

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 HOUSE BILL 3942

By: Provenzano

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5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2021,  
8 Sections 3-104.3 and 3-104.4, which relate to school  
9 accreditation; granting authority to Legislature to  
10 withdraw or deny school accreditation; prescribing  
11 process through a joint resolution; directing State  
12 Board of Education to notify Legislature if school  
13 fails to take certain action; authorizing certain  
14 withdrawal of school accreditation by Legislature;  
15 providing an effective date; and declaring an  
16 emergency.

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

18 SECTION 1. AMENDATORY 70 O.S. 2021, Section 3-104.3, is  
19 amended to read as follows:

20 Section 3-104.3 A. The Legislature, recognizing its obligation  
21 to the children of this state to ensure their opportunity to receive  
22 an excellent education, and recognizing its obligation to the  
23 taxpayers of this state to ensure that schooling is accomplished in  
24 an efficient manner, hereby establishes requirements for compliance  
-- with quality standards which the public schools and school

1 districts, within the limits of resources now or subsequently  
2 available, must meet.

3 B. ~~State~~ The Legislature, by adoption of a joint resolution,  
4 may withdraw from or deny accreditation shall be withdrawn from or  
5 denied to schools or school districts that do not meet the  
6 requirements of Sections ~~2~~ 3-104.4, ~~3~~ 11-103, ~~6~~ 11-103.6, ~~28~~ 18-  
7 113.1, ~~29~~ 18-113.2, ~~30~~ 18-113.3, ~~44, 45, 46, 47, 48~~ 18-114.15, and  
8 ~~49~~ 5-141 of this act title, and the provided that the joint  
9 resolution becomes law in accordance with Section 11 of Article VI  
10 of the Oklahoma Constitution. The State Board of Education shall  
11 take action ~~as required by this act~~ to ensure that students affected  
12 are enrolled in schools that are able to maintain state  
13 accreditation. Nothing herein shall be construed as prohibiting the  
14 withdrawing or denial of accreditation by the Legislature for  
15 failure to meet requirements as elsewhere provided by law.

16 SECTION 2. AMENDATORY 70 O.S. 2021, Section 3-104.4, is  
17 amended to read as follows:

18 Section 3-104.4 A. The State Board of Education shall adopt  
19 standards for the accreditation of the public schools in this state  
20 according to the requirements of Section 3-104.3 et seq. of this  
21 title, to be effective as set forth in Section 3-104.3 et seq. of  
22 this title. The accreditation standards shall incorporate the  
23 curricular standards established pursuant to Section 11-103.6 of  
24 this title. The accreditation standards shall equal or exceed  
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1 nationally recognized accreditation standards to the extent that the  
2 standards are consistent with an academic results oriented approach  
3 to accreditation. The accreditation adopted by the State Board  
4 shall encompass accreditation for elementary schools, middle  
5 schools, junior high schools, and high schools. The accreditation  
6 standards shall be made available for public inspection at the  
7 offices of the State Department of Education.

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

18 C. Except as otherwise provided, schools shall meet the  
19 accreditation standards as a condition of continued accreditation.  
20 Nothing herein shall be construed as preventing changes to the  
21 adopted standards by the State Board of Education pursuant to the  
22 Administrative Procedures Act. The accreditation standards shall  
23 provide for warnings, probation or nonaccredited status for schools  
24 that fail to meet the standards. The Department shall investigate a  
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1 complaint of failure to provide educational services or failure to  
2 comply with accreditation standards within thirty (30) days of  
3 receiving the complaint. If the Department determines that a school  
4 has failed to comply with the accreditation standards, the  
5 Department shall report the recommended warning, probation or  
6 nonaccredited accreditation status to the State Board of Education  
7 within ninety (90) days. If a school does not take action to comply  
8 with the accreditation standards within ninety (90) days after a  
9 report is filed by the Department, the Board shall notify the  
10 Legislature which may withdraw accreditation for the school as  
11 provided in Section 3-104.3 of this title. The ~~State~~ Board  
12 accreditation regulations shall provide for warnings and for  
13 assistance to schools and school districts whenever there is reason  
14 to believe a school is in danger of losing its state accreditation.

15 D. If one or more school sites fail to receive accreditation as  
16 required pursuant to this section and Section 3-104.3 of this title  
17 or subsequently lose accreditation, the State Board of Education  
18 shall close the school and reassign the students to accredited  
19 schools within the district or shall annex the district to one or  
20 more other districts in which the students can be educated in  
21 accredited schools.

22 E. Standards for accreditation adopted by the State Board of  
23 Education shall include standards relating to the provision of  
24 educational services provided in partial hospitalization programs,  
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1 day treatment programs, day hospital programs, residential treatment  
2 programs and emergency shelter programs for persons between the ages  
3 of three (3) and twenty-one (21) years of age. The accreditation  
4 standards shall apply to on-site and off-site educational services  
5 provided by public school districts or state-accredited private  
6 schools. 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.

12 F. The ~~State~~ Board shall provide assistance to districts in  
13 considering the possibility of meeting accreditation requirements  
14 through the use of nontraditional means of instruction. The ~~State~~  
15 Board shall also assist districts in forming cooperatives and making  
16 arrangements for the use of satellite instruction or other  
17 instructional technologies to the extent that use of such  
18 instructional means meets accreditation standards.

19 G. 1. Accreditation shall not be withdrawn from or denied nor  
20 shall a penalty be assessed against a school or school district for  
21 failing to meet the media materials and equipment standards, media  
22 program expenditure standards and media personnel standards as set  
23 forth in the accreditation standards adopted by the Board.

1           2. The provisions of paragraph 1 of this subsection shall cease  
2 to be effective during the fiscal year which begins on the July 1  
3 immediately succeeding the legislative session during which the  
4 measure appropriating monies to the State Board of Education for the  
5 financial support of public schools is enacted as law and such  
6 appropriation amount is at least Fifty Million Dollars  
7 (\$50,000,000.00) greater than the amount of money appropriated to  
8 the State Board of Education for the financial support of public  
9 schools for the fiscal year ending June 30, 2019, pursuant to  
10 Chapter 146, O.S.L. 2018. Provided, the Fifty Million Dollars  
11 (\$50,000,000.00) shall not include any amount of appropriations  
12 dedicated for support or certified employee salary increases.  
13 Accreditation shall not be withdrawn from or denied nor shall a  
14 penalty be assessed against a school or school district for failing  
15 to meet the media personnel standards as set forth in accreditation  
16 standards adopted by the Board.

17           H. 1. The ~~State~~ Board shall not assess a financial penalty  
18 against any school district which is given a deficiency in  
19 accreditation status during any fiscal year as provided for in this  
20 subsection.

21           2. Beginning with the fiscal year which begins July 1, 2021, if  
22 the amount of money appropriated to the State Board of Education for  
23 the financial support of public schools including funds apportioned  
24 pursuant to Section 2 of this act, is at least One Hundred Million  
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1 Dollars (\$100,000,000.00) greater than the amount of money  
2 appropriated to the State Board of Education for the financial  
3 support of public schools for the fiscal year ending June 30, 2019,  
4 pursuant to Chapter 146, O.S.L. 2018, a financial penalty shall be  
5 assessed against any school districts that do not comply with the  
6 class size limitations for kindergarten as provided for in Section  
7 18-113.2 of this title and class size limitations for grade one as  
8 provided for in subsection A of Section 18-113.1 of this title.  
9 Provided, the One Hundred Million Dollars (\$100,000,000.00) shall  
10 not include any amount of appropriations dedicated for support or  
11 certified employee salary increases.

12 3. The State Department of Education shall submit a report on  
13 statewide classroom sizes to the President Pro Tempore of the  
14 Oklahoma State Senate and the Speaker of the Oklahoma House of  
15 Representatives no later than January 1, 2022.

16 I. Except as provided for in subsection J of this section,  
17 beginning with the 2019-2020 school year, evaluations of schools to  
18 determine whether they meet the accreditation standards set forth in  
19 accordance with this section shall occur once every four (4) years  
20 on a schedule adopted by the State Board of Education. The Board  
21 may interrupt the evaluation schedule provided in this subsection  
22 for reasons including a change in the superintendent of the school  
23 district; determination that one or more school district board  
24 members have not met the continuing education requirements as  
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1 defined by this title; determination that the school district  
2 falsified information submitted to any public city, county, state or  
3 federal official or agency; initiation of an investigation by the  
4 Board or a law enforcement agency; or other determination by the  
5 Board that standards for accreditation are not being met by the  
6 school district. The schedule adopted by the Board shall allow for  
7 school districts receiving no deficiencies for two (2) consecutive  
8 years to be reviewed for accreditation less than annually.

9 Provided, however, that schools shall be evaluated annually for the  
10 purposes of:

- 11 1. Local, state and federal funding;
- 12 2. Health and safety;
- 13 3. Certification requirements for teachers, principals and  
14 superintendents;
- 15 4. School board governance, including instructional and  
16 continuing education requirements for school board members; and
- 17 5. Any other requirements under state or federal law.

18 J. Beginning with the 2019-2020 school year, if a public school  
19 receives a deficiency on its accreditation report, the public school  
20 shall be evaluated annually to determine if it meets the  
21 accreditation standards set forth in accordance with this section.  
22 If the public school receives no deficiencies for two (2)  
23 consecutive years, the public school shall be subject to the  
24 evaluation timeline established in subsection I of this section.  
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1 SECTION 3. This act shall become effective July 1, 2024.

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