

SHORT TITLE: Schools; relating to accreditation standards and class size limitations; effective date; emergency.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 34

By: Rubottom

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 1991, Sections 3-104.3, 3-104.4, 18-113.1, as amended by Section 15, Chapter 324, O.S.L. 1992, and 18-113.2 (70 O.S. Supp. 1994, Section 18-113.1), which relate to accreditation and class size limitation; clarifying language; providing exception for withdrawal or denial of accreditation; providing exception for removal or denial of accreditation and certain state-appropriated 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 3-104.3, is amended to read as follows:

Section 3-104.3 A. The Legislature, recognizing its obligation to the children of this state to ensure their opportunity to receive an excellent education, and recognizing its obligation to the taxpayers of this state to ensure that schooling is accomplished in an efficient manner, hereby establishes requirements for compliance with quality standards which the public schools and school districts, within the limits of resources now or subsequently available, must meet.

B. ~~State~~ Except as provided for in subsection C of this section, state accreditation shall be withdrawn from or denied to schools or school districts that do not meet the requirements of

Sections ~~2, 3, 6, 28, 29, 30, 44, 45, 46, 47, 48, and 49~~ 3-104.4, 5-141, 11-103, 11-103.6, 18-113.1, 18-113.2, 18-113.3, 18-114, 18-114.4, 18-114.5, 18-114.6, and 18-114.7 of this ~~act~~ title, and the State Board of Education shall take action as required by ~~this act~~ law to ensure that students affected are enrolled in schools that are able to maintain state accreditation. Nothing herein shall be construed as prohibiting the withdrawing or denial of accreditation for failure to meet requirements as elsewhere provided by law.

C. Accreditation shall not be withdrawn from or denied to any school or school district in a year in which the school site demonstrated performance which exceeds the sixtieth percentile on the state achievement tests, as provided in subsection A of Section 1210.508 of this title, for grades three and seven, and in subsection D of Section 1210.508 of this title, for grades five, eight and twelve.

Schools or school districts meeting accreditation standards as a result of this provision shall be deemed for all purposes to be in compliance with all rules which would result in withdrawal or denial of accreditation in the absence of this provision.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 3-104.4, is amended to read as follows:

Section 3-104.4 A. On or before February 1, 1991, the State Board of Education shall adopt standards for the accreditation of the public schools in this state according to the requirements of this act, to be effective as set forth in this act. The accreditation standards shall incorporate the curricular standards established pursuant to Section ~~6~~ 11-103.6 of this ~~act~~ title for implementation with the 1993-94 school year; provided, no school shall be denied accreditation or have accreditation withdrawn prior to the 1997-98 school year solely for failure to fully implement the curricular standards. The accreditation standards shall equal or exceed the accreditation standards for schools promulgated by the

North Central Association of Colleges and Schools to the extent that such standards are consistent with an outcome-oriented approach to accreditation and to the extent the standards do not conflict with state statute. The accreditation adopted by the State Board shall encompass accreditation for elementary schools, middle schools, junior high schools, and high schools. Such accreditation standards shall be made available for public inspection at the offices of the State Department of Education.

B. Standards for accreditation adopted by the State Board of Education shall include standards relating to the provision of school counselors to the public school children of this state. Beginning July 1, 1990, the State Board of Education shall require each local school district to provide information regarding the number of counselors serving each school site, the duties of all such counselors including all administrative duties, the number of students served by each counselor, and information regarding the number of counselors employed per elementary school, middle school, junior high school and high school.

C. Except as otherwise provided by subsection A of this section with regard to curricular standards and by Section 3-104.3 of this title, as a condition of receiving state accreditation ~~pursuant to this act~~:

1. High schools shall meet the accreditation standards not later than June 30, 1995; and

2. Elementary, middle and junior high schools shall meet the accreditation standards not later than June 30, 1999.

Schools shall thereafter continue to meet the accreditation standards as a condition of continued accreditation. Nothing herein shall be construed as preventing changes to the adopted standards by the State Board of Education pursuant to the ~~Oklahoma~~ Administrative Procedures Act, Section ~~250~~ 250.1 et seq. of Title 75 of the Oklahoma Statutes.

D. If one or more school sites fails to receive accreditation as required pursuant to this section by the dates set forth in subsection C of this section or subsequently loses such accreditation, the State Board of Education shall close the school and reassign the students to accredited schools within the district or shall annex the district to one or more other districts in which the students can be educated in accredited schools.

E. State Board accreditation regulations shall provide for warnings and for assistance to schools and school districts whenever there is reason to believe a school is in danger of losing its state accreditation.

F. The State Board shall provide assistance to districts in considering the possibility of meeting accreditation requirements through the use of nontraditional means of instruction. The State Board shall also assist districts in forming cooperatives and making arrangements for the use of satellite instruction or other instructional technologies to the extent that use of such instructional means meets accreditation standards.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 18-113.1, as amended by Section 15, Chapter 324, O.S.L. 1992 (70 O.S. Supp. 1994, 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.

5. 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.

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 nine (9) weeks of the school year.

4. 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.

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, 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 Except as provided for in subsection G of this section, any class size violations shall result in denial of accreditation in accordance with the requirements of Section 3-104.4 of this title.

G. Accreditation shall not be withdrawn from or denied to any school or school district for class size violations in a year in which the school site demonstrated performance which exceeds the sixtieth percentile on the state achievement tests, as provided in subsection A of Section 1210.508 of this title, for grades three and seven, and in subsection D of Section 1210.508 of this title, for grades five, eight and twelve.

Schools or school districts meeting accreditation standards as a result of this provision shall be deemed for all purposes to be in compliance with all rules which would result in withdrawal or denial of accreditation in the absence of this provision.

H. 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.~~ I. 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.~~ J. 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. 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 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 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.

B. ~~Any~~ Except as provided for in subsection D of this section, any class size violations shall result in denial of accreditation in accordance with the requirements of Section 3-104.4 of this title.

C. ~~School~~ Except as provided for in subsection D of this section, 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.

D. Accreditation or state-appropriated funds pursuant to the provisions of Section 18-112.2 of this title, shall not be withdrawn from or denied to any school or school district for class size violations in a year in which the school site demonstrated performance which exceeds the sixtieth percentile on the state achievement tests, as provided in subsection A of Section 1210.508 of this title, for grades three and seven, and in subsection D of Section 1210.508 of this title, for grades five, eight and twelve.

Schools or school districts meeting accreditation standards or receiving state-appropriated funds pursuant to Section 18-112.2 of

this title, as a result of this provision shall be deemed for all purposes to be in compliance with all rules which would result in withdrawal or denial of accreditation or in the absence of this provision.

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.

45-1-0101

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