

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 4387

By: Hilbert and **Baker** of the  
House

and

**Pugh** of the Senate

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10                                   COMMITTEE SUBSTITUTE

11                   An Act relating to teacher certification; amending 70  
12 O.S. 2021, Section 6-190, which relates to criteria  
13 for issuing teaching certificates; providing for  
14 issuance of advanced teaching certificates; modifying  
15 procedures for issuing lead and master teaching  
16 certificates; establishing minimum salary increase  
17 for certificates; authorizing minimum time out of  
18 classroom; prescribing additional award for certain  
19 teachers; directing school district to identify and  
20 designate teachers for specialized certificates;  
21 requiring submission of plans to State Department of  
22 Education for evaluation and approval; providing  
23 minimum requirements for district designation system;  
24 authorizing use of additional factors; requiring  
state funding match; permitting districts to not  
participate in certain program; prescribing frequency  
and timing of designation; providing for professional  
development cohorts and additional training;  
mandating certain review of each district's system;  
requiring annual report of program; prescribing and  
modifying contract terms for advanced, lead, and  
master teachers; providing for funding through  
certain lottery monies; stating funding is on a  
first-come, first-served basis; clarifying certain  
funding is a state match for local funds; updating  
statutory citations; providing an effective date;

1            declaring an emergency; and providing for conditional  
2            effect.

3  
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5            SECTION 1.            AMENDATORY            70 O.S. 2021, Section 6-190, is  
6 amended to read as follows:

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

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

15            1. Has successfully completed the teacher education program  
16 required by the Commission for Educational Quality and  
17 Accountability;

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

20            3. Has met all other requirements as may be established by the  
21 Board;

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

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

3           6. Beginning November 1, 2001, has on file with the Board a  
4 current Oklahoma criminal history record from the Oklahoma State  
5 Bureau of Investigation as well as a national criminal history  
6 record check as defined in Section 150.9 of Title 74 of the Oklahoma  
7 Statutes. Upon receipt of the Oklahoma criminal history record, the  
8 Board may issue a temporary certificate which shall be effective  
9 until receipt of the national fingerprint-based criminal history  
10 record. The person applying for a certificate shall be responsible  
11 for the cost of the criminal history records.

12           C. The Board shall issue a certificate to teach to any person  
13 who:

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

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

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

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

23           D. Beginning July 1, 2004, any person applying for initial  
24 Oklahoma certification shall have on file with the Board a current

1 Oklahoma criminal history record from the Oklahoma State Bureau of  
2 Investigation as well as a national criminal history record check as  
3 defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Upon  
4 receipt of the Oklahoma criminal history record, the Board may issue  
5 a temporary certificate which shall be effective until receipt of  
6 the national fingerprint-based criminal history record. The person  
7 applying for a certificate shall be responsible for the cost of the  
8 criminal history records.

9 E. Any person holding a valid certificate, issued prior to  
10 January 1, 1997, shall be a certified teacher for purposes of the  
11 Oklahoma Teacher Preparation Act, subject to any professional  
12 development requirements prescribed by the Oklahoma Teacher  
13 Preparation Act or by the State Board of Education.

14 F. 1. The Board shall issue a certificate to teach to a person  
15 who holds a valid out-of-country certificate and meets any  
16 requirements established by the Board. The certificate to teach  
17 shall only be for those subject areas and grade levels most closely  
18 aligned to the subject areas and grade levels recognized on the out-  
19 of-country certificate.

20 2. A person who meets the requirements of paragraph 1 of this  
21 subsection shall not be required to take any competency examinations  
22 in those subject areas and grade levels most closely aligned to the  
23 subject areas and grade levels recognized on the out-of-country  
24 certificate.

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

11           4. The Board shall promulgate rules establishing a process by  
12 which out-of-country certificates will be reviewed and evaluated for  
13 purposes of awarding a certificate to teach pursuant to this  
14 subsection.

15           G. 1. The Board shall issue a certificate to teach to a person  
16 who holds a valid out-of-state certificate. The certificate to  
17 teach shall only be for those subject areas and grade levels most  
18 closely aligned to the subject areas and grade levels recognized on  
19 the out-of-state certificate.

20           2. A person who meets the requirements of paragraph 1 of this  
21 subsection shall not be required to take any competency examinations  
22 in those subject areas and grade levels most closely aligned to the  
23 subject areas and grade levels recognized on the out-of-state  
24 certificate.

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

11           H. 1. The Board shall issue a certificate to teach to a person  
12 who has successfully completed a competency exam used in a majority  
13 of the other states. The certificate to teach shall only be for  
14 those subject areas and grade levels that correspond with a  
15 certification area used in Oklahoma.

16           2. A person who meets the requirements of paragraph 1 of this  
17 subsection shall have on file with the Board a current Oklahoma  
18 criminal history record check from the Oklahoma State Bureau of  
19 Investigation as well as a national criminal history record check as  
20 defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Upon  
21 receipt of the Oklahoma criminal history record check, the Board may  
22 issue a temporary certificate which shall be effective until receipt  
23 of the national fingerprint-based criminal history record check.

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1 The person applying for a certificate shall be responsible for the  
2 cost of the criminal history record checks.

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

5 ~~1. Has successfully completed the requirements of this~~  
6 ~~subsection;~~

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

8 ~~3. Participates in a meaningful individualized program of~~  
9 ~~professional development, as provided for in Section 6-101.10 of~~  
10 ~~this title;~~

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

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

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

18 ~~a. has successfully completed the requirements of this~~  
19 ~~subsection,~~

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

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

24

1           ~~(2) has earned a "highly effective" rating pursuant~~  
2           ~~to Section 6-101.16 of this title and holds or~~  
3           ~~has held a National Board certification from the~~  
4           ~~National Board for Professional Teaching~~  
5           ~~Standards.~~

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

- 8           ~~a. the planning and delivery of professional development~~  
9           ~~activities designed to improve instructional~~  
10           ~~strategies,~~
- 11           ~~b. the facilitation of an instructional leadership team~~  
12           ~~within the building or school district in which the~~  
13           ~~lead teacher is assigned, and~~
- 14           ~~c. the mentoring of other teachers and participation in~~  
15           ~~evaluations of other teachers.~~

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

- 19           ~~a. co-teaching,~~
- 20           ~~b. co-planning,~~
- 21           ~~c. peer reviews, and~~
- 22           ~~d. other duties mutually agreed upon by the~~  
23           ~~superintendent and the master teacher, and may be used~~  
24           ~~to satisfy the qualitative evaluation component for~~



1 ~~teachers as required by Section 6-101.16 of this title~~  
2 ~~by performing the duties set forth in this paragraph~~  
3 may establish new levels of teacher certificates: advanced, lead,  
4 and master. Each level shall have a minimum salary increase  
5 requirement paid by the school district, and matched with state  
6 dollars from the lottery funds as provided in Section 713 of Title  
7 3A of the Oklahoma Statutes. The advanced certificate shall include  
8 a minimum salary increase of Three Thousand Dollars (\$3,000.00) and  
9 may include out of classroom at least ten percent (10%) of the time,  
10 the lead certificate shall include a minimum salary increase of Five  
11 Thousand Dollars (\$5,000.00) and may include out of classroom at  
12 least twenty-five percent (25%) of the time, and the master  
13 certificate shall include a minimum salary increase of Ten Thousand  
14 Dollars (\$10,000.00) and maximum salary increase of Forty Thousand  
15 Dollars (\$40,000.00) and may include out of classroom at least fifty  
16 percent (50%) of the time.

17 2. A teacher who works in a school designated to receive Title  
18 I federal funds or a school district with an enrollment of less than  
19 one thousand students shall be paid an award in addition to the  
20 salary increases provided in paragraph 1 of this subsection:

- 21 a. One Thousand Five Hundred Dollars (\$1,500.00) for an  
22 advanced certificate,  
23 b. Two Thousand Five Hundred Dollars (\$2,500.00) for a  
24 lead certificate, and

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

3        3. School districts shall identify and designate the highest  
4 quality teachers for advanced, lead, and master certificates. The  
5 district shall submit its designation plans to the State Department  
6 of Education for evaluation and approval. Districts shall have  
7 local control and flexibility in determining how to evaluate  
8 teachers and assign designations, but, at a minimum, the designation  
9 system shall include both a teacher observation and a student  
10 performance component.

11        a. Teacher observation shall be based on the State  
12                    Department of Education's Teacher and Leader  
13                    Effectiveness (TLE) and Professional Learning Focus,  
14                    or a third-party rubric, such as the Tulsa Model,  
15                    Marzano, or nationally recognized teacher evaluation  
16                    systems such as the Framework for Teaching (FFT) from  
17                    Danielson, National Institute for Excellence in  
18                    Teaching TAP, or others. A school district may create  
19                    its own teacher evaluation rubric if it can show  
20                    evidence of validity and reliability as approved by  
21                    the Department.

22        b. Student performance measures may be determined by the  
23                    district and may include pre- and post-tests,  
24                    summative or formative, value-added measures, student

1 learning objectives (SLOs), and portfolios. The  
2 school district application shall show evidence of  
3 validity and reliability of the measures.

4 Districts may use additional factors in determining which  
5 teachers are eligible to receive a designation, such as student  
6 surveys, teacher leadership responsibilities, teacher mentorship  
7 responsibilities, family surveys, demonstration of district core  
8 values, teacher peer surveys, and contributions to the broader  
9 school community.

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

13 5. School districts that create their own teacher evaluation  
14 rubric may choose not to participate in state TLE for teachers  
15 identified for advanced, lead, and master certificate designations.

16 6. School districts may designate teachers for advanced, lead,  
17 or master certificates two times per year, once prior to the  
18 beginning of the school year, and once prior to the beginning of the  
19 second semester. Teachers statewide who receive these designations  
20 shall be placed in professional development cohorts and provided  
21 additional training opportunities from the State Department of  
22 Education.

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

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

8        ~~K.~~ J. The State Board of Education shall adopt rules to  
9 implement a renewal schedule and associated fees for advanced, lead,  
10 and master teaching certificates. The rules shall allow a teacher  
11 that no longer meets the requirements of ~~a~~ an advanced, lead, or  
12 master teaching certificate to make application for the standard  
13 teaching certificate.

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

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

1 lottery funds as provided in Section 713 of Title 3A of the Oklahoma  
2 Statutes;

3 2. Lead: an additional ten (10) days to be used to strengthen  
4 instructional leadership. A person with a lead teaching certificate  
5 shall receive an annual salary supplement of at least ~~Three Thousand~~  
6 ~~Dollars (\$3,000.00)~~ Five Thousand Dollars (\$5,000.00) or the  
7 district's daily rate of pay, whichever is higher, in addition to  
8 the salary for which the teacher qualifies pursuant to Section 18-  
9 114.14 of this title. This supplement shall be matched by state  
10 dollars from the lottery funds as provided in Section 713 of Title  
11 3A of the Oklahoma Statutes; and

12 ~~2.~~ 3. Master: an additional fifteen (15) days to be used to  
13 strengthen leadership. A person with a master teaching certificate  
14 shall receive an annual salary supplement of at least ~~Five Thousand~~  
15 ~~Dollars (\$5,000.00)~~ Ten Thousand Dollars (\$10,000.00) or the  
16 district's daily rate of pay, whichever is higher, in addition to  
17 the salary for which the teacher qualifies pursuant to Section 18-  
18 114.14 of this title. This supplement, up to Forty Thousand Dollars  
19 (\$40,000.00), shall be matched by state dollars from the lottery  
20 funds as provided in Section 713 of Title 3A of the Oklahoma  
21 Statutes.

22 If a person with a an advanced, lead, or master teaching  
23 certificate changes school districts during the life of the  
24

1 certificate, the terms of the contracts required in this subsection  
2 shall be subject to approval by the new employing school district.

3 ~~M. 1. Any person who is eligible for a lead or master teaching~~  
4 ~~certificate described in this section shall make application for the~~  
5 ~~following school year with the State Board of Education. The~~  
6 ~~application shall include a recommendation from the local board of~~  
7 ~~education and determination that the applicant has met the statutory~~  
8 ~~criteria. In reviewing an application, the local school board of~~  
9 ~~education and the superintendent shall consider the ability of the~~  
10 ~~school district to fulfill the additional requirements described in~~  
11 ~~subsections I and J of this section before making a recommendation~~  
12 ~~to the State Board of Education.~~

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

16 ~~N. L.~~ Beginning in the ~~2021-2022~~ 2022-2023 school year, the  
17 Department shall make the teaching certificates provided for in this  
18 section available for any person who has received a recommendation  
19 ~~from their local board of education~~ his or her school district and  
20 who meets the eligibility criteria as outlined in each school  
21 district's teacher evaluation system provided for in subsection I of  
22 this section.

23 ~~O. For the 2019-2020 and 2020-2021 school years, the Department~~  
24 ~~shall identify school districts to implement the teaching~~

1 ~~certificates provided for in this section on a pilot program basis~~  
2 ~~with the assistance of public-private partnerships, funding from~~  
3 ~~philanthropic organizations or federal grants.~~

4 ~~P.~~ M. The Department shall seek funding M. The funding necessary  
5 for the administration of this section shall be provided from the  
6 Oklahoma Education Lottery Trust Fund on a cash basis after funding  
7 and requirements are met in accordance with Section 713 of Title 3A  
8 of the Oklahoma Statutes. Funding shall go toward advanced, lead,  
9 and master certificate holders on a first-come, first-served basis  
10 until the cash is exhausted for the school year. Funds from the  
11 Oklahoma Education Lottery Trust Fund shall serve as a state match  
12 to local dollars each school district contributes to their advanced,  
13 lead, and master teachers as provided in Section 713 of Title 3A of  
14 the Oklahoma Statutes. If funding for the administration of the  
15 teaching certificates listed in ~~subsections~~ subsection I and J is  
16 not available, the Department shall not be required to fulfill the  
17 requirements listed in subsections K and L, ~~M, N and O~~ of this  
18 section.

19 ~~Q.~~ N. The State Board of Education shall promulgate rules to  
20 implement the provisions of this act.

21 SECTION 2. This act shall become effective July 1, 2022.

22 SECTION 3. It being immediately necessary for the preservation  
23 of the public peace, health or safety, an emergency is hereby  
24

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3 SECTION 4. The provisions of this act shall be contingent upon  
4 the enactment of the provisions of House Bill No. 4388 of the 2nd  
5 Session of the 58th Oklahoma Legislature and shall not become  
6 operative as law otherwise.

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8 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 03/02/2022  
9 - DO PASS, As Amended and Coauthored.

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