

ENROLLED HOUSE
BILL NO. 2823

By: Hamilton and Steidley of
the House

and

Haney and Hobson of the
Senate

An Act relating to schools; amending 70 O.S. 1991, Section 6-194, as amended by Section 7 of Enrolled Senate Bill No. 1100 of the 2nd Session of the 45th Oklahoma Legislature, which relates to professional development programs; modifying allocation procedure for certain stipends; amending Section 9 of Enrolled Senate Bill No. 1100 of the 2nd Session of the 45th Oklahoma Legislature, which relates to scholarships for certain programs; modifying allocation of funds; amending 70 O.S. 1991, Section 18-113.3, as last amended by Section 3 of Enrolled House Bill No. 2079 of the 2nd Session of the 45th Oklahoma Legislature, which relates to class size limitations; modifying factor used to calculate class size penalty; 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 6-194, as amended by Section 7 of Enrolled Senate Bill No. 1100 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 6-194. A. The local boards of education of this state shall establish professional development programs for the certified and licensed teachers and administrators of the district. Such programs shall be adopted by each local board of education based upon recommendations of a professional development committee appointed by the board of education for the district. The State Board of Education shall disseminate to each local professional development committee a copy of the in-service professional development competencies included in the Report on Educator Preparation and Professional Development issued in December 1994 by the Oklahoma Commission for Teacher Preparation for review and consideration and, if approved by the local professional development committee, to be included in part or in whole in the local professional development plan of the school district. The professional development centers funded through the State Board of Education shall provide technical assistance to any local school district which desires to incorporate any such competencies into its local professional development plan. Each local professional development committee shall include classroom teachers, administrators and parents, guardians or custodians of children in the local school district and shall consult with a higher education faculty. A majority of the members of the professional development

committee shall be composed of classroom teachers. The teacher members shall be selected from a list of names submitted by the bargaining agent, where one exists. In the absence of a bargaining agent, the teachers will elect a list of names to be submitted to the local board of education. The programs adopted may include, but not be limited to:

1. In-service training programs;
2. Higher education courses; and
3. Professional development programs approved by the Oklahoma Commission for Teacher Preparation.

Each adopted program shall include a component on outreach to parents, guardians or custodians of students and multicultural education, which all personnel defined as teachers in Section 1-116 of Title 70 of the Oklahoma Statutes shall be required to complete on a periodic basis. Such programs shall be submitted for approval to the Board.

Teachers and administrators who have completed professional development courses in their field of instruction or in courses related to obtaining additional professional qualifications and who complete such courses and receive a grade which is equivalent to at least a 3.0 on a 4.0 grading scale may be reimbursed by the school district for one-half (1/2) of the general enrollment fees incurred at any institution within The Oklahoma State System for Higher Education. If the teacher or administrator incurs costs pursuant to this section at a private institution of higher education, the person may be reimbursed by the school district for an amount equal to one-half (1/2) of the general enrollment fees incurred at an institution of The Oklahoma State System of Higher Education of comparable type. No school district shall receive state funds for professional development until such time as the local board of education's program has been approved by the Board.

Teachers who have completed professional development programs approved by the Oklahoma Commission for Teacher Preparation shall receive a stipend based on the amount of funds allocated ~~to the State Department of Education~~ for such purpose. No school district shall receive state funds for teacher stipends until such time as proof of the teacher's attendance and completion of the program has been determined by the State Department of Education.

B. Each licensed or certified teacher in this state shall be required by the local board of education to meet the professional development requirements established by the board, or established through the negotiation process. Failure of any teacher to meet local board of education professional development requirements may be grounds for nonrenewal of such teacher's contract by the local board of education. Such failure may also be grounds for nonconsideration of salary increments affecting the teacher.

C. The professional development plan shall be submitted to the State Board of Education as provided in Section 3-104.2 et seq. of Title 70 of the Oklahoma Statutes.

SECTION 2. AMENDATORY Section 9 of Enrolled Senate Bill No. 1100 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

A. Beginning with the 1996-97 school year, the State Board of Education shall award scholarships, on a first-come first-serve basis, to public school districts who wish to have teachers and administrators from certain school sites attend Northeastern Oklahoma State University Great Expectations Summer Institutes for Teachers. Provided, any school district applying for a scholarship for teachers and administrators from a school site which is currently, or has been declared, a high challenge school pursuant to

the provisions of subsection B of Section 1210.541 of Title 70 of the Oklahoma Statutes for any of the previous three (3) school years, shall be given priority for receipt of such scholarship. Scholarships shall be awarded based on the amount of funds allocated ~~to the State Department of Education~~ for such purpose.

B. The State Board of Education shall promulgate rules as necessary to implement the process by which the scholarships shall be awarded.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 18-113.3, as last amended by Section 3 of Enrolled House Bill No. 2079 of the 2nd Session of the 45th Oklahoma Legislature, 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 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. 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 1996-97 school year and each school year thereafter, no teacher who is counted in class size 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. 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. 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 October~~ class size ~~counts~~ count 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 October~~ class size ~~counts~~ count 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 31st day of May, 1996.

Speaker of the House of
Representatives

Passed the Senate the 31st day of May, 1996.

President of the Senate