

ENGROSSED HOUSE
BILL NO. 1121

BY: ROBERTS (Larry) of the
HOUSE

and

WILLIAMS (Penny) of the
SENATE

(EDUCATION - AMENDING 70 O.S., SECTIONS 18-105,
18-113.1 AND 18-113.2 - OPTION OF ELECTRONIC
TRANSFER OF FUNDS -

EMERGENCY)

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

SECTION 1. AMENDATORY 70 O.S. 1981, Section 18-105, is
amended to read as follows:

Section 18-105. A. The State Board of Education shall furnish the Director of State Finance with a copy of the apportionments made from the funds appropriated for each fiscal year to each of the several school districts of the state, and warrants shall be drawn by the State Treasurer against appropriations for each fiscal year in accordance with such apportionments only upon the order of the State Board of Education through the Director of State Finance. The warrants for the payments to the several school districts of any county shall be forwarded by the State Board of Education through the Director of State Finance directly to the treasurer of each school district.

B. Beginning July 1, 1991, the State Board of Education and the Office of State Finance shall provide to school districts the option

of receiving payments made pursuant to this section by electronic transfer. The State Board of Education and the Office of State Finance shall promulgate rules and regulations necessary to perform the requirements of this subsection.

SECTION 2. AMENDATORY Section 3, Chapter 329, O.S.L. 1985, as last amended by Section 69, Chapter 263, O.S.L. 1990 (70 O.S. Supp. 1990, Section 18-113.1), is amended to read as follows:

Section 18-113.1 A. The provisions of this subsection shall apply only to grades one through three.

1. Except as otherwise provided for in this section, no child shall be included in the average daily membership of a school district for the purpose of computing and paying state-appropriated funds if that child is regularly assigned to a teacher or to a class that includes:

- a. for the 1989-90 school year, more than twenty-two (22) students;
- b. for the 1990-91 school year through the 1992-93 school year, more than twenty-one (21) students; and
- c. for the 1993-94 school year and each school year thereafter, more than twenty (20) students.

2. If a class or classes in a grade exceed the class size limitation provided for in this subsection, the class size limitation and penalty shall not apply if:

- a. the creation of an additional class would cause a class to have fewer than ten (10) students; and
- b. a teacher's assistant, as defined in Section 6-127 of this title, is employed to serve with each teacher in a class that exceeds the class size limitation provided for in this subsection.

3. No school district shall be penalized for initially exceeding class size limitations during the last nine (9) weeks of the school year.

4. No school district shall be penalized for exceeding the class size limitations for the 1988-89 school year which were established by this subsection prior to the effective date of this act unless:

- a. the school district had a general fund balance for fiscal year 1988 in excess of twenty percent (20%) of the district's receipts or expenditures, whichever is less, for that year; or
- b. the number of students per class exceeded thirty-three (33) and a full-time teaching assistant was not present.

B. The provisions of this subsection shall apply only to grades four through six.

1. Except as otherwise provided for in this section, no child shall be included in the average daily membership of a school district for the purpose of computing and paying state-appropriated funds if that child is regularly assigned to a teacher or to a class that includes:

- a. for the 1989-90 school year, more than twenty-five (25) students;
- b. for the 1990-91 school year, more than twenty-three (23) students;
- c. for the 1991-92 school year, more than twenty-two (22) students;
- d. for the 1992-93 school year, more than twenty-one (21) students; and
- e. for the 1993-94 school year and each school year thereafter, more than twenty (20) students.

2. If a class or classes in a grade exceed the class size limitation provided for in this subsection, the class size limitation and penalty shall not apply if the creation of an

additional class would cause a class to have fewer than sixteen (16) students.

3. A school district may adjust the class size limitation provided for in this subsection, based on the number of classes in each grade in the previous year, by using a five percent (5%) deviation factor under the maximum set out.

C. The provisions of this subsection shall apply only to grades seven through nine.

1. Except as otherwise provided for in this section, no child shall be included in the average daily membership of a school district for the purpose of computing and paying state-appropriated funds if that child is regularly assigned to a teacher or to a class that includes more than thirty-six (36) students.

2. If a class or classes in a grade exceed the class size limitation provided for in this subsection, the class size limitation and penalty shall not apply if the creation of an additional class would cause a class to have fewer than sixteen (16) students.

3. A school district may adjust the class size limitation provided for in this subsection, based on the number of classes in each grade in the previous year, by using a five percent (5%) deviation factor under the maximum set out.

D. Classes in the following subjects shall not be subject to the class size limitations provided for in subsections A, B and C of this section:

1. physical education; and
2. chorus, band, orchestra and similar music classes.

E. If a school district groups its grades as grades one through five, grades six through eight, and grades nine through twelve, then as to such district the provisions of subsection B of this section shall apply to grades four and five rather than grades four through

six, and subsection C of this section shall apply to grades six through eight rather than grades seven through nine.

F. Any class size violations shall result in denial of accreditation in accordance with the requirements of Section 2 of Enrolled House Bill No. 1017 of the 1st Extraordinary Session of the 42nd Oklahoma Legislature.

G. Any school district which at the beginning of the school year does not have sufficient classrooms to meet the class size limitation provided for in this section as determined by guidelines established by the State Board of Education shall not be penalized for failure to meet the class size limitations provided for in this section if: a. (1) the school district has voted indebtedness, at any time within the ~~five (5)~~ three (3) years preceding the year the district exceeds the class size limitations, through the issuance of bonds or approval by voters of issuance of new bonds for more than eighty-five percent (85%) of the maximum allowable pursuant to the provisions of Section 26 of Article X of the Oklahoma Constitution as shown on the school district budget filed with the State Equalization Board for the current school year and certifications by the Attorney General prior to February 1 of the current school year, or (2) the board of education of the school district has filed a resolution calling for such bond election with the county election board pursuant to Section 2-101 of this title, or (3) the board of education of the school district is in the process of completing a bond issue to be voted on during the current fiscal year; and b. on the date of filing of the school district budget with the State Equalization Board, the school district is voting the maximum millage allowable for the support, maintenance and construction of schools as provided for in subsections (a), (c), (d) and (d-1) of Section 9 of Article X of the Oklahoma Constitution and Section 10 of Article X of the Oklahoma Constitution.

H. Any school district which exceeds the class size limitations as set forth in this section shall submit a written report to the State Board of Education, on or before July 1 of each year, setting forth the procedures that the district will follow in order to comply with this section.

I. School districts which receive state-appropriated funds pursuant to the provisions of Section 18-112.2 of this title and do not comply with the provisions of this section shall be subject to loss of State Aid for each child in excess of the class size limitations specified in this section.

SECTION 3. AMENDATORY Section 2, Chapter 214, O.S.L. 1989, as last amended by Section 70, Chapter 263, O.S.L. 1990 (70 O.S. Supp. 1990, Section 18-113.2), is amended to read as follows:

Section 18-113.2 A. The provisions of this section shall apply only to kindergarten.

1. No child shall be included in the average daily membership of a school district for the purpose of computing and paying state-appropriated funds if that child is regularly assigned to a teacher or to a class that includes:

- a. for the 1989-90 school year, more than twenty-five (25) students;
- b. for the 1990-91 school year, more than twenty-four (24) students;
- c. for the 1991-92 school year, more than twenty-three (23) students;
- d. for the 1992-93 school year, more than twenty-two (22) students; and
- e. for the 1993-94 school year and each school year thereafter, more than twenty (20) students.

2. If a class or classes in a grade exceed the class size limitation provided for in this subsection, the class size limitation and penalty shall not apply if:

- a. the creation of an additional class would cause a class to have fewer than ten (10) students; and
- b. a teacher's assistant, as defined in Section 6-127 of this title, is employed to serve with each teacher in a class that exceeds the class size limitation provided for in this subsection.

3. No school district shall be penalized for initially exceeding class size limitations during the last nine (9) weeks of the school year.

4. Any school district which at the beginning of the school year does not have sufficient classrooms to meet the class size limitation provided for in this section as determined by guidelines established by the State Board of Education shall not be penalized for failure to meet the class size limitations provided for in this section if: a. (1) the school district has voted indebtedness, at any time within the ~~five (5)~~ three (3) years preceding the year the district exceeds the class size limitations, through the issuance of bonds or approval by voters of issuance of new bonds for more than eighty-five percent (85%) of the maximum allowable pursuant to the provisions of Section 26 of Article X of the Oklahoma Constitution as shown on the school district budget filed with the State Equalization Board for the current school year and certifications by the Attorney General prior to February 1 of the current school year, or (2) the board of education of the school district has filed a resolution calling for such bond election with the county election board pursuant to Section 2-101 of this title, or (3) the board of education of the school district is in the process of completing a bond issue to be voted on during the current fiscal year; and b. on the date of filing of the school district budget with the State Equalization Board, the school district is voting the maximum millage allowable for the support, maintenance and construction of schools as provided for in subsections (a), (c), (d) and (d-1) of

Section 9 of Article X of the Oklahoma Constitution and Section 10 of Article X of the Oklahoma Constitution.

B. Any class size violations shall result in denial of accreditation in accordance with the requirements of Section 2 of Enrolled House Bill No. 1017 of the 1st Extraordinary Session of the 42nd Oklahoma Legislature.

C. School districts which receive state-appropriated funds pursuant to the provisions of Section 18-112.2 of this title and do not comply with the provisions of this section shall be subject to loss of State Aid for each child in excess of the class size limitations specified in this section.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and 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.

Passed the House of Representatives the 28th day of February, 1991.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate