

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO.2927

By: Coody

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7 COMMITTEE SUBSTITUTE

8 An Act relating to schools; allowing the State Board
9 of Education to grant emergency exemptions;
10 authorizing emergency exemptions during certain
11 fiscal year and upon determination of a financial
12 crisis; defining a financial crisis; authorizing the
13 Board to define additional criteria for a financial
14 crisis; providing for individual school site, school
15 district, or statewide emergency exemptions;
16 specifying an application process; providing certain
17 criteria for emergency exemption from statutory
18 requirements; prohibiting exemptions from certain
19 requirements; establishing term of exemption;
20 providing for certain review; allowing continuation
21 of term of exemption; 70 O.S. 2001, Section 18-113.4,
22 as amended by Section 5, Chapter 296, O.S.L. 2003 (70
23 O.S. Supp. 2009, Section 18-113.4), which relates to
24 penalties for class size limitations; exempting
school districts from class size limitation penalties
for certain financial reasons; providing for
codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 3-129 of Title 70, unless there
is created a duplication in numbering, reads as follows:

1 A. In addition to granting exemptions as provided for in the
2 Educational Deregulation Act, the State Board of Education may grant
3 emergency exemptions to any or all school districts from any
4 educational-related statutory and regulatory requirement which the
5 Board determines is necessary.

6 B. The Board may grant emergency exemptions for the fiscal year
7 ending June 30, 2011, and any other year upon a determination by the
8 Board that a school district or all school districts in the state
9 are experiencing a financial crisis. For purposes of this section a
10 financial crisis shall mean a school district or all school
11 districts in the state has a reduction in total revenue of four
12 percent (4%) or more from the preceding fiscal year. The Board may
13 establish additional criteria for defining a financial crisis as
14 deemed necessary.

15 C. The Board may grant an emergency exemption on an individual
16 school site basis, a school-district-wide basis or may grant a
17 statewide emergency exemption for all school districts in the state.
18 Individual school site or school district emergency exemptions shall
19 be granted upon application by the school district. Statewide
20 emergency exemptions may be initiated by application of five or more
21 school districts or upon the initiative of the Board.

22 D. An emergency exemption from any educational-related
23 statutory or regulatory requirement may be granted if the Board
24 determines that the requirement is affecting the ability of a school

1 district to maintain effective educational programming. A school
2 district or school site shall not be granted an emergency exemption
3 from any federal educational-related requirements, health and safety
4 provisions, teacher salary, retirement or health insurance
5 requirements, the Oklahoma School Testing Program, the Oklahoma
6 Educational Indicators Program, teacher preparation, examination,
7 licensure, certification, residency and professional development
8 system and curricular standards for the instruction of students.

9 E. Emergency exemptions shall be granted for no longer than one
10 (1) year. The Board shall review each emergency exemption that has
11 been granted prior to expiration to determine if a financial crisis
12 still exists and if the exemption shall be extended for one (1)
13 additional year. The Board may extend an emergency exemption more
14 than one time, as long as a financial crisis exists.

15 SECTION 2. AMENDATORY 70 O.S. 2001, Section 18-113.4, as
16 amended by Section 5, Chapter 296, O.S.L. 2003 (70 O.S. Supp. 2009,
17 Section 18-113.4), is amended to read as follows:

18 Section 18-113.4 A. ~~Beginning with the 1997-98 school year,~~
19 ~~the~~ The penalties for exceeding class size limitations established
20 in Sections 18-113.1, 18-113.2 and 18-113.3 of this title shall not
21 apply if the class size limitations, as set forth in said sections,
22 are exceeded beginning after the first nine (9) weeks of the school
23 year. If the class size limitations are exceeded during the first
24 nine (9) weeks, the penalties shall apply.

1 B. For the purposes of calculating class size penalties
2 established in Sections 18-113.1, 18-113.2 and 18-113.3 of this
3 title, school districts shall use only the full-time-equivalency of
4 the instructional staff who are under contract to work the full
5 school year in question.

6 C. ~~Beginning July 1, 2003, school~~ School districts that
7 participate in consolidation or annexation pursuant to the
8 provisions of the Oklahoma School Voluntary Consolidation and
9 Annexation Act shall be exempt from the provisions of Sections 18-
10 113.1, 18-113.2 and 18-113.3 of this title for the year in which the
11 consolidation or annexation occurs and for the next five (5) fiscal
12 years.

13 D. For the fiscal year ending June 30, 2011, all school
14 districts shall be exempt from the provisions of Sections 18-113.1,
15 18-113.2 and 18-113.3 of this title. Thereafter, a school district
16 that has a reduction in total revenue of four percent (4%) or more
17 from the preceding fiscal year, shall be exempt from the provisions
18 of Sections 18-113.1, 18-113.2 and 18-113.3 of this title for the
19 year in which the revenue reduction occurs and for the next fiscal
20 year.

21 SECTION 3. It being immediately necessary for the preservation
22 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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