

ENGROSSED SENATE  
BILL NO. 663

By: Long (Ed) of the Senate  
and  
Hager of the House

[ schools - attributes of valid certificate -  
exception to certain class size limitation -  
effective date -  
emergency ]

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 6-105, as amended by Section 1, Chapter 205, O.S.L. 1994 (70 O.S. Supp. 1994, Section 6-105), is amended to read as follows:

Section 6-105. A. If, because of sickness or other reason, a teacher is temporarily unable to perform his or her regular duties, a substitute teacher for his or her position may be employed for the time of such absence. A substitute teacher shall be paid in an amount and under such terms as may be agreed upon in advance by the substitute teacher and the board of education or according to regulations of the board. A teacher absent for reason of personal business shall have deducted from his or her salary by the school district only the amount necessary to pay the substitute.

No substitute teacher shall be employed for a total period of time in excess of seventy (70) school days during a school year unless he or she is the holder of a valid certificate. Except as provided in this section, a substitute teacher may not be employed for the same assignment for more than twenty (20) school days during

a school year unless he or she is the holder of a any valid certificate issued or recognized by the State Board of Education authorizing the teacher to teach. Substitute teachers who do not hold a any valid certificate issued or recognized by the State Board of Education authorizing the teacher to teach and who are employed to teach special education for physically handicapped students or mentally retarded students shall not be subject to the restrictions on total time a substitute teacher may be employed or the restrictions on time in the same assignment if no certified teachers are available to teach such students and the students would be denied instruction in special education if the substitute teacher were not employed. Availability of certified teachers shall be determined after the school has consulted the State Board of Education and any other resources for filling the vacant position with a certified teacher. Payment of salary to a substitute shall have no effect on the amount of salary to which the absent regular teacher is entitled under the applicable leave plan.

B. Any substitute or cadet teacher employed in any school system on a monthly or annual basis shall hold a certificate and have a written contract in the manner and under the same conditions as for regular teachers.

C. Teachers who are members of the Reserve Forces of the Army, the Navy, the Marine Corps, the Coast Guard, the Air Force, or any other component of the Armed Forces of the United States, including members of the Air or Army National Guard, shall, when ordered by the proper authority to active duty or service, be entitled to a leave of absence from such civil employment for the period of such active service without loss of status or efficiency rating and without loss of pay during the first thirty (30) days of such leave of absence.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 18-113.3, as amended by Section 7, Chapter 361, O.S.L. 1993 (70 O.S. Supp. 1994, Section 18-113.3), is amended to read as follows:

Section 18-113.3 A. Class size, as used in ~~Section~~ Sections 18-113.1 and ~~Section~~ 18-113.2 of ~~Title 70 of the Oklahoma Statutes~~ this title, shall be determined by the average daily membership divided by the full-time equivalency of the instructional staff assigned to each grade level by site; provided, for computation of reduction of payment of state-appropriated funds for the 1990-91 school year only, average daily attendance shall be used rather than average daily membership. Full-time equivalency of special education teachers, Chapter 1 teachers, and teachers of classes not subject to class size limitations and the average daily membership of self-contained special education classes shall not be counted in class size computation.

B. As used in this section, self-contained special education classes are those classes whose students attend the same class for three (3) or more class periods and who have individualized education plans.

C. Beginning with the 1993-94 school year, no teacher as specified in this subsection who is counted in class size computation for grades seven through twelve shall be responsible for the instruction of more than one hundred forty (140) students on any given six-hour school day. ~~Beginning with the 1997-98 school year, no teacher who is counted in class size computation for grades seven through twelve shall be responsible for the instruction of more than one hundred twenty (120) students on any given six-hour school day.~~

D. Students within a class which is not subject to class size limitations pursuant to subsection D of Section 18-113.1 of this title shall not be counted for purposes of the limitations set forth in subsection C of this section.

E. ~~Provided, for~~ Beginning with the 1993-94 1995-96 school year and each school year thereafter, upon application to and approval by the State Board of Education, a district board of education may deregulate from the provisions in subsection C of this section as it relates to student-teacher ratio for grades seven through twelve. The State Board of Education shall promulgate rules providing for such deregulation. The State Board of Education shall approve such deregulation application upon determination that the applicant district has complied with the following conditions:

1. The district board of education has caused a notice of intent to request deregulation pursuant to this subsection in grades seven through twelve to be published in a newspaper of general circulation in the county where the district is located and has caused the notice of intent to be posted in a conspicuous place within the offices of the district's administration ten (10) days before the application for deregulation pursuant to this subsection is submitted to the State Board of Education; and

2. The school site for which deregulation has been requested has:

a.—consistently demonstrated performance which exceeds the fiftieth percentile on the state achievement tests, as provided in subsection A of Section 1210.508 of this title, in grades seven through twelve,

b.—a dropout rate which is less than the state average, and

c.—fully complied with the rules of the State Board of Education regarding deregulation.

F. For the purpose of determining whether a penalty for exceeding class size limitations shall apply, a federally funded bilingual assistant shall not qualify as a teacher's assistant.

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

H. For each child in excess of the class size membership, the district shall receive a penalty in the State Aid formula as a reduction to State Aid to be determined as follows:

1. Multiply each pupil in excess of the class size membership limit as provided in this subsection by the grade level weight and by the Base Foundation Support Level for the current school year; and

2. Multiply each pupil in excess of the class size membership limit as provided in this subsection by the grade level weight and by the Incentive Aid guarantee for the current school year times twenty (20); and

3. Sum the products of paragraphs 1 and 2 of this subsection.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 1210.303, as amended by Section 3, Chapter 359, O.S.L. 1994 (70 O.S. Supp. 1994, Section 1210.303), is amended to read as follows:

Section 1210.303 A. In administering this act the Department of Education shall provide:

1. The necessary State Department of Education staff with a primary responsibility for:

- a. developing educational programs for gifted and talented children,
- b. assuring appropriate assessment and evaluation procedures for use by school districts of this state, and
- c. enforcing compliance with the provisions of Sections 1210.301 through 1210.308 of this title by school districts;

2. The procedures for educational screening, needs analysis and prescriptive programming for gifted and talented children by

Regional Education Service Center personnel and others approved by the Department;

3. In-service training for selected teachers, administrators, college personnel, parents and interested lay persons;

4. Assistance in the development of new programs and the projection of program alternatives for the eventual provision of high quality programs for all identified gifted and talented children;

5. Recommendations to the State Board of Education concerning qualifications of teachers for gifted and talented children;

6. Recommendations for degree programs and short course seminars for the preparation of teaching personnel for gifted and talented children;

7. Selected procedural safeguards for all potentially identifiable and identified gifted and talented children;

8. Auditing of gifted and talented education programs ~~in twenty-five (25) districts selected at random each year~~ to determine compliance with the provisions of Sections 1210.301 through 1210.308 of this title as well as program monitoring and auditing for districts with extraordinary numbers of identified students, identified students who as a group are not representative of racial and socioeconomic demographics of district student population, unusual budget reports, inappropriate implementation policies or questionable gifted child programming; and

9. Any other programs, services, supplies or facilities necessary to implement the provisions of this act.

B. State Aid to a district shall be reduced by an amount equal to twice the amount of that portion of State Aid generated by the gifted and talented weight for each student the district has identified as gifted and talented for purposes of Section 18-201 of this title and for whom, upon audit by the State Department of Education, the district has not demonstrated that the depth,

breadth, and pace of the curriculum have been and continue to be in compliance with the provisions of Sections 1210.301 through 1210.308 of this title. The penalty prescribed in this section shall be enforced by reducing State Aid to the district during the next school year following the audit or completion of an appeal in the amount of the penalty. A district shall be subject to loss of State Aid pursuant to this subsection only upon verification of the district's failure to provide appropriate programs and services for identified gifted and talented students through an audit by the State Department of Education. The State Board of Education shall promulgate rules establishing a procedure by which districts against which a penalty is assessed may appeal to the Board.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 37 of Title 38, unless there is created a duplication in numbering, reads as follows:

No school, college, university, or other educational institution may take or permit to be taken any adverse academic action against a student because of the student's service on a grand, multicounty grand, or petit jury.

SECTION 5. This act shall become effective July 1, 1995.

SECTION 6. 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 Senate the 14th day of March, 1995.

President of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_, 1995.

Speaker

of the House of  
Representatives