

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2891 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Kevin Wallace

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 2891

By: Wallace and Hilbert of the
House

and

Thompson and Hall of the
Senate

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2011,
Sections 18-113.1 and 18-113.2, which relate to class
size limitations; specifying grade applicability for
penalty exception; removing kindergarten penalty
exception for certain school districts; and providing
an effective date.

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

SECTION 1. 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

1 funds if that child is regularly assigned to a teacher or to a class
2 that includes more than twenty (20) 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:

6 a. the creation of an additional class would cause a
7 class to have fewer than ten (10) students~~+~~and

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

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

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

19 a. multiply each pupil in excess of the class size
20 membership limit as provided in this subsection by the
21 grade level weight and by the Base Foundation Support
22 Level for the current school year, and

23 b. multiply each pupil in excess of the class size
24 membership limit as provided in this subsection by the

1 grade level weight and by the Incentive Aid guarantee
2 for the current school year times twenty (20), and
3 c. sum the products of subparagraphs a and b of this
4 paragraph.

5 B. The provisions of this subsection shall apply only to grades
6 four through six.

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

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

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

21 4. Any school district found to be in violation of the
22 provisions of this subsection shall receive a penalty in the State
23 Aid formula as a reduction to State Aid to be determined as follows:
24

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

1. Physical education; and
2. Chorus, band, orchestra and similar music classes.

D. 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 the provisions of Section 18-113.3 of this title shall apply to grades six through twelve.

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

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

7 a. ~~the~~

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

19 b. ~~on~~

20 2. On the date of filing of the school district budget with the
21 State Equalization Board, the school district is voting the maximum
22 millage allowable for the support, maintenance and construction of
23 schools as provided for in subsections (a), (c), (d) and (d-1) of
24

1 Section 9 of Article X of the Oklahoma Constitution and Section 10
2 of Article X of the Oklahoma Constitution.

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

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

13 SECTION 2. AMENDATORY 70 O.S. 2011, Section 18-113.2, is
14 amended to read as follows:

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

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

21 2. If a class or classes in a grade exceed the class size
22 limitation provided for in this subsection, the class size
23 limitation and penalty shall not apply if:
24

- 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.

3. No school district shall be penalized for exceeding class size limitations set forth in this section if the limitations are exceeded beginning after the first 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.~~ Any school district found to be in violation of the provisions of this subsection 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

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

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

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

11 SECTION 3. This act shall become effective July 1, 2022.

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