



ROSENSTEIN, FIST & RINGOLD

RED BANNER UPDATE

Date: July 11, 2022

Re: HB 4388

Signed: May 26, 2022

Effective: July 1, 2022

Topic: **Creation of the Teacher Empowerment Revolving Fund**

Summary: House Bill 4388 (the “Bill”) creates a new section of law at OKLA. STAT. tit. 70, § 6-190.2 establishing the Teacher Empowerment Revolving Fund (the “Fund”). The Bill also amends OKLA. STAT. tit. 3A, § 713 and OKLA. STAT. tit. 70, § 6-190 to establish a mechanism for distribution of monies deposited in the Fund.

How the Fund Is Funded

The Bill establishes a cap of \$65,000,000 on the Oklahoma Lottery Trust Fund and states that any excess proceeds beyond that cap will be deposited into the Fund. The Fund will be a continuing fund, without legislative appropriation and not subject to fiscal year limitations, and will be controlled and managed by the State Department of Education (“SDOE”).

How the Fund Is Distributed

The Fund will serve as a state match to local dollars that each school district contributes to its advanced, lead, and master teachers and will be distributed on a first-come, first-served basis until the Fund has been exhausted.

The Bill amends OKLA. STAT. tit. 70, § 6-190 to state that the State Board of Education may establish new levels of teaching certificates: advanced, lead, and master. Each level must include a minimum salary increase to be paid by the school district and matched with state dollars from the Fund. The advanced certificate minimum salary increase will be \$3,000; the lead certificate minimum salary increase will be \$5,000; and the master certificate will include a minimum salary increase of \$10,000 and maximum salary increase of \$40,000.



The Bill sets forth that school districts will have local control and flexibility in determining how to evaluate its teachers and assign designations, but, at a minimum, the designation system must include a teacher observation, out-of-classroom time, and a student performance component (all of which are further detailed within the Bill). Schools may also look to other factors as outlined in the Bill. A maximum of 10% of a school district's teachers may be granted the aforementioned designations.

The Bill's language goes on to require that the terms of contracts issued to teachers holding advanced, lead, and master teaching certificates must include certain provisions to comply with the Bill, including provisions related to minimum salary increases and additional days to be used for strengthening instructional leadership.

The Bill further provides one-time awards in addition to the salary increase if a teacher works at a school with enrollment of 40% or more students who are economically disadvantaged as defined under Oklahoma law or with enrollment of fewer than 1,000 students.

For More Information

Please visit the firm's website to view the signed Bill.

RFR attorneys are reviewing this legislation and will be advising clients as to any recommended changes to existing district policies.