

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3019

By: Hays

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2021, Section 6-127, which relates to teacher's assistants; increasing and reducing class size required to have a teacher's assistant for specific school years; removing requirement for certain percentage of reduced lunch eligible students to be present; amending 70 O.S. 2021, Sections 18-113.1 and 18-133.2, which relate to class size limitations; increasing and reducing the maximum number of students allowed per class in kindergarten through fifth grades; eliminating certain exceptions to class size limits; creating class size limitations for classes with teacher's assistants; 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. 2021, Section 6-127, is amended to read as follows:

Section 6-127. A. ~~Beginning with~~ For the 1990-91 2026-2027 school year, every school site shall employ a teacher's assistant ~~or use a volunteer~~ for each class in ~~grades~~ kindergarten ~~through two~~ which has a class size of more than ~~twenty (20)~~ twenty-two (22) students in average daily membership as of September 15 of each year

1 ~~and which is composed of students, at least twenty percent (20%) of~~  
2 ~~whom meet the criteria specified in subsection B of this section,~~  
3 ~~provided, this requirement.~~ For the 2027-2028 school year, every  
4 school site shall employ a teacher's assistant for each class in  
5 kindergarten which has a class size of more than twenty (20)  
6 students in average daily membership as of September 15 of each  
7 year. Beginning with the 2028-2029 school year, and each school  
8 year thereafter, every school site shall employ a teacher's  
9 assistant for each class in kindergarten which has a class size of  
10 more than eighteen (18) students in average daily membership as of  
11 September 15 of each year. The requirements of this subsection  
12 shall not apply to classes that are not subject to class size  
13 limitations pursuant to subsection D C of Section 18-113.1 of this  
14 title or to pull-out sections for Chapter 1 or to Special Education  
15 students. Assistants shall be required as of September 15 of each  
16 year. The State Board of Education shall establish regulations that  
17 prescribe the qualifications for and duties of teacher assistants in  
18 public schools. The State Board of Education shall also establish  
19 standards and regulations which provide for a determination of how  
20 and when teacher assistants may be used as an appropriate and  
21 necessary part of classroom instruction. In addition to any other  
22 duties which the Board may deem appropriate, teacher assistants may  
23 perform or assist a classroom teacher in the performance of hall  
24 room duty, bus duty, playground duty, lunchroom duty,

1 extracurricular activities ~~volving~~ involving school functions or any  
2 other noninstructional duty the Board may prescribe. Provided,  
3 nothing in this section shall construe teacher assistants to be  
4 defined as personnel as set out in Section 6-108 of this title or  
5 require teacher assistants to possess the certification required for  
6 teachers.

7 B. ~~Any student who meets the criteria established by the State~~  
8 ~~Board which are commensurate with established eligibility criteria~~  
9 ~~for participation in the National School Lunch Act of 1946, 42~~  
10 ~~U.S.C. Section 1751 et seq. as amended, shall be included in the~~  
11 ~~percentage necessary to meet the requirement of subsection A of this~~  
12 ~~section for the entitlement to a teacher's assistant for such class~~  
13 Kindergarten classes with a teacher's assistant shall not exceed  
14 twenty-eight (28) students; provided, this requirement shall not  
15 apply to classes that are not subject to class size limitations  
16 pursuant to subsection C of Section 18-113.1 of this title.

17 C. For the purposes of this section, and for Sections 18-113.1  
18 and 18-113.2 of this title, a federally funded bilingual assistant  
19 shall not qualify as a teacher's assistant.

20 |SECTION 2. AMENDATORY 70 O.S. 2021, Section 18-113.1, is  
21 amended to read as follows:

22 Section 18-113.1. A. The provisions of this subsection shall  
23 apply only to grades one through ~~three~~ five.  
24

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1        1. ~~Except~~ For the 2026-2027 school year, except as otherwise  
2 provided for in this section, no child shall be included in the  
3 average daily membership of a school district for the purpose of  
4 computing and paying state-appropriated funds if that child is  
5 regularly assigned to a teacher or to a class that includes more  
6 than twenty-two (22) students. For the 2027-2028 school year,  
7 except as otherwise provided for in this section, no child shall be  
8 included in the average daily membership of a school district for  
9 the purpose of computing and paying state-appropriated funds if that  
10 child is regularly assigned to a teacher or to a class that includes  
11 more than twenty (20) students. Beginning with the 2028-2029 school  
12 year, except as otherwise provided for in this section, no child  
13 shall be included in the average daily membership of a school  
14 district for the purpose of computing and paying state-appropriated  
15 funds if that child is regularly assigned to a teacher or to a class  
16 that includes more than eighteen (18) students.

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

20            a. ~~the creation of an additional class would cause a~~  
21 ~~class to have fewer than ten (10) students; and~~

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

subsection; provided such class sizes shall not exceed twenty-eight  
(28) students.

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

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
- c. Sum the products of subparagraphs a and b of this  
paragraph.

B. The provisions of this subsection shall apply only to ~~grades~~  
~~four through~~ grade six.

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 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 each pupil in excess of the class size  
16 membership limit as provided in this subsection by the  
17 grade level weight and by the Base Foundation Support  
18 Level for the current school year, and
- 19 b. 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 Incentive Aid guarantee  
22 for the current school year times twenty (20), and
- 23 c. Sum the products of subparagraphs a and b of this  
24 paragraph.

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

4 1. Physical education; and

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

6 D. If a school district groups its grades as grades one through  
7 five, grades six through eight, and grades nine through twelve, then  
8 as to such district the provisions of subsection B of this section  
9 shall not apply to ~~grades four and five rather than grades four~~  
10 ~~through~~ grade six, and the provisions of Section 18-113.3 of this  
11 title shall apply to grades six through twelve.

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

15 F. Any school district which at the beginning of the school  
16 year does not have sufficient classrooms to meet the class size  
17 limitation provided for in this section as determined by guidelines  
18 established by the State Board of Education shall not be penalized  
19 for failure to meet the class size limitations provided for in this  
20 section if:

- 21 a. the school district has voted indebtedness, at any  
22 time within the five (5) years preceding the year the  
23 district exceeds the class size limitations or during  
24 the year the district exceeds the class size

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

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

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

23 H. School districts which receive state-appropriated funds  
24 pursuant to the provisions of Section 18-112.2 of this title and do

not comply with the provisions of this section shall be subject to loss of State Aid for each child in excess of the class size limitations specified in this section.

SECTION 3. AMENDATORY 70 O.S. 2021, Section 18-113.2, is amended to read as follows:

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

1. ~~No~~ For the 2026-2027 school year, 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-two (22) students. For the 2027-2028 school year, 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) students. Beginning with the 2028-2029 school year, and each school year thereafter, 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 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+

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1       ~~a. the creation of an additional class would cause a~~  
2       ~~class to have fewer than ten (10) students; and~~

3       ~~b. a full time teacher's assistant, as defined in Section 6-~~  
4       ~~127 of this title, is employed to serve with each teacher in a class~~  
5       ~~that exceeds the class size limitation provided for in this~~  
6       ~~subsection; provided such class sizes shall not exceed twenty-eight~~  
7       ~~(28) students.~~

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

12      ~~4. Any school district which at the beginning of the school~~  
13      ~~year does not have sufficient classrooms to meet the class size~~  
14      ~~limitation provided for in this section as determined by guidelines~~  
15      ~~established by the State Board of Education shall not be penalized~~  
16      ~~for failure to meet the class size limitations provided for in this~~  
17      ~~section if:~~

18      ~~a. the school district has voted indebtedness, at any~~  
19      ~~time within the five (5) years preceding the year the~~  
20      ~~district exceeds the class size limitations or during~~  
21      ~~the year the district exceeds the class size~~  
22      ~~limitations, through the issuance of bonds or approval~~  
23      ~~by voters of issuance of new bonds for more than~~  
24      ~~eighty-five percent (85%) of the maximum allowable~~

1       ~~pursuant to the provisions of Section 26 of Article X~~  
2       ~~of the Oklahoma Constitution as shown on the school~~  
3       ~~district budget filed with the State Equalization~~  
4       ~~Board for the current school year and certifications~~  
5       ~~by the Attorney General prior to February 1 of the~~  
6       ~~current school year; and~~

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

15       ~~5.~~ 3. Any school district found to be in violation of the  
16 provisions of this subsection shall receive a penalty in the State  
17 Aid formula as a reduction to State Aid to be determined as follows:

- 18           a. Multiply each pupil in excess of the class size  
19           membership limit as provided in this subsection by the  
20           grade level weight and by the Base Foundation Support  
21           Level for the current school year, and  
22           b. Multiply each pupil in excess of the class size  
23           membership limit as provided in this subsection by the  
24

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

8 C. 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 4. This act shall become effective July 1, 2026.

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

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