

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 2121

By: Roberts (Sean)

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6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,  
8 Section 5-141.4, which relates to incentive pay  
9 plans; updating statutory references; providing an  
10 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. 2011, Section 5-141.4, is  
13 amended to read as follows:

14 Section 5-141.4 A. 1. In addition to incentive pay plans  
15 authorized pursuant to Section 5-141.2 of ~~Title 70 of the Oklahoma~~  
16 ~~Statutes~~ this title, beginning with the 2012-13 school year, a  
17 school district may implement an incentive pay plan that rewards  
18 teachers who are increasing student and school growth in  
19 achievement.

20 2. Teacher performance shall be measured using the Oklahoma  
21 Teacher and Leader Effectiveness Evaluation System (TLE) as set  
22 forth in Section ~~6~~ 6-101.16 of this ~~act~~ title.

23 3. Individual teacher incentive pay awards shall be based upon:  
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- 1           a.    achieving either a "superior" or "highly effective"  
2                    rating under the TLE, and  
3           b.    grade level, subject area, or school level performance  
4                    success.

5           B.  1.  Beginning with the 2012-13 school year, a school  
6 district may implement an incentive pay plan as authorized pursuant  
7 to this section.

8           2.  For purposes of this section, "leader" means a principal,  
9 assistant principal or any other school administrator who is  
10 responsible for supervising classroom teachers.

11           3.  School leader effectiveness shall be measured using the  
12 Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as  
13 set forth in Section ~~6~~ 6-101.16 of this ~~act~~ title.

14           4.  Individual school leader incentive pay awards shall be based  
15 upon:

- 16           a.    achieving either a "superior" or "highly effective"  
17                    rating under the TLE, and  
18           b.    grade level, subject area, or school level performance  
19                    success.

20           C.  Incentive pay plans implemented pursuant to subsections A  
21 and B of this section shall be developed through a collaborative  
22 planning process involving stakeholders, including teachers and  
23 school leaders.

1 D. In addition to individual teacher and leader incentive pay  
2 plans, as authorized pursuant to this section, districts may develop  
3 and implement incentive pay systems for:

4 1. Teaching in critical shortage subject areas including, but  
5 not limited to, foreign language;

6 2. Teachers and leaders who work in low-performing schools as  
7 determined by the State Board of Education;

8 3. Teaching in the subject areas of Science, Technology,  
9 Engineering, and Math (STEM); or

10 4. Teachers and leaders who work in schools or school districts  
11 designated by the State Board of Education as hard-to-staff.

12 E. 1. Prior to implementation of any incentive pay plan  
13 developed pursuant to this section, the school district board of  
14 education shall place the plan on the agenda for public comment at a  
15 meeting of the district board of education.

16 2. After approval of the incentive pay plan, the school  
17 district board of education shall submit the plan to the State Board  
18 of Education for final approval. Within sixty (60) days of receipt  
19 of the plan, the State Board shall review and approve or reject the  
20 plan. If it is determined that the plan meets the requirements of  
21 this section, the State Board shall approve the plan. If the plan  
22 does not meet the requirements of this section, the State Board  
23 shall reject the plan and provide written notification to the school  
24 district board of education along with the grounds for rejection.

1           3. The district board of education shall comply with the  
2 provisions of this subsection for any year a plan is to be modified.

3           F. Any incentive pay award shall be an annual award and shall  
4 not be a part of a continuing contract for an employee. Any  
5 incentive pay award to any teacher or leader shall not exceed more  
6 than fifty percent (50%) of the regular salary of the teacher or  
7 leader, exclusive of fringe benefits or extra duty pay. Any  
8 incentive pay awards received shall be excluded from compensation  
9 for purposes of calculating retirement pursuant to the Teachers'  
10 Retirement System of Oklahoma and shall not be subject to taxes  
11 levied by the Federal Insurance Contributions Act (F.I.C.A.), to the  
12 extent such exemption is provided by federal law.

13           SECTION 2. This act shall become effective July 1, 2013.

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

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