An Act

ENROLLED HOUSE
BILL NO. 2302

By: Banz, Denney, McAffrey and Tibbs of the House

and

Ford of the Senate

An Act relating to schools; amending Section 1, Chapter 466, O.S.L. 2005, as last amended by Section 2, Chapter 439, O.S.L. 2008 (70 O.S. Supp. 2009, Section 3-152.1), which relates to the Academic Achievement Award program; modifying number of certain awards granted under the program; adding certain award levels; changing date for distributing monetary award; directing the State Board of Education to identify certain school sites for certain awards; modifying calculation of the awards; specifying allocation of funding for awards based on availability of funds; establishing API score requirements for certain awards; deleting monetary awards for certain categories; modifying amount of certain monetary award; providing monetary award amounts for certain awards; modifying certain definitions; limiting award to certain qualified employees; requiring the State Board to make certain announcement and post list of award winners on certain Internet website; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 466, O.S.L. 2005, as last amended by Section 2, Chapter 439, O.S.L. 2008 (70 O.S. Supp. 2009, Section 3-152.1), is amended to read as follows:

Section 3-152.1 A. The State Board of Education shall develop an Academic Achievement Award (AAA) program. The AAA program shall provide monetary awards to qualified employees at ~~the~~:

1. The top ~~four schools~~ school site that ~~attain~~ attains the highest overall student achievement ~~and the~~ as measured by the average of the last three reported Academic Performance Index (API) scores in each of the five groups based on average daily membership (ADM) as provided for in subsection D of this section;

2. The top ~~four schools~~ school site that ~~attain~~ attains the highest annual improvement in student achievement as measured by the average of the last three reported Academic Performance Index (API) scores in each of five groups based on average daily membership (ADM) as provided for in subsection D of this section~~. The AAA program shall also provide monetary awards to qualified employees at all schools~~;

3. All school sites that attain ~~a total~~ an average API score of one thousand five hundred (1,500) for the last three reported API scores for regular education students tested; and

4. All school sites that attain the "Gold", "Silver", or "Bronze" levels as measured by an average API score as established in paragraph 6 of subsection B of this section for the last three reported API scores.

B. 1. No later than ~~January~~ March 31 of each year, the State Board of Education shall provide a monetary award to all qualified employees at school sites designated as recipients of the Academic Achievement Award as calculated pursuant to this section.

2. The Board shall determine the amount of funds available for the AAA program, which shall include funds appropriated for the AAA program and may include other funds identified by the Board, which may be used for this purpose. Each year, based on the amount of available funding, the Board shall provide awards to all qualified employees at school sites which have qualified for awards in each category in the following order, with awards being made for each subsequent category to as many school sites which have qualified for awards as can be funded with the remaining funds:

a. paragraph 3 of this subsection,

b. paragraph 4 of this subsection,

c. paragraph 5 of this subsection,

d. subparagraph a of paragraph 6 of this subsection,

e. subparagraph b of paragraph 6 of this subsection, and

f. subparagraph c of paragraph 6 of this subsection.

3. The Board shall determine the top ~~four~~ school ~~sites~~ site in each of the groups as designated in subsection D of this section that have achieved the highest overall student achievement as measured by the average of the last three reported API scores as calculated pursuant to Section 3-150 of this title.

4. The Board shall determine the top ~~four~~ school ~~sites~~ site in each of the groups as designated in subsection D of this section that have achieved the highest annual average percentage improvement in student achievement as measured by the average of the last three reported API ~~score~~ scores as compared to the previous three-year average of reported API scores.

5. The Board shall determine the school sites that have an average API score of one thousand five hundred (1,500) for the last three reported API scores for regular education students tested.

6. The Board shall determine the school sites that have an average API score for the last three reported API scores that meet the following levels:

a. Gold level - an average API score between one thousand four hundred ninety-nine (1,499) and one thousand three hundred ninety-five (1,395),

b. Silver level - an average API score between one thousand three hundred ninety-four (1,394) and one thousand two hundred seventy-five (1,275), and

c. Bronze level - an average API score between one thousand two hundred seventy-four (1,274) and one thousand one hundred fifty-five (1,155).

7. In the event of tie scores, the Board shall select the school site with the highest annual percentage improvement in student achievement as measured by the API score as compared to the previous year. If a tie still exists, the Board shall select the school site with the highest annual percentage improvement in reading achievement as compared to the previous year as measured by

the reading assessments administered pursuant to Section 1210.508 of this title.

~~7.~~ 8. Any school site that qualifies for more than one award as provided for in paragraphs 3, 4 ~~and~~, 5 and 6 of this subsection shall receive the ~~highest~~ award with the highest monetary amount the school site qualifies for as calculated pursuant to subsection C of this section, but in no case shall any school site receive more than one award.

C. 1. The amount of monetary award to be paid to each qualified employee at each school site identified as an award recipient as determined pursuant to paragraphs 3 and 4 of subsection B of this section shall be ~~as follows:~~

~~a. Three Thousand Dollars ($3,000.00) for each first place school,~~

~~b.~~ Two Thousand Dollars ($2,000.00) ~~for each second place school,~~

~~c. One Thousand Dollars ($1,000.00) for each third place school, and~~

~~d. Five Hundred Dollars ($500.00) for each fourth place school~~.

2. The amount of monetary award to be paid to each qualified employee at each school site identified as having an average API score of one thousand five hundred (1,500) for the last three reported API scores for regular education students tested as determined pursuant to paragraph 5 of subsection B of this section shall be ~~Three Thousand Dollars ($3,000.00)~~ Two Thousand Dollars ($2,000.00).

3. The amount of monetary award to be paid to each qualified employee at each school site identified as having attained the Gold, Silver, or Bronze levels as determined pursuant to paragraph 6 of subsection B of this section shall be as follows:

a. One Thousand Dollars ($1,000.00) for each Gold level school,

b. Five Hundred Dollars ($500.00) for each Silver level school, and

c. Two Hundred Fifty Dollars ($250.00) for each Bronze level school.

D. Groups shall be designated based on average daily membership (ADM) as follows:

1. Group 1 - 0 to 135 ADM;

2. Group 2 - 136 to 235 ADM;

3. Group 3 - 236 to 345 ADM;

4. Group 4 - 346 to 505 ADM; and

5. Group 5 - 506 or more ADM.

E. For purposes of this section, "qualified employees" means all certified personnel~~, as defined in Section 26-103 of this title,~~ employed ~~in the~~ to serve as a teacher, principal, supervisor, administrator, counselor, librarian, or certified or registered nurse at a school site which has been identified as a recipient of an Academic Achievement Award for at least ~~one-half (1/2)~~ eighty-five (85) days or equivalent hours of the school year ~~from which the student test data used for the awards provided for in this section was derived~~ which is the last school year used to calculate the three-year average API score which is used to determine eligibility for an award. For charter schools formed and operated pursuant to the Oklahoma Charter School Act, qualified employees shall include all administrative and instructional personnel that meet the requirements of this subsection regardless of whether they are certified. Qualified employees shall not include certified personnel who are employed ~~in~~ at the school site in a noncertified position and the superintendent of the school district. ~~For awards granted for the 2007-2008 school year and each school year thereafter, for early elementary schools which do not contain a grade level that is tested under the Oklahoma School Testing Program Act but use the test data from a grade level that is tested to calculate the API score for the school, qualified~~ Qualified employees shall include the certified personnel ~~identified as the primary classroom teachers for the grade level from which the student test data used to calculate the API score was derived who are employed by the school district at another school site for at least one-half (1/2) of the school year~~ employed at an elementary school site for at least eighty-five (85) days or equivalent hours

of the school year if students who are enrolled at the elementary site were enrolled in an early elementary school site which contains only prekindergarten, kindergarten, first- or second-grade levels that qualifies for an award. Qualified employees shall include the certified personnel employed at an early elementary school site which contains only prekindergarten, kindergarten, first- or second-grade levels for at least eighty-five (85) days or equivalent hours of the school year if students who were enrolled at the early elementary site are now enrolled at an elementary school site that qualifies for an award.

F. Qualified employees who are ~~employed at~~ assigned to more than one school site which is identified as an award recipient shall qualify for only one award, which shall be the highest award the employee qualifies for. For qualified employees who are employed as less than a one full-time-equivalent employee (FTE) by a school district and are assigned to a school site identified as an award recipient or who are employed as one FTE by a school district but are assigned as less than one FTE at a school site identified as an award recipient, the amount of the monetary award paid to the qualified employee shall be prorated based on the prior year final certified personnel FTE reported on the certified personnel report for the school site for the qualified employee.

G. No school site or school district shall be liable for payment of awards pursuant to this section. Awards shall not be included in the calculation of the salary of the teacher for purposes of meeting the district or statutory minimum salary schedule or for purposes of calculating Teachers' Retirement System of Oklahoma contributions or benefits.

H. The State Board of Education shall promulgate rules necessary for the implementation of this section. The Board shall annually announce and recognize the school sites that have qualified for an award under the Academic Achievement Award program and shall post a list of the school sites on the Internet website for the State Department of Education.

SECTION 2. This act shall become effective July 1, 2010.

SECTION 3. 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.

Passed the House of Representatives the 18th day of May, 2010.

Presiding Officer of the House of Representatives

Passed the Senate the 25th day of May, 2010.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 26th **day of** May, 20 10, **at** 1:47 **o'clock** P **M.**

By:

Approved by the Governor of the State of Oklahoma the 9th **day of** June, 20 10, **at** 11:30 **o'clock** P **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 11th **day of** June, 20 10, **at** 4:18 **o'clock** P **M.**

By: