

ENROLLED HOUSE
BILL NO. 2079

By: Begley and Hilliard of the
House

and

Williams (Don), Campbell
and Martin of the Senate

An Act relating to schools; amending 70 O.S. 1991, Sections 18-113.1, as amended by Section 15, Chapter 324, O.S.L. 1992, 18-113.2 and 18-113.3, as amended by Section 7, Chapter 361, O.S.L. 1993 (70 O.S. Supp. 1995, Sections 18-113.1 and 18-113.3), which relate to class size limitations; deleting obsolete language; clarifying application of certain provisions; limiting application of class size penalties; modifying certain penalty; modifying certain class size requirements; providing for class size computations; stating penalty for exceeding any class size computation; deleting certain deregulation provisions; providing exception to penalty; requiring certain penalty for first year violation; providing for calculation of penalty; requiring certain penalty for second consecutive year violations; providing exception to penalty if district meets certain indebtedness levels; requiring certain written report by certain districts; providing for penalty for certain districts which receive certain state funds; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 18-113.1, as amended by Section 15, Chapter 324, O.S.L. 1992 (70 O.S. Supp. 1995, 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 set forth in this subsection if the limitations are exceeded beginning after the first 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.~~

~~5. For each child in excess of the class size membership, the Any school district found to be in violation of the provisions of this subsection shall receive a penalty in the State Aid formula as a reduction to State Aid to be determined as follows:~~

- a. 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
- b. 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
- c. Sum the products of subparagraphs a and b of this paragraph.

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. No school district shall be penalized for ~~initially~~ exceeding class size limitations ~~during the last set forth in this subsection if the limitations are exceeded beginning after the first~~ nine (9) weeks of the school year.

4. ~~For each child in excess of the class size membership, the~~ Any school district found to be in violation of the provisions of this subsection shall receive a penalty in the State Aid formula as a reduction to State Aid to be determined as follows:

- a. 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
- b. 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
- c. Sum the products of subparagraphs a and b of this paragraph.

~~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. 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:~~

- ~~a. 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~~
- ~~b. 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~~
- ~~c. Sum the products of subparagraphs a and b of this paragraph.~~

~~D.~~ Classes in the following subjects shall not be subject to the class size limitations provided for in subsections ~~A~~ 7 and ~~B~~ and ~~C~~ of this section:

1. Physical education; and
2. Chorus, band, orchestra and similar music classes.

~~E.~~ D. 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~~ the provisions of Section 18-113.3 of this title shall apply to grades six through eight rather than grades seven through nine twelve.

~~F.~~ E. Any class size violations of the provisions of this section shall result in denial of accreditation in accordance with the requirements of Section 3-104.4 of this title.

~~G.~~ F. 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. the school district has voted indebtedness, at any time within the five (5) years preceding the year the district exceeds the class size limitations or during 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; 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.~~ G. 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.~~ H. 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 2. AMENDATORY 70 O.S. 1991, 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~~ set forth in this section if the limitations are exceeded beginning after the first 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. the school district has voted indebtedness, at any time within the five (5) years preceding the year the district exceeds the class size limitations or during 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; 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.

5. ~~For each child in excess of the class size membership, the~~ Any school district found to be in violation of the provisions of this subsection shall receive a penalty in the State Aid formula as a reduction to State Aid to be determined as follows:

- a. 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
- b. 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
- c. Sum the products of subparagraphs a and b of this paragraph.

B. Any ~~class size~~ violations of the provisions of this section shall result in denial of accreditation in accordance with the requirements of Section 3-104.4 of this title.

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 3. AMENDATORY 70 O.S. 1991, Section 18-113.3, as amended by Section 7, Chapter 361, O.S.L. 1993 (70 O.S. Supp. 1995, Section 18-113.3), is amended to read as follows:

Section 18-113.3 A. Class size, as used in Section 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~~ 1996-97 school year and each school year thereafter, no teacher ~~as specified in this subsection~~ who is counted in class size computation count 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~~ Class size count shall be taken during the month of October of each school year on a date set by the State Board of Education. If the class size count is in excess of the limits set forth in this subsection, the school district shall be subject to the penalties provided for in this section.

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 the 1993-94 school year, 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~~

No school district shall be penalized for exceeding class size limitations set forth in this section if the limitations are exceeded beginning after the first nine (9) weeks of the school year.

F. The first year that a school district exceeds the class size membership limitation as established and computed in subsection C of this section, the district shall receive as a penalty a reduction in the State Aid for the district. For each child in excess of the class size limitation, the reduction in State Aid to the district shall be determined as follows:

1. Multiply the averaged number of the three class size counts of pupils which is in excess of the class size membership limit as provided for in subsection C of this section by the grade weight and by the Base Foundation Support Level for the current school year;

2. Multiply the averaged number of the three class size counts of pupils which is in excess of the class size membership limit as provided for in subsection C of this section 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.

G. If a school district exceeds the class size membership limitation as established and computed in subsection C of this section for two (2) consecutive years, the district shall receive as a penalty denial of accreditation in accordance with the requirements of Section 3-104.4 of this title.

H. 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.

I. 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:

1. The school district has voted indebtedness, at any time within the five (5) years preceding the year the district exceeds the class size limitations or during 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; and

2. 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.

J. 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.

K. 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 as specified in this section.

SECTION 4. This act shall become effective July 1, 1996.

SECTION 5. 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 23rd day of May, 1996.

Speaker of the House of
Representatives

Passed the Senate the 28th day of May, 1996.

President of the Senate