1	HOUSE OF REPRESENTATIVES - FLOOR VERSION
2	STATE OF OKLAHOMA
3	2nd Session of the 55th Legislature (2016)
4	HOUSE BILL 2314 By: Nollan of the House
5	and
6	Smalley of the Senate
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9	AS INTRODUCED
10	An Act relating to schools; amending 70 O.S. 2011,
11	Section 18-114.9, as amended by Section 1, Chapter 56, O.S.L. 2015 (70 O.S. Supp. 2015, Section 18-
12	114.9), which relates to reduction in teacher salary; modifying type of retention pay that is not included
13	in total compensation of teachers; providing an effective date; and declaring an emergency.
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16	BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
17	SECTION 1. AMENDATORY 70 O.S. 2011, Section 18-114.9, as
18	amended by Section 1, Chapter 56, O.S.L. 2015 (70 O.S. Supp. 2015,
19	Section 18-114.9), is amended to read as follows:
20	Section 18-114.9 A. If a teacher, as defined in Section 6-
21	101.3 of this title, is employed by the same school district for the
22	next school year as the preceding school year, the total
23	compensation, consisting of salary and fringe benefits, of the
24	teacher shall not be decreased the next school year unless the hours

or the duties of the teacher are reduced proportionately.
 Compensation shall not include one-time incentive pay that is
 provided by the school district to a teacher nor one-time retention
 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:

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

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

16 Β. 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

confirmation of the underpayment by the State Department of
 Education.

3 С. 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, the State Department of Education shall withhold an amount which is 6 7 equal to the total amount that the teacher was underpaid from the State Aid payment of the school district and pay the amount directly 8 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.

D. Complaints filed with the State Board of Education pursuant to this section may be based on alleged underpayments during fiscal 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.

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

F. Filing a complaint with the State Board of Education
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 02/18/2016 - DO PASS, As Coauthored.
16	02/10/2010 - DO PASS, AS COauchored.
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