

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2157

By: Nollan and Bennett (John)
of the House

and

Smalley of the Senate

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10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to schools; amending 70 O.S. 2011,
12 Section 18-114.9, as amended by Section 1, Chapter
13 56, O.S.L. 2015 (70 O.S. Supp. 2016, Section 18-
14 114.9), which relates to reduction in teacher salary;
15 modifying type of retention pay that is not included
16 in total compensation of teachers; deleting provision
17 from previous school year; amending 70 O.S. 2011,
18 Section 6-127A, which relates to public school
19 paraprofessionals; authorizing board to extend an
20 existing contract with a paraprofessional for
21 specified compensation; providing an effective date;
22 and declaring an emergency.

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

24 SECTION 1. AMENDATORY 70 O.S. 2011, Section 18-114.9, as
amended by Section 1, Chapter 56, O.S.L. 2015 (70 O.S. Supp. 2016,
Section 18-114.9), is amended to read as follows:

Section 18-114.9 A. If a teacher, as defined in Section 6-
101.3 of this title, is employed by the same school district for the

1 next school year as the preceding school year, the total
2 compensation, consisting of salary and fringe benefits, of the
3 teacher shall not be decreased the next school year unless the hours
4 or the duties of the teacher are reduced proportionately.

5 Compensation shall not include one-time incentive pay that is
6 provided by the school district to a teacher nor ~~one-time~~ retention
7 incentive pay for returning ~~a second~~ the next year.

8 ~~For school year 2004-05, total compensation shall not include~~
9 ~~any amount paid by a district during school year 2003-04 over and~~
10 ~~above the flexible benefit allowance for certified personnel~~
11 ~~pursuant to Section 26-105 of this title toward employee health~~
12 ~~insurance if:~~

13 1. ~~The district provided the health insurance benefit mandated~~
14 ~~in Section 1310.1 of Title 74 of the Oklahoma Statutes as a fringe~~
15 ~~benefit that required the employee to accept the health insurance~~
16 ~~option in order to receive the benefit; and~~

17 2. ~~The district did not apply the payment toward meeting the~~
18 ~~requirements of subsection A of Section 18-114.7 of this title.~~

19 B. Subject to the provisions of this section, any school
20 district that willfully reduces or has in years previous to
21 enactment of this section willfully reduced the compensation of a
22 teacher in violation of subsection A of this section shall forfeit
23 as a penalty a portion of its State Aid equal to the total amount
24 that the teacher was underpaid. If the teacher was underpaid for

1 more than one (1) school year, the amount forfeited shall equal the
2 cumulative amount that the teacher was underpaid. The amount to be
3 forfeited shall be deducted from the State Aid payment following
4 confirmation of the underpayment by the State Department of
5 Education.

6 C. In addition to the amount of State Aid forfeited as a
7 penalty pursuant to subsection B of this section, in order to ensure
8 that the teacher receives the full amount of unpaid compensation,
9 the State Department of Education shall withhold an amount which is
10 equal to the total amount that the teacher was underpaid from the
11 State Aid payment of the school district and pay the amount directly
12 to the teacher. The Board shall not withhold an amount for payment
13 to the teacher pursuant to the subsection if the teacher has
14 recovered the underpayment pursuant to judicial action.

15 D. Complaints filed with the State Board of Education pursuant
16 to this section may be based on alleged underpayments during fiscal
17 years that began:

- 18 1. On or after July 1, 2002; or
- 19 2. Before July 1, 2002, if the teacher filed an action to
20 recover the underpayment in a court of competent jurisdiction before
21 July 1, 2002.

22 E. Complaints filed with the State Board of Education alleging
23 underpayment during fiscal years that began on or after July 1,
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1 2002, shall be filed within one (1) year of the end of the fiscal
2 year in which the underpayment is alleged to have occurred.

3 F. Filing a complaint with the State Board of Education
4 pursuant to this section shall not operate to prohibit a teacher
5 from filing an action for underpayment in a court of competent
6 jurisdiction or continuing to pursue an action for underpayment
7 pending in a court of competent jurisdiction on August 29, 2003.

8 G. The State Board of Education shall promulgate rules
9 necessary to implement the provisions of this section. The rules
10 shall include, but not be limited to, procedures for a teacher to
11 file a complaint for violation of this section and the Department to
12 investigate the complaint.

13 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-127A, is
14 amended to read as follows:

15 Section 6-127A. A. The Oklahoma Legislature recognizes that
16 public school paraprofessionals play an important role in educating
17 school children and in assisting teachers. The Legislature further
18 recognizes the increasing role of public school paraprofessionals in
19 the school system in light of teacher shortages. To achieve the
20 goal of excellence for all persons who have an impact on student
21 learning, it is the intent of the Oklahoma Legislature that public
22 school paraprofessionals be afforded career opportunities and
23 economic incentives through a career development program.

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1 B. The State Board of Education shall adopt a program for the
2 career development of public school paraprofessionals. The purpose
3 of the program is to provide to public school paraprofessionals a
4 system of career development which is based upon education and
5 training advancement to encourage excellence among public school
6 paraprofessionals. Nothing in this section shall be construed to
7 require public school paraprofessionals to participate in the career
8 development program.

9 C. The board of education of a school district shall have
10 authority to extend an existing contract with a public school
11 paraprofessional that provides for the payment of compensation for
12 paraprofessional services rendered for the same time period during
13 which the paraprofessional is also assigned to the school district
14 for practice teaching as a student teacher.

15 D. For the purposes of this section, a public school
16 paraprofessional is an employee of a school district whose position
17 is either instructional in nature, or who delivers other direct
18 services to students and/or their parents. A public school
19 paraprofessional serves in a position for which a teacher or another
20 professional has the ultimate responsibility for the design,
21 implementation, and evaluation of the individual educational
22 programs or related services and student performance.

23 SECTION 3. This act shall become effective July 1, 2017.
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1 SECTION 4. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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