

OFFICE OF THE ATTORNEY GENERAL OF OKLAHOMA

Questions Submitted by: The Honorable Melissa Provenzano, Oklahoma House of Representatives, District 79

2025 OK AG 17 · Decided December 11, 2025

SUMMARY

This is an official Oklahoma Attorney General Opinion addressing whether the State Superintendent of Public Instruction may unilaterally require out-of-state teachers to pass an additional competency examination for certification or employment. The opinion concludes that Oklahoma law does not grant the State Superintendent that authority and that certification powers are assigned to the State Board of Education, the Commission for Educational Quality and Accountability, and local school district boards as applicable.

CASE DETAILS

COURT	Office of the Attorney General of Oklahoma
DECIDED	December 11, 2025
DISPOSITION	other
PROCEDURAL POSTURE	The Oklahoma Attorney General issued an official opinion in response to questions submitted by the Oklahoma House of Representatives concerning the authority of the State Superintendent of Public Instruction to impose an additional competency examination on out-of-state teachers.
PRECEDENTIAL VALUE	persuasive

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Superintendent of Public Instruction has statutory or constitutional authority to require only out-of-state teachers to pass an additional competency examination as a condition of Oklahoma certification or employment.

2. Whether such a testing requirement would conflict with Oklahoma law governing teacher certification, licensure, reciprocity, or employment practices.

HOLDINGS

1. The Superintendent of Public Instruction lacks legal authority under Oklahoma law to unilaterally require out-of-state teachers to pass an additional examination as a condition of teacher certification.
2. The Superintendent may not interpret an existing State Board rule as authorizing a competency examination that applies only to out-of-state candidates.

KEY QUOTATIONS

“The Superintendent of Public Instruction lacks any legal authority under Oklahoma law to unilaterally require out-of-state teachers to pass an additional examination as a condition for teacher certification or employment by a local public school district in Oklahoma.” (§11)

“With that being the case, this office is unable to read into the law what is not there.” (§16)

FACTUAL BACKGROUND

The inquiry concerned whether Oklahoma's Superintendent of Public Instruction could require out-of-state teachers to pass an additional competency examination as a condition of certification or employment in Oklahoma. Oklahoma law assigns teacher licensure and certification authority primarily to the State Board of Education and establishes competency-examination requirements through statutory provisions and rules. The opinion addressed both out-of-state teachers who hold certification in another state and those who do not.

PROCEDURAL HISTORY

The opinion was rendered at the request of Representative Melissa Provenzano. No adversarial lower-court proceedings or appellate review were involved.

DISPOSITION

other

CASES CITED

- Ritter v. State, 2022 OK 73, 520 P.3d 370
- Oklahoma Farm Bureau v. State Bd. of Educ., 1968 OK 98, 444 P.2d 182
- Cox v. State, 2004 OK 17, 87 P.3d 607
- Jackson v. Indep. Sch. Dist. No. 16, 1982 OK 74, 648 P.2d 26
- Liddell v. Heavner, 2008 OK 6, 180 P.3d 1191
- Signature Leasing v. Buyer's Grp., 2020 OK 50, 466 P.3d 544
- Western Heights Indep. Sch. Dist. v. State, 2022 OK 79, 518 P.3d 531
- Brassfield v. State, 2024 OK 9, 544 P.3d 938

- Marley v. Cannon, 1980 OK 147, 618 P.2d 401
- Indep. Sch. Dist. No. 12 v. State, 2024 OK 39, 565 P.3d 23
- Oklahoma Educ. Ass'n v. State ex rel. Okla. Legislature, 2007 OK 30, 158 P.3d 1058
- Sneed v. Sneed, 1978 OK 138, 585 P.2d 1363
- CDR Sys. Corp. v. Okla. Tax Comm'n, 2014 OK 31, 339 P.3d 848

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