



1 or the duties of the teacher are reduced proportionately.  
2 Compensation shall not include one-time incentive pay that is  
3 provided by the school district to a teacher nor ~~one-time~~ retention  
4 incentive pay for returning ~~a second~~ the next year.

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

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

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

16 B. Subject to the provisions of this section, any school  
17 district that willfully reduces or has in years previous to  
18 enactment of this section willfully reduced the compensation of a  
19 teacher in violation of subsection A of this section shall forfeit  
20 as a penalty a portion of its State Aid equal to the total amount  
21 that the teacher was underpaid. If the teacher was underpaid for  
22 more than one (1) school year, the amount forfeited shall equal the  
23 cumulative amount that the teacher was underpaid. The amount to be  
24 forfeited shall be deducted from the State Aid payment following

1 confirmation of the underpayment by the State Department of  
2 Education.

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

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

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

19 E. Complaints filed with the State Board of Education alleging  
20 underpayment during fiscal years that began on or after July 1,  
21 2002, shall be filed within one (1) year of the end of the fiscal  
22 year in which the underpayment is alleged to have occurred.

23 F. Filing a complaint with the State Board of Education  
24 pursuant to this section shall not operate to prohibit a teacher

1 from filing an action for underpayment in a court of competent  
2 jurisdiction or continuing to pursue an action for underpayment  
3 pending in a court of competent jurisdiction on August 29, 2003.

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

9 SECTION 2. This act shall become effective July 1, 2016.

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

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15 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
16 02/18/2016 - DO PASS, As Coauthored.

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