any speech-language pathologist or audiologist who holds a Certificate of Clinical Competence awarded by the American Speech-Language Hearing Association.

B. The State Board of Education shall adopt rules for the provision of the bonus pursuant to this section to include, but not be limited to, a process by which a nationally certified school psychologist, speech-language pathologist and audiologist may verify that:

1. The individual is still employed by a school district;

2. The certification required in subsection A of this section has been attained and has not lapsed; ~~and~~

3. The individual is licensed to practice in this state; and

4. The individual has not exceeded the limit of ten (10) annual payments as provided in subsection E of this section.

C. An individual who qualifies for the bonus pursuant to this section and who is employed by a school district on less than a full-time basis, shall receive a pro-rated bonus based on the proportionate equivalency to full-time employment.

D. No school or school district shall be liable for payment of bonuses pursuant to this section. The bonus shall not be included in the calculation of salary for purposes of meeting the district or statutory minimum salary schedule or for purposes of calculating Teachers' Retirement System of Oklahoma contributions or benefits.

E. ~~The amount of the salary bonus pursuant to subsection A of this section shall be increased to Seven Thousand Dollars ($7,000.00) upon implementation of subsection N of Section 6-204.2 of this title~~ An individual who qualifies for the bonus pursuant to this section shall be eligible for a maximum of ten (10) annual payments.

SECTION 3. AMENDATORY 70 O.S. 2011, Section 6-204.4, is amended to read as follows:

Section 6-204.4. There is hereby created in the State Treasury a revolving fund for the State Board of Education to be designated the ~~"Oklahoma National Board Certification Revolving Fund"~~ "Oklahoma Teacher Performance Pay Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies appropriated or transferred to the fund by the Legislature. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Board of Education to provide an annual bonus for those teachers possessing National Board certification. Any monies remaining in the fund at the end of the fiscal year, after all annual bonuses are paid, shall be eligible to be expended by the State Board of Education through a performance pay system based upon the Oklahoma Teacher and Leader Effectiveness Evaluation System. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the

Director of State Finance for approval and payment. The State Board of Education shall transfer all funds deposited into the Oklahoma National Board Certification Revolving Fund for the fiscal year ending June 30, 1998, to the Education Leadership Oklahoma Revolving Fund, created in Section 6-204.3 of this title, less expenditures and encumbrances as adjusted by transfer on July 1, 1998.

SECTION 4. This act shall become effective July 1, 2012.

SECTION 5. 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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