

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 4388

By: Hilbert and Baker of the
House

and

Pugh of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to teachers; amending 3A O.S. 2021, Section 713, which relates to the Oklahoma Education Lottery Act; requiring proceeds in excess of certain annual amount be deposited into certain fund; updating references; creating the Teacher Empowerment Revolving Fund for the State Department of Education; providing for expenditures; providing purpose of fund; amending 70 O.S. 2021, Section 6-190, which relates to criteria for issuing teaching certificates; removing language establishing criteria for lead and master teaching certificates; allowing the State Board of Education to establish advanced, lead, and master teaching certificates; establishing minimum salary increase for certificates; prescribing additional one-time award for certain teachers; directing school districts to identify and designate teachers for certificates; requiring submission of designation plans to the State Department of Education for evaluation and approval; providing minimum requirements for district designation system; authorizing use of additional factors; requiring state funding match; exempting certain teachers from certain annual evaluations; prescribing frequency and timing of designation; providing for professional development cohorts and additional training;

1 requiring biennial review of certain evaluation
2 system; requiring annual report on program;
3 prescribing and modifying contract terms for teachers
4 with advanced, lead, and master certificates;
5 clarifying certain funding is a state match for local
6 funds; modifying school year in which certificates
7 are to be made available; updating statutory
8 citations; providing for codification; providing an
9 effective date; and declaring an emergency.

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

11 SECTION 1. AMENDATORY 3A O.S. 2021, Section 713, is
12 amended to read as follows:

13 Section 713. A. All gross proceeds shall be the property of
14 the Oklahoma Lottery Commission. From its gross proceeds, the
15 Commission shall pay the operating expenses of the Commission. At
16 least forty-five percent (45%) of gross proceeds shall be made
17 available as prize money. However, the provisions of this
18 subsection shall be deemed not to create any lien, entitlement,
19 cause of action, or other private right, and any rights of holders
20 of tickets or shares shall be determined by the Commission in
21 setting the terms of its lottery or lotteries.

22 B. The Oklahoma Lottery Commission shall submit a written
23 report of its findings and any recommendations regarding the impact
24 of removing the requirement that net proceeds shall equal at least
thirty-five percent (35%) of the gross proceeds. The report shall
be submitted to the Governor, the Speaker of the ~~Oklahoma~~ House of

1 Representatives and the President Pro Tempore of the ~~Oklahoma State~~
2 Senate not later than October 1, 2020, and annually thereafter.

3 C. There is hereby created in the State Treasury a fund to be
4 designated the "Oklahoma Education Lottery Trust Fund". Except as
5 otherwise provided in subsections ~~±~~ H and ~~∓~~ I of this section, on or
6 before the fifteenth day of each calendar quarter, the Commission
7 shall transfer to the State Treasurer, for credit to the Oklahoma
8 Education Lottery Trust Fund, the amount of all net proceeds
9 accruing during the preceding calendar quarter. Expenditures from
10 the fund shall be made upon warrants issued by the State Treasurer
11 against claims filed as prescribed by law with the Director of the
12 Office of Management and Enterprise Services for approval and
13 payment.

14 D. Upon their deposit into the State Treasury, any monies
15 representing a deposit of net proceeds shall then become the
16 unencumbered property of this state, and neither the Commission nor
17 the board of trustees shall have the power to agree or undertake
18 otherwise. The monies shall be invested by the State Treasurer in
19 accordance with state investment practices. All earnings
20 attributable to such investments shall likewise be the unencumbered
21 property of the state and shall accrue to the credit of the fund
22 provided for in subsection C of this section.

~~E. Monies in 1. The first Sixty-five Million Dollars~~
~~(\$65,000,000.00) of monies contributed annually to the Oklahoma~~
Education Lottery Trust Fund shall only be appropriated as follows:

~~1. Forty-five~~

a. forty-five percent (45%) for the following:

~~a.~~ (1) kindergarten through twelfth grade public
education, including but not limited to
compensation and benefits for public school
teachers and support employees, and

~~b.~~ (2) early childhood development programs, which shall
include but not be limited to costs associated
with prekindergarten and full-day kindergarten
programs,

~~2. Forty-five~~

b. forty-five percent (45%) for the following:

~~a.~~ (1) tuition grants, loans and scholarships to
citizens of this state to enable such citizens to
attend colleges and universities located within
this state, regardless of whether such colleges
and universities are owned or operated by the
Oklahoma State Regents for Higher Education, or
to attend institutions operated under the
authority of the Oklahoma Department of Career
and Technology Education; provided, such tuition

1 grants, loans and scholarships shall not be made
2 to a citizen of this state to attend a college or
3 university which is not accredited by the
4 Oklahoma State Regents for Higher Education,

5 ~~b.~~ (2) construction of educational facilities for
6 elementary school districts, independent school
7 districts, The Oklahoma State System of Higher
8 Education, and career and technology education,

9 ~~c.~~ (3) capital outlay projects for elementary school
10 districts, independent school districts, The
11 Oklahoma State System of Higher Education, and
12 career and technology education,

13 ~~d.~~ (4) technology for public elementary school district,
14 independent school district, state higher
15 education, and career and technology education
16 facilities, which shall include but not be
17 limited to costs of providing to teachers at
18 accredited public institutions who teach levels
19 kindergarten through twelfth grade, personnel at
20 technology centers under the authority of the
21 Oklahoma State Department of Career and
22 Technology Education, and professors and
23 instructors within The Oklahoma State System of
24 Higher Education, the necessary training in the

1 use and application of computers and advanced
2 electronic instructional technology to implement
3 interactive learning environments in the
4 classroom and to access the statewide distance
5 learning network and costs associated with
6 repairing and maintaining advanced electronic
7 instructional technology,

8 ~~e.~~ (5) endowed chairs for professors at institutions of
9 higher education operated by The Oklahoma State
10 System of Higher Education, and

11 ~~f.~~ (6) programs and personnel of the Oklahoma School for
12 the Deaf and the Oklahoma School for the Blind, ~~and~~

13 ~~3. Five~~

14 c. five percent (5%) to the School Consolidation and
15 Assistance Fund. When the total amount in the School
16 Consolidation and Assistance Fund from all sources
17 equals Five Million Dollars (\$5,000,000.00), all
18 monies appropriated pursuant to this ~~paragraph~~
19 subparagraph which would otherwise be deposited in the
20 School Consolidation and Assistance Fund in excess of
21 Five Million Dollars (\$5,000,000.00) shall be
22 allocated by the State Department of Education to
23 public schools based on the audited end-of-year
24 average daily membership in grades 8 through 12 during

1 the preceding school year for the purpose of
2 purchasing technology equipment. If at any time the
3 total amount in the School Consolidation and
4 Assistance Fund drops below Five Million Dollars
5 (\$5,000,000.00), the monies appropriated pursuant to
6 this ~~paragraph~~ subparagraph shall be deposited in the
7 School Consolidation and Assistance Fund until the
8 Fund again reaches Five Million Dollars
9 (\$5,000,000.00) ~~+~~ and

10 ~~4. Five~~

11 d. five percent (5%) to the Teachers' Retirement System
12 Dedicated Revenue Revolving Fund.

13 In no instance shall the annual maximum percentage for
14 administrative costs, not including marketing and advertising costs,
15 funds set aside for prizes, commissions paid to retailers, contract
16 fees paid to gaming system vendors and instant ticket providers or
17 emergency-related capital expenses, exceed three percent (3%) of
18 sales.

19 ~~F. 2.~~ The remaining portion of lottery annual net proceeds
20 deposited to the Oklahoma Education Lottery Trust Fund that exceeds
21 Sixty-five Million Dollars (\$65,000,000.00) shall be deposited to
22 the credit of the Teacher Empowerment Revolving Fund created in
23 Section 2 of this act.

1 E. The Legislature shall appropriate funds from the Oklahoma
2 Education Lottery Trust Fund only for the purposes specified in
3 subsection ~~E~~ D of this section. Even when funds from the trust fund
4 are used for these purposes, the Legislature shall not use funds
5 from the trust fund to supplant or replace other state funds
6 supporting common education, higher education, or career and
7 technology education.

8 ~~G.~~ F. In order to ensure that the funds from the trust fund are
9 used to enhance and not supplant funding for education, the State
10 Board of Equalization shall examine and investigate appropriations
11 from the trust fund each year. At the meeting of the State Board of
12 Equalization held within five (5) days after the monthly
13 apportionment in February of each year, the State Board of
14 Equalization shall issue a finding and report which shall state
15 whether appropriations from the trust fund were used to enhance or
16 supplant education funding. If the State Board of Equalization
17 finds that education funding was supplanted by funds from the trust
18 fund, the Board shall specify the amount by which education funding
19 was supplanted. In this event, the Legislature shall not make any
20 appropriations for the ensuing fiscal year until an appropriation in
21 that amount is made to replenish the trust fund.

22 ~~H.~~ G. Except as otherwise provided by this subsection, no
23 deficiency in the Oklahoma Education Lottery Trust Fund shall be
24 replenished by reducing any nonlottery funds, including,

1 specifically but without limitation, the General Revenue Fund, the
2 Constitutional Reserve Fund or the Education Reform Revolving Fund
3 of the State Department of Education. No program or project started
4 specifically from lottery proceeds shall be continued from the
5 General Revenue Fund, the Constitutional Reserve Fund or the
6 Education Reform Revolving Fund of the State Department of
7 Education. Such programs must be adjusted or discontinued according
8 to available lottery proceeds unless the Legislature by general law
9 establishes eligibility requirements and appropriates specific funds
10 therefor. No surplus in the Oklahoma Education Lottery Trust Fund
11 shall be reduced or transferred to correct any nonlottery
12 deficiencies in sums available for general appropriations. The
13 provisions of this subsection shall not apply to bonds or other
14 obligations issued pursuant to or to the repayment of bonds or other
15 obligations issued pursuant to the Oklahoma Higher Education Promise
16 of Excellence Act of 2005.

17 ~~F.~~ H. There is hereby created in the State Treasury a revolving
18 fund to be designated the "Oklahoma Education Lottery Revolving
19 Fund". The fund shall be a continuing fund, not subject to fiscal
20 year limitations, and shall consist of all monies received by the
21 Commission. The Commission shall make payments of net proceeds from
22 the fund to the Oklahoma Education Lottery Trust Fund on or before
23 the fifteenth day of each calendar quarter as provided in subsection
24 C of this section. All monies accruing to the credit of the

Oklahoma Education Lottery Revolving Fund are hereby appropriated and may be budgeted and expended for the payment of net proceeds, prizes, commissions to retailers, administrative expenses and all other expenses arising out of the operation of the education lottery, subject to the limitations provided in the Oklahoma Education Lottery Act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

The monies in the fund shall be invested by the State Treasurer in accordance with state investment practices. All earnings attributable to such investments shall likewise accrue to the credit of the fund.

~~J.~~ I. When appropriations from the Oklahoma Education Lottery Trust Fund are made to common education pursuant to the provisions of subparagraph a of paragraph 1 of subsection ~~E~~ D of this section, the appropriations shall be made available on a monthly basis. In addition to the provisions of subsections C and D of this section, the following process shall be used to ensure that the appropriations are made available to common education in a timely manner:

1. Beginning in July of the fiscal year in which appropriations are made to common education from the Oklahoma Education Lottery Trust Fund, the Commission, on or before the ninth day of each

1 month, shall transfer to the State Treasurer, for credit to the
2 Oklahoma Education Lottery Trust Fund, the amount of net proceeds
3 accruing during the preceding month equal to the amount of total
4 monthly collections due to common education as required by
5 subparagraph a of paragraph 1 of subsection E D of this section;

6 2. The Director of the Office of Management and Enterprise
7 Services shall allocate the transfers provided for in paragraph 1 of
8 this subsection to the State Department of Education on a monthly
9 basis, not to exceed one-twelfth (1/12) of the annual apportionment
10 for the fiscal year; and

11 3. The total amount of transfers to the Oklahoma Education
12 Lottery Trust Fund of net lottery proceeds made pursuant to this
13 subsection shall not exceed the total appropriations made to common
14 education from the Oklahoma Education Lottery Trust Fund for the
15 specific fiscal year.

16 ~~K.~~ J. When appropriations from the Oklahoma Education Lottery
17 Trust Fund are made to The Oklahoma State System of Higher
18 Education, the appropriations shall be made available to the System
19 on a monthly basis. In addition to the provisions of subsections C
20 and D of this section, the following process shall be used to ensure
21 that the appropriations are made available to The Oklahoma State
22 System of Higher Education in a timely manner:

23 1. Beginning in July of the fiscal year in which appropriations
24 are made to The Oklahoma State System of Higher Education from the

Oklahoma Education Lottery Trust Fund, the Commission, on or before the ninth day of each month, shall transfer to the State Treasurer, for credit to the Oklahoma Education Lottery Trust Fund, the amount of net proceeds accruing during the preceding month equal to the amount of total monthly collections due to the Oklahoma State Regents for Higher Education as required by subparagraph b of paragraph 2 1 of subsection ~~B~~ D of this section;

2. The Director of the Office of Management and Enterprise Services shall allocate the transfers provided for in paragraph 1 of this subsection to the Oklahoma State Regents for Higher Education on a monthly basis, not to exceed one-twelfth (1/12) of the annual apportionment for the fiscal year; and

3. The total amount of transfers to the Oklahoma Education Lottery Trust Fund of net lottery proceeds made pursuant to this subsection shall not exceed the total appropriations made to The Oklahoma State System for Higher Education from the Oklahoma Education Lottery Trust Fund for the specific fiscal year.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-190.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving fund for the State Department of Education to be designated the "Teacher Empowerment Revolving Fund". The revolving fund shall be a continuing fund, without legislative appropriation, not subject to

fiscal year limitations, and shall be under the control and management of the State Department of Education. Expenditures from the Teacher Empowerment Revolving Fund shall be budgeted and expended as provided for in subsection B of this section.

B. The State Department of Education shall utilize the funds for the program outlined in Section 6-190 of Title 70 of the Oklahoma Statutes. Funding shall go toward advanced, lead, and master certificate holders on a first-come, first-served basis until the cash is exhausted for the school year. Funds from the Teacher Empowerment Revolving Fund shall serve as a state match to local dollars each school district contributes to its advanced, lead, and master teachers as provided in Section 713 of Title 3A of the Oklahoma Statutes.

SECTION 3. AMENDATORY 70 O.S. 2021, Section 6-190, is amended to read as follows:

Section 6-190. A. The board of education of each school district shall employ and contract in writing, as required in Section 6-101 of this title, only with persons certified to teach by the State Board of Education in accordance with the Oklahoma Teacher Preparation Act, except as otherwise provided for by Section 6-101 of this title and by other law.

B. The Board shall issue a certificate to teach to any person who:

1 1. Has successfully completed the teacher education program
2 required by the Commission for Educational Quality and
3 Accountability;

4 2. Has graduated from an accredited institution of higher
5 education that has approval or accreditation for teacher education;

6 3. Has met all other requirements as may be established by the
7 Board;

8 4. Has made the necessary application and paid the competency
9 examination fee in an amount and as prescribed by the Commission;

10 5. Has successfully completed the competency examination
11 required in Section 6-187 of this title; and

12 6. Beginning November 1, 2001, has on file with the Board a
13 current Oklahoma criminal history record from the Oklahoma State
14 Bureau of Investigation as well as a national criminal history
15 record check as defined in Section 150.9 of Title 74 of the Oklahoma
16 Statutes. Upon receipt of the Oklahoma criminal history record, the
17 Board may issue a temporary certificate which shall be effective
18 until receipt of the national fingerprint-based criminal history
19 record. The person applying for a certificate shall be responsible
20 for the cost of the criminal history records.

21 C. The Board shall issue a certificate to teach to any person
22 who:

23 1. Holds an out-of-state certificate and meets the requirements
24 set forth in subsection G of this section;

1 2. Holds certification from the National Board for Professional
2 Teaching Standards;

3 3. Holds an out-of-country certificate and meets the
4 requirements set forth in subsection F of this section; or

5 4. Has successfully completed a competency examination used in
6 the majority of other states or comparable customized exam and meets
7 the requirements set forth in subsection H of this section.

8 D. Beginning July 1, 2004, any person applying for initial
9 Oklahoma certification shall have on file with the Board a current
10 Oklahoma criminal history record from the Oklahoma State Bureau of
11 Investigation as well as a national criminal history record check as
12 defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Upon
13 receipt of the Oklahoma criminal history record, the Board may issue
14 a temporary certificate which shall be effective until receipt of
15 the national fingerprint-based criminal history record. The person
16 applying for a certificate shall be responsible for the cost of the
17 criminal history records.

18 E. Any person holding a valid certificate, issued prior to
19 January 1, 1997, shall be a certified teacher for purposes of the
20 Oklahoma Teacher Preparation Act, subject to any professional
21 development requirements prescribed by the Oklahoma Teacher
22 Preparation Act or by the State Board of Education.

23 F. 1. The Board shall issue a certificate to teach to a person
24 who holds a valid out-of-country certificate and meets any

1 requirements established by the Board. The certificate to teach
2 shall only be for those subject areas and grade levels most closely
3 aligned to the subject areas and grade levels recognized on the out-
4 of-country certificate.

5 2. A person who meets the requirements of paragraph 1 of this
6 subsection shall not be required to take any competency examinations
7 in those subject areas and grade levels most closely aligned to the
8 subject areas and grade levels recognized on the out-of-country
9 certificate.

10 3. A person who meets the requirements of paragraph 1 of this
11 subsection shall have on file with the Board a current Oklahoma
12 criminal history record check from the Oklahoma State Bureau of
13 Investigation as well as a national criminal history record check as
14 defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Upon
15 receipt of the Oklahoma criminal history record check, the Board may
16 issue a temporary certificate which shall be effective until receipt
17 of the national fingerprint-based criminal history record check.
18 The person applying for a certificate shall be responsible for the
19 cost of the criminal history record checks.

20 4. The Board shall promulgate rules establishing a process by
21 which out-of-country certificates will be reviewed and evaluated for
22 purposes of awarding a certificate to teach pursuant to this
23 subsection.

1 G. 1. The Board shall issue a certificate to teach to a person
2 who holds a valid out-of-state certificate. The certificate to
3 teach shall only be for those subject areas and grade levels most
4 closely aligned to the subject areas and grade levels recognized on
5 the out-of-state certificate.

6 2. A person who meets the requirements of paragraph 1 of this
7 subsection shall not be required to take any competency examinations
8 in those subject areas and grade levels most closely aligned to the
9 subject areas and grade levels recognized on the out-of-state
10 certificate.

11 3. A person who meets the requirements of this subsection shall
12 have on file with the Board a current Oklahoma criminal history
13 record check from the Oklahoma State Bureau of Investigation as well
14 as a national criminal history record check as defined in Section
15 150.9 of Title 74 of the Oklahoma Statutes. Upon receipt of the
16 Oklahoma criminal history record check, the Board may issue a
17 temporary certificate which shall be effective until receipt of the
18 national fingerprint-based criminal history record check. The
19 person applying for a certificate shall be responsible for the cost
20 of the criminal history record checks.

21 H. 1. The Board shall issue a certificate to teach to a person
22 who has successfully completed a competency exam used in a majority
23 of the other states. The certificate to teach shall only be for
24

1 those subject areas and grade levels that correspond with a
2 certification area used in Oklahoma.

3 2. A person who meets the requirements of paragraph 1 of this
4 subsection shall have on file with the Board a current Oklahoma
5 criminal history record check from the Oklahoma State Bureau of
6 Investigation as well as a national criminal history record check as
7 defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Upon
8 receipt of the Oklahoma criminal history record check, the Board may
9 issue a temporary certificate which shall be effective until receipt
10 of the national fingerprint-based criminal history record check.
11 The person applying for a certificate shall be responsible for the
12 cost of the criminal history record checks.

13 I. 1. The Board ~~shall issue a lead teaching certificate to any~~
14 ~~person who upon application:~~

15 1. ~~Has successfully completed the requirements of this~~
16 ~~subsection;~~

17 2. ~~Has a minimum of five (5) years of experience as a teacher;~~

18 3. ~~Participates in a meaningful individualized program of~~
19 ~~professional development, as provided for in Section 6-101.10 of~~
20 ~~this title;~~

21 4. ~~Has earned a "highly effective" or "superior" rating~~
22 ~~pursuant to Section 6-101.16 of this title; and~~

1 ~~5. May have a teaching load of not more than seventy-five~~
2 ~~percent (75%) student instruction to allow the teacher to mentor~~
3 ~~other teachers.~~

4 ~~J. 1. The Board shall issue a master teaching certificate to~~
5 ~~any person who upon application:~~

6 ~~a. has successfully completed the requirements of this~~
7 ~~subsection,~~

8 ~~b. has a minimum of seven (7) years of experience as a~~
9 ~~teacher, and~~

10 ~~c. (1) has earned a "superior" rating pursuant to~~
11 ~~Section 6-101.16 of this title, or~~

12 ~~(2) has earned a "highly effective" rating pursuant~~
13 ~~to Section 6-101.16 of this title and holds or~~
14 ~~has held a National Board certification from the~~
15 ~~National Board for Professional Teaching~~
16 ~~Standards.~~

17 ~~2. Teachers with a master teaching certificate may assume~~
18 ~~leadership roles that include but are not limited to:~~

19 ~~a. the planning and delivery of professional development~~
20 ~~activities designed to improve instructional~~
21 ~~strategies,~~

22 ~~b. the facilitation of an instructional leadership team~~
23 ~~within the building or school district in which the~~
24 ~~lead teacher is assigned, and~~

1 e. ~~the mentoring of other teachers and participation in~~
2 ~~evaluations of other teachers.~~

3 ~~3. Teachers with a master teaching certificate may have a~~
4 ~~teaching load of not more than fifty percent (50%) student~~
5 ~~instruction to allow the lead teacher to spend time on:~~

6 a. ~~co-teaching,~~

7 b. ~~co-planning,~~

8 c. ~~peer reviews, and~~

9 d. ~~other duties mutually agreed upon by the~~

10 ~~superintendent and the master teacher, and may be used~~

11 ~~to satisfy the qualitative evaluation component for~~

12 ~~teachers as required by Section 6-101.16 of this title~~

13 ~~by performing the duties set forth in this paragraph~~

14 may establish new levels of teacher certificates: advanced, lead,

15 and master. Each level shall have a minimum salary increase

16 requirement paid by the school district and matched with state

17 dollars from the lottery funds as provided in Section 713 of Title

18 3A of the Oklahoma Statutes. The advanced certificate shall include

19 a minimum salary increase of Three Thousand Dollars (\$3,000.00), the

20 lead certificate shall include a minimum salary increase of Five

21 Thousand Dollars (\$5,000.00), and the master certificate shall

22 include a minimum salary increase of Ten Thousand Dollars

23 (\$10,000.00) and maximum salary increase of Forty Thousand Dollars

24 (\$40,000.00).

1 2. A teacher who works in a school with an enrollment of forty
2 percent (40%) or more of students who are economically disadvantaged
3 as defined in Section 18-109.5 of this title or a school district
4 with an enrollment of fewer than one thousand students shall be paid
5 a one-time award in addition to the salary increases provided in
6 paragraph 1 of this subsection:

7 a. One Thousand Five Hundred Dollars (\$1,500.00) for an
8 advanced certificate,

9 b. Two Thousand Five Hundred Dollars (\$2,500.00) for a
10 lead certificate, and

11 c. Five Thousand Dollars (\$5,000.00) for a master
12 certificate.

13 3. School districts may identify and designate the highest
14 quality teachers for advanced, lead, and master certificates.
15 Participating districts shall submit designation plans to the State
16 Department of Education for evaluation and approval. Districts
17 shall have local control and flexibility in determining how to
18 evaluate teachers and assign designations, but, at a minimum, the
19 designation system shall include a teacher observation, out-of-
20 classroom time, and a student performance component.

21 a. Teacher observation shall be based on the district's
22 selected Teacher and Leader Effectiveness Evaluation
23 System (TLE) evaluation tool or an alternate method of
24 evaluation; provided, the method is evidenced based.

1 Alternate methods of evaluation shall not replace the
2 requirements of Section 6-101.16 of this title.

3 b. Each school district that elects to participate in
4 assigning advanced, lead, and master teacher
5 certificates shall include an out-of-classroom
6 component for its assigned teachers to allow for
7 professional growth opportunities while staying in the
8 classroom. How out-of-classroom time is allotted and
9 managed shall be determined by the school district and
10 submitted as part of its designation plan to the State
11 Department of Education for review and approval.

12 c. Student performance measures may be determined by the
13 district and may include, but shall not be limited to,
14 pre- and post-tests, summative or formative, and
15 portfolios. The school district application shall
16 show evidence of validity and reliability of the
17 measures.

18 Districts may use additional factors in determining which
19 teachers are eligible to receive a designation, such as student
20 surveys, teacher leadership responsibilities, teacher mentorship
21 responsibilities, family surveys, demonstration of district core
22 values, teacher peer surveys, and contributions to the broader
23 school community. No more than ten percent (10%) of each school
24

1 district's teachers may be designated as an advanced, lead, or
2 master teacher in any given school year.

3 4. If a school district chooses to participate in this program,
4 the state shall match the amount the district pays above base pay,
5 up to Forty Thousand Dollars (\$40,000.00) per teacher.

6 5. School districts that designate teachers for advanced, lead,
7 and master certificates do not have to participate in annual TLE
8 evaluations for the designated teachers.

9 6. School districts may designate teachers for advanced, lead,
10 or master certificates two times per year, once prior to the
11 beginning of the school year, and once prior to the beginning of the
12 second semester. Teachers statewide who receive these designations
13 shall be placed in professional development cohorts and provided
14 additional training opportunities from the State Department of
15 Education.

16 7. After initial approval by the State Department of Education,
17 the Department shall review and validate each participating school
18 district's teacher evaluation system biennially.

19 8. The State Department of Education shall annually report the
20 school districts participating in the program, the number of
21 advanced, lead, and master certificates awarded, and the total
22 amount in state match funding that was distributed to teachers.

23 ~~K.~~ J. The State Board of Education shall adopt rules to
24 implement a renewal schedule and associated fees for advanced, lead,

1 and master teaching certificates. The rules shall allow a teacher
2 that no longer meets the requirements of ~~a~~ an advanced, lead, or
3 master teaching certificate to make application for the standard
4 teaching certificate.

5 ~~L.~~ K. The terms of the contracts issued to those holding
6 advanced, lead, and master teaching certificates shall include the
7 following:

8 1. Advanced: an additional five (5) days to be used to
9 strengthen instructional leadership. A person with an advanced
10 teaching certificate shall receive an annual salary increase of at
11 least Three Thousand Dollars (\$3,000.00) or the district's daily
12 rate of pay, whichever is higher, in addition to the salary for
13 which the teacher qualifies pursuant to Section 18-114.14 of this
14 title. This increase shall be matched by state dollars from the
15 lottery funds as provided in Section 713 of Title 3A of the Oklahoma
16 Statutes and shall be paid as regular annual compensation directly
17 to teachers through school districts;

18 2. Lead: an additional ten (10) days to be used to strengthen
19 instructional leadership. A person with a lead teaching certificate
20 shall receive an annual salary ~~supplement~~ increase of at least Three
21 ~~Thousand Dollars (\$3,000.00)~~ Five Thousand Dollars (\$5,000.00) or
22 the district's daily rate of pay, whichever is higher, in addition
23 to the salary for which the teacher qualifies pursuant to Section
24 18-114.14 of this title. This increase shall be matched by state

1 dollars from the lottery funds as provided in Section 713 of Title
2 3A of the Oklahoma Statutes and shall be paid as regular annual
3 compensation directly to teachers through school districts; and

4 ~~2.~~ 3. Master: an additional fifteen (15) days to be used to
5 strengthen leadership. A person with a master teaching certificate
6 shall receive an annual salary ~~supplement~~ increase of at least ~~Five~~
7 ~~Thousand Dollars (\$5,000.00)~~ Ten Thousand Dollars (\$10,000.00) or
8 the district's daily rate of pay, whichever is higher, in addition
9 to the salary for which the teacher qualifies pursuant to Section
10 18-114.14 of this title. This increase, up to Forty Thousand
11 Dollars (\$40,000.00), shall be matched by state dollars from the
12 lottery funds as provided in Section 713 of Title 3A of the Oklahoma
13 Statutes and shall be paid as regular annual compensation directly
14 to teachers through school districts.

15 If a person with a an advanced, lead, or master teaching
16 certificate changes school districts during the life of the
17 certificate, the terms of the contracts required in this subsection
18 shall be subject to approval by the new employing school district.

19 ~~M. 1. Any person who is eligible for a lead or master teaching~~
20 ~~certificate described in this section shall make application for the~~
21 ~~following school year with the State Board of Education. The~~
22 ~~application shall include a recommendation from the local board of~~
23 ~~education and determination that the applicant has met the statutory~~
24 ~~criteria. In reviewing an application, the local school board of~~

1 ~~education and the superintendent shall consider the ability of the~~
2 ~~school district to fulfill the additional requirements described in~~
3 ~~subsections I and J of this section before making a recommendation~~
4 ~~to the State Board of Education.~~

5 ~~2. The State Department of Education shall develop an~~
6 ~~application to implement the provisions of this subsection and make~~
7 ~~it available to school districts.~~

8 ~~N.~~ L. Beginning in the ~~2021-2022~~ 2022-2023 school year, the
9 Department shall make the teaching certificates provided for in this
10 section available for any person who has received a recommendation
11 from ~~their local board of education~~ his or her school district and
12 who meets the eligibility criteria as outlined in each school
13 district's teacher evaluation system provided for in subsection I of
14 this section.

15 ~~O. For the 2019-2020 and 2020-2021 school years, the Department~~
16 ~~shall identify school districts to implement the teaching~~
17 ~~certificates provided for in this section on a pilot program basis~~
18 ~~with the assistance of public-private partnerships, funding from~~
19 ~~philanthropic organizations or federal grants.~~

20 ~~P. The Department shall seek funding~~ M. The funding necessary
21 for the administration of this section shall be provided from the
22 Teacher Empowerment Revolving Fund created in Section 2 of this act.
23 If funding for the administration of the teaching certificates
24 listed in ~~subsections~~ subsection I and J is not available, the

1 Department shall not be required to fulfill the requirements listed
2 in subsections I, K, and L, ~~M, N and O~~ of this section.

3 ~~O.~~ N. The State Board of Education shall promulgate rules to
4 implement the provisions of ~~this act~~ Section 6-180 et seq. of this
5 title.

6 SECTION 4. This act shall become effective July 1, 2022.

7 SECTION 5. It being immediately necessary for the preservation
8 of the public peace, health or safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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12 58-2-11567 CMA 05/16/22
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