

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3061

By: Hamilton

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,
8 Sections 18-113.1, 18-113.2 and 18-113.3, which
9 relate to class size limits and computations;
10 modifying class size in all grades in public schools
11 where a certain percentage of the students qualify
12 for a certain program; providing an effective date;
13 and declaring an emergency.

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

15 SECTION 1. AMENDATORY 70 O.S. 2001, Section 18-113.1, is
16 amended to read as follows:

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

19 1. Except as otherwise provided for in this section, no child
20 shall be included in the average daily membership of a school
21 district for the purpose of computing and paying state-appropriated
22 funds if that child is regularly assigned to a teacher or to a class
23 that includes more than twenty (20) students.

24 2. Except as otherwise provided for in this section, for public
schools where ninety percent (90%) or more of the students enrolled

1 in the school qualify for the free and reduced lunch program, no
2 child shall be included in the average daily membership of the
3 school district for the purpose of computing and paying state-
4 appropriated funds if that child is regularly assigned to a teacher
5 or to a class that includes more than fifteen (15) students.

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

9 a. the creation of an additional class would cause a
10 class to have fewer than ten (10) students; and

11 b. a teacher's assistant, as defined in Section 6-127 of
12 this title, is employed to serve with each teacher in
13 a class that exceeds the class size limitation
14 provided for in this subsection.

15 ~~3-~~ 4. No school district shall be penalized for exceeding class
16 size limitations set forth in this subsection if the limitations are
17 exceeded beginning after the first nine (9) weeks of the school
18 year.

19 5. Any school district found to be in violation of the
20 provisions of this subsection shall receive a penalty in the State
21 Aid formula as a reduction to State Aid to be determined as follows:

22 a. Multiply each pupil in excess of the class size
23 membership limit as provided in this subsection by the
24

1 grade level weight and by the Base Foundation Support
2 Level for the current school year, and

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

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

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

11 1. Except as otherwise provided for in this section, no child
12 shall be included in the average daily membership of a school
13 district for the purpose of computing and paying state-appropriated
14 funds if that child is regularly assigned to a teacher or to a class
15 that includes more than twenty (20) students.

16 2. Except as otherwise provided for in this section, for public
17 schools where ninety percent (90%) or more of the students enrolled
18 in the school qualify for the free and reduced lunch program, no
19 child shall be included in the average daily membership of the
20 school district for the purpose of computing and paying state-
21 appropriated funds if that child is regularly assigned to a teacher
22 or to a class that includes more than fifteen (15) students.

23 3. If a class or classes in a grade exceed the class size
24 limitation provided for in this subsection, the class size

1 limitation and penalty shall not apply if the creation of an
2 additional class would cause a class to have fewer than sixteen (16)
3 students.

4 ~~3.~~ 4. No school district shall be penalized for exceeding class
5 size limitations set forth in this subsection if the limitations are
6 exceeded beginning after the first nine (9) weeks of the school
7 year.

8 ~~4.~~ 5. Any school district found to be in violation of the
9 provisions of this subsection shall receive a penalty in the State
10 Aid formula as a reduction to State Aid to be determined as follows:

11 a. Multiply each pupil in excess of the class size
12 membership limit as provided in this subsection by the
13 grade level weight and by the Base Foundation Support
14 Level for the current school year, and

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

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

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

24 1. Physical education; and

1 2. Chorus, band, orchestra and similar music classes.

2 D. If a school district groups its grades as grades one through
3 five, grades six through eight, and grades nine through twelve, then
4 as to such district the provisions of subsection B of this section
5 shall apply to grades four and five rather than grades four through
6 six, and the provisions of Section 18-113.3 of this title shall
7 apply to grades six through twelve.

8 E. Any violations of the provisions of this section shall
9 result in denial of accreditation in accordance with the
10 requirements of Section 3-104.4 of this title.

11 F. Any school district which at the beginning of the school
12 year does not have sufficient classrooms to meet the class size
13 limitation provided for in this section as determined by guidelines
14 established by the State Board of Education shall not be penalized
15 for failure to meet the class size limitations provided for in this
16 section if:

17 ~~a. the~~

18 1. The school district has voted indebtedness, at any time
19 within the five (5) years preceding the year the district exceeds
20 the class size limitations or during the year the district exceeds
21 the class size limitations, through the issuance of bonds or
22 approval by voters of issuance of new bonds for more than eighty-
23 five percent (85%) of the maximum allowable pursuant to the
24 provisions of Section 26 of Article X of the Oklahoma Constitution

1 as shown on the school district budget filed with the State
2 Equalization Board for the current school year and certifications by
3 the Attorney General prior to February 1 of the current school year;
4 and

5 ~~b. on~~

6 2. On the date of filing of the school district budget with the
7 State Equalization Board, the school district is voting the maximum
8 millage allowable for the support, maintenance and construction of
9 schools as provided for in subsections (a), (c), (d) and (d-1) of
10 Section 9 of Article X of the Oklahoma Constitution and Section 10
11 of Article X of the Oklahoma Constitution.

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

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

22 SECTION 2. AMENDATORY 70 O.S. 2001, Section 18-113.2, is
23 amended to read as follows:

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

3 1. No child shall be included in the average daily membership
4 of a school district for the purpose of computing and paying state-
5 appropriated funds if that child is regularly assigned to a teacher
6 or to a class that includes more than twenty (20) students.

7 2. Except as otherwise provided for in this section, for public
8 schools where ninety percent (90%) or more of the students enrolled
9 in the school qualify for the free and reduced lunch program, no
10 child shall be included in the average daily membership of the
11 school district for the purpose of computing and paying state-
12 appropriated funds if that child is regularly assigned to a teacher
13 or to a class that includes more than fifteen (15) students.

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

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

23 ~~3.~~ 4. No school district shall be penalized for exceeding class
24 size limitations set forth in this section if the limitations are

1 exceeded beginning after the first nine (9) weeks of the school
2 year.

3 ~~4.~~ 5. Any school district which at the beginning of the school
4 year does not have sufficient classrooms to meet the class size
5 limitation provided for in this section as determined by guidelines
6 established by the State Board of Education shall not be penalized
7 for failure to meet the class size limitations provided for in this
8 section if:

- 9 a. the school district has voted indebtedness, at any
10 time within the five (5) years preceding the year the
11 district exceeds the class size limitations or during
12 the year the district exceeds the class size
13 limitations, through the issuance of bonds or approval
14 by voters of issuance of new bonds for more than
15 eighty-five percent (85%) of the maximum allowable
16 pursuant to the provisions of Section 26 of Article X
17 of the Oklahoma Constitution as shown on the school
18 district budget filed with the State Equalization
19 Board for the current school year and certifications
20 by the Attorney General prior to February 1 of the
21 current school year; and
- 22 b. on the date of filing of the school district budget
23 with the State Equalization Board, the school district
24 is voting the maximum millage allowable for the

1 support, maintenance and construction of schools as
2 provided for in subsections (a), (c), (d) and (d-1) of
3 Section 9 of Article X of the Oklahoma Constitution
4 and Section 10 of Article X of the Oklahoma
5 Constitution.

6 ~~5.~~ 6. Any school district found to be in violation of the
7 provisions of this subsection shall receive a penalty in the State
8 Aid formula as a reduction to State Aid to be determined as follows:

- 9 a. Multiply each pupil in excess of the class size
10 membership limit as provided in this subsection by the
11 grade level weight and by the Base Foundation Support
12 Level for the current school year, and
13 b. Multiply each pupil in excess of the class size
14 membership limit as provided in this subsection by the
15 grade level weight and by the Incentive Aid guarantee
16 for the current school year times twenty (20), and
17 c. Sum the products of subparagraphs a and b of this
18 paragraph.

19 B. Any violations of the provisions of this section shall
20 result in denial of accreditation in accordance with the
21 requirements of Section 3-104.4 of this title.

22 C. School districts which receive state-appropriated funds
23 pursuant to the provisions of Section 18-112.2 of this title and do
24 not comply with the provisions of this section shall be subject to

1 loss of State Aid for each child in excess of the class size
2 limitations specified in this section.

3 SECTION 3. AMENDATORY 70 O.S. 2001, Section 18-113.3, is
4 amended to read as follows:

5 Section 18-113.3 A. Class size, as used in Section 18-113.1
6 and Section 18-113.2 of this title, shall be determined by the
7 average daily membership divided by the full-time equivalency of the
8 instructional staff assigned to each grade level by site. Full-time
9 equivalency of special education teachers, Chapter 1 teachers, and
10 teachers of classes not subject to class size limitations and the
11 average daily membership of self-contained special education classes
12 shall not be counted in class size computation.

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

17 C. ~~Beginning with the 1996-97 school year and each school year~~
18 ~~thereafter~~ 1. Except as otherwise provided in this subsection, no
19 teacher who is counted in class size count for grades seven through
20 twelve shall be responsible for the instruction of more than one
21 hundred forty (140) students on any given six-hour school day.

22 2. For public schools where ninety percent (90%) or more of the
23 students enrolled in the school qualify for the free and reduced
24 lunch program, no teacher who is counted in the class size count for

1 grades seven through twelve shall be responsible for the instruction
2 of more than one hundred twenty (120) students on any given six-hour
3 school day.

4 3. Class size count shall be taken during the month of October
5 of each school year on a date set by the State Board of Education.
6 If the class size count is in excess of the limits set forth in this
7 subsection, the school district shall be subject to the penalties
8 provided for in this section.

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

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

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

23 1. Multiply the averaged number of the October class size count
24 of pupils which is in excess of the class size membership limit as

1 provided for in subsection C of this section by the grade weight and
2 by the Base Foundation Support Level for the current school year;

3 2. Multiply the averaged number of the October class size count
4 of pupils which is in excess of the class size membership limit as
5 provided for in subsection C of this section by the grade level
6 weight and by the Incentive Aid guarantee for the current school
7 year times twenty (20); and

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

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

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

17 I. Any school district which at the beginning of the school
18 year does not have sufficient classrooms to meet the class size
19 limitation provided for in this section as determined by guidelines
20 established by the State Board of Education shall not be penalized
21 for failure to meet the class size limitations provided for in this
22 section if:

23 1. The school district has voted indebtedness, at any time
24 within the five (5) years preceding the year the district exceeds

1 the class size limitations or during the year the district exceeds
2 the class size limitations, through the issuance of bonds or
3 approval by voters of issuance of new bonds for more than eighty-
4 five percent (85%) of the maximum allowable pursuant to the
5 provisions of Section 26 of Article X of the Oklahoma Constitution
6 as shown on the school district budget filed with the State
7 Equalization Board for the current school year and certifications by
8 the Attorney General prior to February 1 of the current school year;
9 and

10 2. On the date of filing of the school district budget with the
11 State Equalization Board, the school district is voting the maximum
12 millage allowable for the support, maintenance and construction of
13 schools as provided for in subsections (a), (c), (d) and (d-1) of
14 Section 9 of Article X of the Oklahoma Constitution and Section 10
15 of Article X of the Oklahoma Constitution.

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

21 K. School districts which receive state-appropriated funds
22 pursuant to the provisions of Section 18-112.2 of this title and do
23 not comply with the provisions of this section shall be subject to

24

1 loss of State Aid for each child in excess of the class size
2 limitations as specified in this section.

3 SECTION 4. This act shall become effective July 1, 2008.

4 SECTION 5. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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