

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 4388

By: Hilbert and Baker of the
House

4 and

5 Pugh of the Senate

6
7
8 [amusements and sports - Oklahoma Education Lottery
9 Act - Teacher Empowerment Revolving Fund -
10 effective date - conditional effect]

11

12

13 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
and entire bill and insert

14

15 "An Act relating to teachers; amending 3A O.S. 2021,
16 Section 713, which relates to the Oklahoma Education
17 Lottery Act; requiring proceeds in excess of certain
18 annual amount be deposited into certain fund;
19 updating references; creating the Teacher Empowerment
20 Revolving Fund for the State Department of Education;
21 providing for expenditures; providing purpose of
22 fund; amending 70 O.S. 2021, Section 6-190, which
23 relates to criteria for issuing teaching
24 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;

1 authorizing use of additional factors; requiring
2 state funding match; exempting certain teachers from
3 certain annual evaluations; prescribing frequency and
4 timing of designation; providing for professional
5 development cohorts and additional training;
6 requiring biennial review of certain evaluation
7 system; requiring annual report on program;
8 prescribing and modifying contract terms for teachers
9 with advanced, lead, and master certificates;
10 clarifying certain funding is a state match for local
11 funds; modifying school year in which certificates
12 are to be made available; updating statutory
13 citations; and providing for codification.

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

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

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

26 B. The Oklahoma Lottery Commission shall submit a written
27 report of its findings and any recommendations regarding the impact
28 of removing the requirement that net proceeds shall equal at least
29 thirty-five percent (35%) of the gross proceeds. The report shall

1 be submitted to the Governor, the Speaker of the ~~Oklahoma~~ House of
2 Representatives and the President Pro Tempore of the ~~Oklahoma State~~
3 Senate not later than October 1, 2020, and annually thereafter.

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

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

24

1 ~~E. Monies in~~ 1. The first Seventy-five Million Dollars
2 (\$75,000,000.00) of monies contributed annually to the Oklahoma
3 Education Lottery Trust Fund shall only be appropriated as follows:

4 ~~1. Forty five~~

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

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

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

14 ~~2. Forty five~~

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

16 ~~a.~~ (1) tuition grants, loans and scholarships to
17 citizens of this state to enable such citizens to
18 attend colleges and universities located within
19 this state, regardless of whether such colleges
20 and universities are owned or operated by the
21 Oklahoma State Regents for Higher Education, or
22 to attend institutions operated under the
23 authority of the Oklahoma Department of Career
24 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 Seventy-five Million Dollars (\$75,000,000.00) 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

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

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

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

22 1. Beginning in July of the fiscal year in which appropriations
23 are made to common education from the Oklahoma Education Lottery
24 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

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

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

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

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

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

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

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

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

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

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

24

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.

24

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~~

23

24

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 ~~H.~~ 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
7 Passed the Senate the 28th day of April, 2022.

8
9 _____
10 Presiding Officer of the Senate

11 Passed the House of Representatives the ____ day of _____,
12 2022.

13
14 _____
15 Presiding Officer of the House
16 of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 4388

By: Hilbert and Baker of the
House

3 and

4 Pugh of the Senate

5
6
7
8 [amusements and sports - Oklahoma Education Lottery
9 Act - Teacher Empowerment Revolving Fund -
10 effective date - conditional effect]
11
12

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

14 SECTION 4. AMENDATORY 3A O.S. 2021, Section 713, is
15 amended to read as follows:

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

1 B. The Oklahoma Lottery Commission shall submit a written
2 report of its findings and any recommendations regarding the impact
3 of removing the requirement that net proceeds shall equal at least
4 thirty-five percent (35%) of the gross proceeds. The report shall
5 be submitted to the Governor, the Speaker of the Oklahoma House of
6 Representatives and the President Pro Tempore of the Oklahoma State
7 Senate not later than October 1, 2020, and annually thereafter.

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

19 D. Upon their deposit into the State Treasury, any monies
20 representing a deposit of net proceeds shall then become the
21 unencumbered property of this state, and neither the Commission nor
22 the board of trustees shall have the power to agree or undertake
23 otherwise. The monies shall be invested by the State Treasurer in
24 accordance with state investment practices. All earnings

1 attributable to such investments shall likewise be the unencumbered
2 property of the state and shall accrue to the credit of the fund
3 provided for in subsection C of this section.

4 ~~E. Monies in~~ 1. The first Sixty Million Dollars
5 (\$60,000,000.00) of monies contributed annually to the Oklahoma
6 Education Lottery Trust Fund shall only be appropriated as follows:

7 ~~1. Forty-five~~

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

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

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

17 ~~2. Forty-five~~

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

19 ~~a. (1)~~ (1) tuition grants, loans and scholarships to
20 citizens of this state to enable such citizens to
21 attend colleges and universities located within
22 this state, regardless of whether such colleges
23 and universities are owned or operated by the
24 Oklahoma State Regents for Higher Education, or

1 to attend institutions operated under the
2 authority of the Oklahoma Department of Career
3 and Technology Education; provided such tuition
4 grants, loans and scholarships shall not be made
5 to a citizen of this state to attend a college or
6 university which is not accredited by the
7 Oklahoma State Regents for Higher Education,

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

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

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

1 Technology Education, and professors and
2 instructors within The Oklahoma State System of
3 Higher Education, the necessary training in the
4 use and application of computers and advanced
5 electronic instructional technology to implement
6 interactive learning environments in the
7 classroom and to access the statewide distance
8 learning network and costs associated with
9 repairing and maintaining advanced electronic
10 instructional technology,

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

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

16 ~~3. Five~~

17 c. five percent (5%) to the School Consolidation and
18 Assistance Fund. When the total amount in the School
19 Consolidation and Assistance Fund from all sources
20 equals Five Million Dollars (\$5,000,000.00), all
21 monies appropriated pursuant to this ~~paragraph~~
22 subparagraph which would otherwise be deposited in the
23 School Consolidation and Assistance Fund in excess of
24 Five Million Dollars (\$5,000,000.00) shall be

1 allocated by the State Department of Education to
2 public schools based on the audited end-of-year
3 average daily membership in grades 8 through 12 during
4 the preceding school year for the purpose of
5 purchasing technology equipment. If at any time the
6 total amount in the School Consolidation and
7 Assistance Fund drops below Five Million Dollars
8 (\$5,000,000.00), the monies appropriated pursuant to
9 this ~~paragraph~~ subparagraph shall be deposited in the
10 School Consolidation and Assistance Fund until the
11 Fund again reaches Five Million Dollars
12 (\$5,000,000.00) ~~+~~ and

13 ~~4.~~ Five

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

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

22 ~~F.~~ 2. The remaining portion of lottery annual net proceeds
23 deposited to the Oklahoma Education Lottery Trust Fund that exceeds
24 Sixty Million Dollars (\$60,000,000.00) shall be deposited to the

1 credit of the Teacher Empowerment Revolving Fund created in Section
2 2 of this act.

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

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

24

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

20 ~~F.~~ H. There is hereby created in the State Treasury a revolving
21 fund to be designated the "Oklahoma Education Lottery Revolving
22 Fund". The fund shall be a continuing fund, not subject to fiscal
23 year limitations, and shall consist of all monies received by the
24 Commission. The Commission shall make payments of net proceeds from

1 the fund to the Oklahoma Education Lottery Trust Fund on or before
2 the fifteenth day of each calendar quarter as provided in subsection
3 C of this section. All monies accruing to the credit of the
4 Oklahoma Education Lottery Revolving Fund are hereby appropriated
5 and may be budgeted and expended for the payment of net proceeds,
6 prizes, commissions to retailers, administrative expenses and all
7 other expenses arising out of the operation of the education
8 lottery, subject to the limitations provided in the Oklahoma
9 Education Lottery Act. Expenditures from the fund shall be made
10 upon warrants issued by the State Treasurer against claims filed as
11 prescribed by law with the Director of the Office of Management and
12 Enterprise Services for approval and payment.

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

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

1 1. Beginning in July of the fiscal year in which appropriations
2 are made to common education from the Oklahoma Education Lottery
3 Trust Fund, the Commission, on or before the ninth day of each
4 month, shall transfer to the State Treasurer, for credit to the
5 Oklahoma Education Lottery Trust Fund, the amount of net proceeds
6 accruing during the preceding month equal to the amount of total
7 monthly collections due to common education as required by
8 subparagraph a of paragraph 1 of subsection ~~E~~ D of this section;

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

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

19 ~~K.~~ J. When appropriations from the Oklahoma Education Lottery
20 Trust Fund are made to The Oklahoma State System of Higher
21 Education, the appropriations shall be made available to the System
22 on a monthly basis. In addition to the provisions of subsections C
23 and D of this section, the following process shall be used to ensure
24

1 that the appropriations are made available to The Oklahoma State
2 System of Higher Education in a timely manner:

3 1. Beginning in July of the fiscal year in which appropriations
4 are made to The Oklahoma State System of Higher Education from the
5 Oklahoma Education Lottery Trust Fund, the Commission, on or before
6 the ninth day of each month, shall transfer to the State Treasurer,
7 for credit to the Oklahoma Education Lottery Trust Fund, the amount
8 of net proceeds accruing during the preceding month equal to the
9 amount of total monthly collections due to the Oklahoma State
10 Regents for Higher Education as required by subparagraph b of
11 paragraph ~~2~~ 1 of subsection E D of this section;

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

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

22 SECTION 5. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 6-190.2 of Title 70, unless
24 there is created a duplication in numbering, reads as follows:

1 A. There is hereby created in the State Treasury a revolving
2 fund for the State Department of Education to be designated the
3 "Teacher Empowerment Revolving Fund". The revolving fund shall be a
4 continuing fund, without legislative appropriation, not subject to
5 fiscal year limitations, and shall be under the control and
6 management of the State Department of Education. Expenditures from
7 the Teacher Empowerment Revolving Fund shall be budgeted and
8 expended as provided for in subsection B of this section.

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

18 SECTION 6. This act shall become effective November 1, 2022.

19 SECTION 7. The provisions of this act shall be contingent upon
20 the enactment of the provisions of House Bill No. 4387 of the 2nd
21 Session of the 58th Oklahoma Legislature and shall not become
22 operative as law otherwise.

23
24

1 Passed the House of Representatives the 22nd day of March, 2022.

2
3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2022.

6
7
8 _____
9 Presiding Officer of the Senate