

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3718

By: Davis

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2011, Section 3-104.4, as last amended by Section 1, Chapter 488, O.S.L. 2019 (70 O.S. Supp. 2019, Section 3-104.4), which relates to standards for accreditation; modifying date to provide report on statewide class sizes; amending 70 O.S. 2011, Sections 18-113.1 and 18-113.2, which relate to class size limitations; decreasing certain class size limits; raising certain class size limits; providing stipend for teachers of classes failing to comply with class size limitations; providing for codification; 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. 2011, Section 3-104.4, as last amended by Section 1, Chapter 488, O.S.L. 2019 (70 O.S. Supp. 2019, 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

1 established pursuant to Section 11-103.6 of this title. The  
2 accreditation standards shall equal or exceed the accreditation  
3 standards for schools promulgated by the North Central Association  
4 of Colleges and Schools to the extent that the standards are  
5 consistent with an academic results oriented approach to  
6 accreditation, excluding those standards which deal with affective  
7 behavior to the extent the adoption of the standards does not  
8 conflict with state statute. The accreditation adopted by the State  
9 Board shall encompass accreditation for elementary schools, middle  
10 schools, junior high schools, and high schools. The accreditation  
11 standards shall be made available for public inspection at the  
12 offices of the State Department of Education.

13 B. Standards for accreditation adopted by the State Board of  
14 Education shall include standards relating to the provision of  
15 school counselors to the public school children of this state. The  
16 State Board of Education shall require each local school district to  
17 provide information regarding the number of counselors serving each  
18 school site, the duties of all such counselors including all  
19 administrative duties, the number of students served by each  
20 counselor, and information regarding the number of counselors  
21 employed per elementary school, middle school, junior high school  
22 and high school.

1 C. Except as otherwise provided by subsection A of this section  
2 with regard to curricular standards, as a condition of receiving  
3 state accreditation pursuant to this act:

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

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

8 Schools shall thereafter continue to meet the accreditation  
9 standards as a condition of continued accreditation. Nothing herein  
10 shall be construed as preventing changes to the adopted standards by  
11 the State Board of Education pursuant to the Administrative  
12 Procedures Act.

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

20 E. Standards for accreditation adopted by the State Board of  
21 Education shall include standards relating to the provision of  
22 educational services provided in partial hospitalization programs,  
23 day treatment programs, day hospital programs, residential treatment  
24 programs and emergency shelter programs for persons between the ages

1 of three (3) and twenty-one (21) years of age. The accreditation  
2 standards shall apply to onsite and offsite educational services  
3 provided by public school districts or state-accredited private  
4 schools. The accreditation standards shall provide for warnings,  
5 probation or nonaccredited status for schools that fail to meet the  
6 standards. Each school which is providing or is required to provide  
7 educational services for students placed in a program as described  
8 in this subsection shall be actively monitored by the State  
9 Department of Education. The Department shall determine on an  
10 ongoing basis if the educational program and services are in  
11 compliance with the accreditation standards. The Department shall  
12 investigate a complaint of failure to provide educational services  
13 within ten (10) days of receiving the complaint. If the Department  
14 determines that a school has failed to comply with the accreditation  
15 standards the Department shall report the recommended warning,  
16 probation or nonaccredited accreditation status to the State Board  
17 of Education within sixty (60) days. If a school does not take  
18 action to comply with the accreditation standards within ninety (90)  
19 days after a report is filed by the Department, the Board shall  
20 withdraw accreditation for the school.

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

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

8 H. 1. Accreditation shall not be withdrawn from or denied nor  
9 shall a penalty be assessed against a school or school district for  
10 failing to meet the media materials and equipment standards, media  
11 program expenditure standards and media personnel standards as set  
12 forth in the accreditation standards adopted by the Board.

13 2. The provisions of paragraph 1 of this subsection shall cease  
14 to be effective during the fiscal year which begins on the July 1  
15 immediately succeeding the legislative session during which the  
16 measure appropriating monies to the State Board of Education for the  
17 financial support of public schools is enacted as law and such  
18 appropriation amount is at least Fifty Million Dollars  
19 (\$50,000,000.00) greater than the amount of money appropriated to  
20 the State Board of Education for the financial support of public  
21 schools for the fiscal year ending June 30, 2019, pursuant to  
22 Chapter 146, O.S.L. 2018. Provided, the Fifty Million Dollars  
23 (\$50,000,000.00) shall not include any amount of appropriations  
24 dedicated for support or certified employee salary increases.

1 Accreditation shall not be withdrawn from or denied nor shall a  
2 penalty be assessed against a school or school district for failing  
3 to meet the media personnel standards as set forth in accreditation  
4 standards adopted by the Board.

5 I. 1. The State Board shall not assess a financial penalty  
6 against any school district which is given a deficiency in  
7 accreditation status during any fiscal year as provided for in this  
8 subsection.

9 2. Beginning with the fiscal year which begins July 1, 2021, if  
10 the amount of money appropriated to the State Board of Education for  
11 the financial support of public schools is at least One Hundred  
12 Million Dollars (\$100,000,000.00) greater than the amount of money  
13 appropriated to the State Board of Education for the financial  
14 support of public schools for the fiscal year ending June 30, 2019,  
15 pursuant to Chapter 146, O.S.L. 2018, a financial penalty shall be  
16 assessed against any school districts that do not comply with the  
17 class size limitations for kindergarten as provided for in Section  
18 18-113.2 of this title and class size limitations for grade one as  
19 provided for in subsection A of Section 18-113.1 of this title.  
20 Provided, the One Hundred Million Dollars (\$100,000,000.00) shall  
21 not include any amount of appropriations dedicated for support or  
22 certified employee salary increases.

23 3. The State Department of Education shall submit a report on  
24 statewide ~~classroom~~ class sizes to the President Pro Tempore of the

Oklahoma State Senate and the Speaker of the Oklahoma House of Representatives no later than January 1, ~~2022~~ 2021, and for each year thereafter.

J. Accreditation shall not be withdrawn from or denied, nor shall a penalty be assessed against, a school district for complying with this section.

SECTION 2. AMENDATORY 70 O.S. 2011, 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 more than ~~twenty (20)~~ eighteen (18) 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~~7~~, 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.

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

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

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

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

17           c. ~~Sum~~ sum the products of subparagraphs a and b of this  
18 paragraph.

19        B. The provisions of this subsection shall apply only to grades  
20 four through six.

21        1. Except as otherwise provided for in this section, no child  
22 shall be included in the average daily membership of a school  
23 district for the purpose of computing and paying state-appropriated  
24



1 funds if that child is regularly assigned to a teacher or to a class  
2 that includes more than ~~twenty (20)~~ twenty-two (22) students.

3 2. If a class or classes in a grade exceed the class size  
4 limitation provided for in this subsection, the class size  
5 limitation and penalty shall not apply if the creation of an  
6 additional class would cause a class to have fewer than sixteen (16)  
7 students.

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

12 4. Any school district found to be in violation of the  
13 provisions of this subsection shall receive a penalty in the State  
14 Aid formula as a reduction to State Aid to be determined as follows:

15 a. ~~Multiply~~ multiply each pupil in excess of the class  
16 size membership limit as provided in this subsection  
17 by the grade level weight and by the Base Foundation  
18 Support Level for the current school year, and

19 b. ~~Multiply~~ multiply each pupil in excess of the class  
20 size membership limit as provided in this subsection  
21 by the grade level weight and by the Incentive Aid  
22 guarantee for the current school year times twenty  
23 (20), and  
24

1           c. ~~Sum~~ sum the products of subparagraphs a and b of this  
2           paragraph.

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

6           1. Physical education; and

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

8           D. If a school district groups its grades as grades one through  
9 five, grades six through eight, and grades nine through twelve, then  
10 as to such district the provisions of subsection B of this section  
11 shall apply to grades four and five rather than grades four through  
12 six, and the provisions of Section 18-113.3 of this title shall  
13 apply to grades six through twelve.

14          E. Any violations of the provisions of this section shall  
15 result in denial of accreditation in accordance with the  
16 requirements of Section 3-104.4 of this title.

17          F. 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           a. the school district has voted indebtedness, at any  
24           time within the five (5) years preceding the year the

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

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

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

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

6 SECTION 3. AMENDATORY 70 O.S. 2011, Section 18-113.2, is  
7 amended to read as follows:

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

10 1. No child shall be included in the average daily membership  
11 of a 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 ~~twenty (20)~~ eighteen (18)  
14 students.

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

18 a. the creation of an additional class would cause a  
19 class to have fewer than ten (10) students<sup>+</sup>, and

20 b. a teacher's assistant, as defined in Section 6-127 of  
21 this title, is employed to serve with each teacher in  
22 a class that exceeds the class size limitation  
23 provided for in this subsection.  
24

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

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

11            a. the school district has voted indebtedness, at any  
12 time within the five (5) years preceding the year the  
13 district exceeds the class size limitations or during  
14 the year the district exceeds the class size  
15 limitations, through the issuance of bonds or approval  
16 by voters of issuance of new bonds for more than  
17 eighty-five percent (85%) of the maximum allowable  
18 pursuant to the provisions of Section 26 of Article X  
19 of the Oklahoma Constitution as shown on the school  
20 district budget filed with the State Equalization  
21 Board for the current school year and certifications  
22 by the Attorney General prior to February 1 of the  
23 current school year~~7~~1 and  
24

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

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

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

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

21           c.   ~~Sum~~ sum the products of subparagraphs a and b of this  
22                paragraph.

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

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

9 SECTION 4. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 18-113.6 of Title 70, unless  
11 there is created a duplication in numbering, reads as follows:

12 Beginning with the 2020-2021 school year and each school year  
13 thereafter, a school district shall pay a teacher a stipend of One  
14 Thousand Five Hundred Dollars (\$1,500.00) per extra student with a  
15 maximum stipend of Five Thousand Dollars (\$5,000.00) if the teacher  
16 is responsible for the instruction of class that fails to comply  
17 with the class size limitations as provided for in subsections A of  
18 Section 18-113.2, A and B of Section 18-113.1 and C of Section 113.3  
19 of Title 70 of the Oklahoma Statutes.

20 SECTION 5. This act shall become effective July 1, 2020.

21 SECTION 6. It being immediately necessary for the preservation  
22 of the public peace, health or safety, an emergency is hereby  
23  
24

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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