I move to amend House Bill No. 2672, by substituting the attached floor substitute (Request #2170) for the title, enacting clause, and entire body of the measure.

Submitted by:
Senator Pugh

I hereby grant permission for the floor substitute to be adopted.

Senator Pugh, Chair (required)
Senator Seifried
Senator Bergstrom
Senator Daniels
Senator Dossett
Senator Green

Senator Treat, President Pro Tempore

Note: Education committee majority requires seven (7) members’ signatures.

I hereby grant permission for the floor substitute to be adopted.

Senator Thompson (Roger)
Appropriations Committee Chair

Pugh-EB-FS-HB2672
4/26/2023 8:52 AM

(Floor Amendments Only) Date and Time Filed: 4-24-23 4:30 pm
STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

FLOOR SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 2672

By: Baker and West (Tammy) of the House

and

Pugh of the Senate

FLOOR SUBSTITUTE

[ schools - appropriation - minimum salary schedule -
providing one-time stipends - revolving fund - grant
program - codification - noncodification - effective
date -

emergency ]

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

SECTION 1. There is hereby appropriated to the State Board of Education from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year beginning July 1, 2023, the sum of Five Hundred Million Dollars ($500,000,000.00) for the financial support of public schools. These monies shall be used to implement the provisions of Section 2 of this act and to provide student supports. Monies appropriated pursuant to this section shall not be used to provide a bonus or salary increase to an administrator, as defined by Section 6-101.3 of Title 70 of the Oklahoma Statutes.
SECTION 2. NEW LAW  A new section of law to be codified in the Oklahoma Statutes as Section 18-114.15 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Beginning with the 2023-2024 school year, certified personnel, as defined in Section 26-103 of Title 70 of the Oklahoma Statutes, in the public schools of Oklahoma shall receive in salary and/or fringe benefits not less than the amounts specified in the following schedule:

MINIMUM SALARY SCHEDULE

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B. 1. When determining the Minimum Salary Schedule, “fringe benefits” shall mean all or part of retirement benefits, excluding the contributions made pursuant to subsection A of Section 17-108.1 of Title 70 of the Oklahoma Statutes and the flexible benefit allowance pursuant to Section 26-105 of Title 70 of the Oklahoma Statutes.
Statutes from the flexible benefit allowance funds disbursed by the State Board of Education and the State Board of Career and Technology Education pursuant to Section 26-104 of Title 70 of the Oklahoma Statutes.

2. If a school district intends to provide retirement benefits to a teacher such that the teacher’s salary would be less than the amounts set forth in the minimum salary schedule specified in subsection A of this section, the district shall be required to provide written notification to the teacher prior to his or her employment or, if already employed by the district, no later than thirty (30) days prior to the date the district elects to provide retirement benefits such that the teacher’s salary would be less than the minimum salary schedule.

C. Any of the degrees referred to in this section shall be from a college recognized by the State Board of Education. The Board shall accept teaching experience from out-of-state school districts that are accredited by the State Board of Education or appropriate state accrediting agency for the districts. The Board shall accept teaching experience from out-of-country schools that are accredited or otherwise endorsed by the appropriate national or regional accrediting or endorsement authority. Out-of-country certification documentation in a language other than English shall be analyzed by an educational credential evaluation service in accordance with industry standards and guidelines and approved by the State.
Department of Education. The person seeking to have credit granted for out-of-country teaching experience shall be responsible for all costs of the analysis by a credential evaluation service. The Board shall accept teaching experience from primary and secondary schools that are operated by the United States Department of Defense or are affiliated with the United States Department of State.

D. For the purpose of state salary increments and retirement, no teacher shall be granted credit for more than five (5) years of active duty in the military service or out-of-state or out-of-country teaching experience as a certified teacher or its equivalent. Nothing in this section shall prohibit boards of education from crediting more years of experience on district salary schedules than those allowed for state purposes.

E. The State Board of Education shall recognize, for purposes of certification and salary increments, all the years of experience of a:

1. Certified teacher who teaches in the educational program of the Department of Corrections, beginning with fiscal year 1981;

2. Vocational rehabilitation counselor under the Department of Human Services if the counselor was employed as a certified teacher by the State Department of Education when the Division of Vocational Rehabilitation was transferred from the State Board of Career and Technology Education or the State Board of Education to the Oklahoma Public Welfare Commission on July 1, 1968;
3. Vocational rehabilitation counselor which were completed while employed by the Department of Human Services if such counselor was certified as a teacher or was eligible for certification as a teacher in Oklahoma;

4. Certified teacher which were completed while employed by the Child Study Center located at University Hospital, if the teacher was certified as a teacher in Oklahoma; and

5. Certified school psychologist or psychometrist which were completed while employed as a doctoral intern, psychological assistant, or psychologist with any agency of the State of Oklahoma if the experience primarily involved work with persons of school- or preschool-age and if the person was, at the time the experience was acquired, certified as, or eligible for certification as, a school psychologist or psychometrist.

F. The provisions of this section shall not apply to teachers who have entered into postretirement employment with a public school in Oklahoma and are still receiving a monthly retirement benefit.

G. If a person employed as certified personnel, as defined in Section 26-103 of Title 70 of the Oklahoma Statutes, by a school district during the 2022-2023 school year was receiving a salary above the step level indicated by the State Minimum Salary Schedule for the 2022-2023 school year, the person shall receive a salary increase amount equal to the amount indicated in subsection A for the step level indicated for the person, provided they remain
employed by the same district, unless the hours or the duties of the certified personnel are reduced proportionately. The salary increase provided for in subsection A of this section shall be in addition to, and not as a replacement for, the step increase indicated for the certified personnel pursuant to the State Minimum Salary Schedule, as provided for in this act.

H. If a school district does not receive Foundation or Salary Incentive Aid pursuant to Section 18-200.1 of Title 70 of the Oklahoma Statutes, funds shall be allocated by the State Board of Education to implement the salary increases indicated in subsection A of this section.

I. Persons employed as classroom instructional employees of technology center school districts supervised by the State Board of Career and Technology Education shall receive a salary increase amount equal to the amount indicated in subsection A of this section for the step level indicated for the person, provided they remain employed by the same technology center school district, unless the hours or the duties of the classroom instructional employees are reduced proportionately.

J. Persons employed as correctional teachers or vocational instructors by the Department of Corrections pursuant to Section 510.6a of Title 57 of the Oklahoma Statutes or persons employed as teachers by the Office of Juvenile Affairs shall receive a salary increase amount equal to the amount indicated in subsection A of
this section for the step level indicated for the person, provided
they remain employed by the same Department of Corrections or Office
of Juvenile Affairs facility, unless the hours or the duties of the
correctional teachers, vocational instructors, or teachers are
reduced proportionately.

SECTION 3. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

A. During the 2023-2024 school year, all certified personnel,
as defined in Section 26-103 of Title 70 of the Oklahoma Statutes,
who were employed full time by a school district during the 2022-
2023 school year shall receive a one-time stipend of Three Thousand
Dollars ($3,000.00), provided they remain employed full time by the
school district.

B. During the 2023-2024 school year, all support personnel, as
defined in Section 26-103 of Title 70 of the Oklahoma Statutes,
shall receive a one-time stipend of Three Thousand Dollars
($3,000.00). This amount shall be prorated for part-time support
personnel.

C. During the 2023-2024 school year, persons employed as
classroom instructional employees of technology center school
districts supervised by the State Board of Career and Technology
Education who were employed full time by a technology center school
district during the 2022-2023 school year shall receive a one-time
stipend of Three Thousand Dollars ($3,000.00), provided they remain employed full time by the technology center school district.

D. During the 2023-2024 school year, persons employed as correctional teachers or vocational instructors by the Department of Corrections pursuant to Section 510.6a of Title 57 of the Oklahoma Statutes or persons employed as teachers by the Office of Juvenile Affairs who were employed full time by the Department of Corrections or the Office of Juvenile Affairs during the 2022-2023 school year shall receive a one-time stipend of Three Thousand Dollars ($3,000.00), provided they remain employed full time by the Department of Corrections or the Office of Juvenile Affairs.

SECTION 4. AMENDATORY 70 O.S. 2021, Section 6-190, as amended by Section 3, Chapter 359, O.S.L. 2022 (70 O.S. Supp. 2022, 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. Has successfully completed the teacher education program required by the Commission for Educational Quality and Accountability;

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

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

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

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

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

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

1. Holds an out-of-state certificate and meets the requirements set forth in subsection G of this section;
2. Holds certification from the National Board for Professional Teaching Standards;

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

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

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

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

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

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

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

4. The Board shall promulgate rules establishing a process by which out-of-country certificates will be reviewed and evaluated for purposes of awarding a certificate to teach pursuant to this subsection.
G. 1. The Board shall issue a certificate to teach to a person who holds a valid out-of-state certificate. The certificate to teach shall only be for those subject areas and grade levels most closely aligned to the subject areas and grade levels recognized on the out-of-state certificate.

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

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

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

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

I. 1. The Board may establish new levels of teacher
certificates: advanced, lead, and master. Each level shall have a
minimum salary increase requirement paid by the school district and
matched with state dollars from the lottery funds as provided in
Section 713 of Title 3A of the Oklahoma Statutes. The advanced
certificate shall include a minimum salary increase of Three
Thousand Dollars ($3,000.00), the lead certificate shall include a
minimum salary increase of Five Thousand Dollars ($5,000.00), and
the master certificate shall include a minimum salary increase of
Ten Thousand Dollars ($10,000.00) and maximum salary increase of
Forty Thousand Dollars ($40,000.00).
2. A teacher who works in a school with an enrollment of forty percent (40%) or more of students who are economically disadvantaged as defined in Section 18-109.5 of this title or a school district with an enrollment of fewer than one thousand students shall be paid a one-time award in addition to the salary increases provided in paragraph 1 of this subsection:

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

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

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

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

a. Teacher observation shall be based on the district’s selected Teacher and Leader Effectiveness Evaluation System (TLE) evaluation tool or an alternate method of evaluation; provided, the method is evidenced-based.
Alternate methods of evaluation shall not replace the requirements of Section 6-101.16 of this title.

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

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

Districts may use additional factors in determining which teachers are eligible to receive a designation, such as student surveys, teacher leadership responsibilities, teacher mentorship responsibilities, family surveys, demonstration of district core values, teacher peer surveys, and contributions to the broader school community. No more than ten percent (10%) of each school
district’s teachers may be designated as an advanced, lead, or master teacher in any given school year.

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

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

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

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

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

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

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

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

2. Lead: an additional ten (10) days to be used to strengthen
instructional leadership. A person with a lead teaching certificate
shall receive an annual salary increase of at least Five Thousand
Dollars ($5,000.00) or the district’s daily rate of pay, whichever
is higher, in addition to the salary for which the teacher qualifies
pursuant to Section 18-114.14 of this title. This increase shall be
matched by state dollars from the lottery funds as provided in
Section 713 of Title 3A of the Oklahoma Statutes and shall be paid
as regular annual compensation directly to teachers through school districts; and

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

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

I. Beginning in the 2022-2023 school year, the Department shall make the teaching certificates provided for in this section available for any person who has received a recommendation from his or her school district and who meets the eligibility criteria as outlined in each school district’s teacher evaluation system provided for in subsection I of this section.

M. The funding necessary for the administration of this section shall be provided from the Teacher Empowerment Revolving Fund
created in Section 2 of this act. If funding for the administration of the teaching certificates listed in subsection I is not available, the Department shall not be required to fulfill the requirements listed in subsections I, K, and L of this section.

N. The State Board of Education shall promulgate rules to implement the provisions of Section 6-180 et seq. of this title.

SECTION 5. AMENDATORY Section 2, Chapter 359, O.S.L. 2022 (70 O.S. Supp. 2022, Section 6-190.2), is amended to read as follows:

Section 6-190.2. A. There is hereby created in the State Treasury a revolving fund for the State Department of Education State Board 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 consist of all monies received pursuant to paragraph 2 of subsection D of Section 713 of Title 3A of the Oklahoma Statutes. Expenditures from the Teacher Empowerment Revolving Fund shall All monies accruing to the credit of the fund may be budgeted and expended as provided for in subsection B of this section by the State Board of Education for the purpose of implementing the provisions of Section 3 of this 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.

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 6. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 18-126.1 of Title 70, unless
there is created a duplication in numbering, reads as follows:

A. For the purposes of this act:

1. “Eligible teacher” means a certified person employed on a
full-time basis by a school district to serve as a teacher,
supervisor, counselor, librarian, or certified or registered nurse;
and

2. “Eligible support employee” means a full-time employee of a
school district as determined by the standard period of labor which
is customarily understood to constitute full-time employment for the
type of services performed by the employee who is employed a minimum
of one hundred seventy-two (172) days and who provides those
services, not performed by professional educators or certified teachers, which are necessary for the efficient and satisfactory functioning of a school district and shall not include adult education instructors or adult coordinators employed by technology center school districts.

B. The State Department of Education shall create the Rewarding Excellent Educators Grant Program for the purpose of providing grant funds to school districts to implement annual qualitative bonus pay plans for eligible teachers and eligible support employees.

C. To receive grant funds, a school district board of education shall approve and submit to the State Department of Education a qualitative bonus pay plan to reward high-performing eligible teachers and eligible support employees with annual bonuses. The plan shall include, but not be limited to, the following components:

1. Student growth, as defined by the school district board of education;
2. Peer evaluations;
3. Administrator evaluations;
4. Mentorship participation; and
5. Participation in extra responsibilities or duties.

D. The State Department of Education shall award grant funds to school districts from the Teacher Empowerment Revolving Fund created in Section 6-190.2 of Title 70 of the Oklahoma Statutes on a first-come, first-served basis.
E. Grants awarded pursuant to this section shall be used to provide annual bonuses to eligible teachers and eligible support employees. No more than ten percent (10%) of a school district’s eligible teachers and eligible support employees may be provided annual bonuses during each school year. No bonus shall exceed Five Thousand Dollars ($5,000.00).

SECTION 7. This act shall become effective July 1, 2023.

SECTION 8. It being immediately necessary for the preservation of the public peace, health, or 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.

59-1-2170 EB 4/26/2023 5:16:46 PM