

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 2233

By: Jett

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,
8 Section 18-113.3, which relates to class size
9 limitation and computation for certain grades;
10 changing class size limitation for grades seven
11 through twelve; directing school districts to
12 increase support employee salaries; providing amount
13 of increase; providing conditions for payment;
14 clarifying eligibility of support employees;
15 providing for noncodification; providing an effective
16 date; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 70 O.S. 2001, Section 18-113.3, is
19 amended to read as follows:

20 Section 18-113.3 A. Class size, as used in Section 18-113.1
21 and Section 18-113.2 of this title, shall be determined by the
22 average daily membership divided by the full-time equivalency of the
23 instructional staff assigned to each grade level by site. Full-time
24 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.

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

5 C. Beginning with the ~~1996-97~~ 2010-2011 school year and each
6 school year thereafter, no teacher who is counted in class size
7 count for grades seven through twelve shall be responsible for the
8 instruction of more than ~~one hundred forty (140)~~ one hundred twenty-
9 six (126) students on any given six-hour school day. Class size
10 count shall be taken during the month of October of each school year
11 on a date set by the State Board of Education. If the class size
12 count is in excess of the limits set forth in this subsection, the
13 school district shall be subject to the penalties provided for in
14 this section.

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

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

23 F. The first year that a school district exceeds the class size
24 membership limitation as established and computed in subsection C of

1 this section, the district shall receive as a penalty a reduction in
2 the State Aid for the district. For each child in excess of the
3 class size limitation, the reduction in State Aid to the district
4 shall be determined as follows:

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

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

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

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

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

23 I. Any school district which at the beginning of the school
24 year does not have sufficient classrooms to meet the class size

1 limitation provided for in this section as determined by guidelines
2 established by the State Board of Education shall not be penalized
3 for failure to meet the class size limitations provided for in this
4 section if:

5 1. The school district has voted indebtedness, at any time
6 within the five (5) years preceding the year the district exceeds
7 the class size limitations or during the year the district exceeds
8 the class size limitations, through the issuance of bonds or
9 approval by voters of issuance of new bonds for more than eighty-
10 five percent (85%) of the maximum allowable pursuant to the
11 provisions of Section 26 of Article X of the Oklahoma Constitution
12 as shown on the school district budget filed with the State
13 Equalization Board for the current school year and certifications by
14 the Attorney General prior to February 1 of the current school year;
15 and

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

22 J. Any school district which exceeds the class size limitations
23 as set forth in this section shall submit a written report to the
24 State Board of Education, on or before July 1 of each year, setting

1 | forth the procedures that the district will follow in order to
2 | comply with this section.

3 | K. School districts which receive state-appropriated funds
4 | pursuant to the provisions of Section 18-112.2 of this title and do
5 | not comply with the provisions of this section shall be subject to
6 | loss of State Aid for each child in excess of the class size
7 | limitations as specified in this section.

8 | SECTION 2. NEW LAW A new section of law not to be
9 | codified in the Oklahoma Statutes reads as follows:

10 | On July 1, 2009, the salary level of state-paid support
11 | employees, as defined in Section 6-101.40 of Title 70 of the
12 | Oklahoma Statutes, employed by a local public school district shall
13 | be increased by at least five percent (5%). The salary increase
14 | provided for in this section shall be in addition to, and not as a
15 | replacement for, any portion of any salary which would have been
16 | received by a support employee in the absence of this legislation
17 | and shall be in addition to any negotiated salary increase to which
18 | a school district and support employees of that school district have
19 | previously agreed. The salary increase shall be provided to all
20 | support employees regardless of the number of hours per day the
21 | employee works.

22 | SECTION 3. This act shall become effective July 1, 2009.

23 | SECTION 4. It being immediately necessary for the preservation
24 | of the public peace, health and safety, an emergency is hereby

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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