

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1656

By: Brewer

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5  
6 AS INTRODUCED

7 An Act relating to school counselors; amending 70  
8 O.S. 2011, Section 3-104.4, as last amended by  
9 Section 64, Chapter 161, O.S.L. 2020 (70 O.S. Supp.  
10 2020, Section 3-104.4), which relates to public  
11 school accreditation standards; requiring school  
12 districts to employ at least one certified school  
13 counselor at each school site; and providing an  
14 effective date.

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

16 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-104.4, as  
17 last amended by Section 64, Chapter 161, O.S.L. 2020 (70 O.S. Supp.  
18 2020, Section 3-104.4), is amended to read as follows:

19 Section 3-104.4 A. The State Board of Education shall adopt  
20 standards for the accreditation of the public schools in this state  
21 according to the requirements of Section 3-104.3 et seq. of this  
22 title, to be effective as set forth in Section 3-104.3 et seq. of  
23 this title. The accreditation standards shall incorporate the  
24 curricular standards established pursuant to Section 11-103.6 of  
this title. The accreditation standards shall equal or exceed  
nationally recognized accreditation standards to the extent that the

1 standards are consistent with an academic results oriented approach  
2 to accreditation. The accreditation adopted by the State Board  
3 shall encompass accreditation for elementary schools, middle  
4 schools, junior high schools, and high schools. The accreditation  
5 standards shall be made available for public inspection at the  
6 offices of the State Department of Education.

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

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 withdraw  
10 accreditation for the school. The ~~State~~ Board accreditation  
11 regulations shall provide for warnings and for assistance to schools  
12 and school districts whenever there is reason to believe a school is  
13 in danger of losing its state accreditation.

14 D. If one or more school sites fail to receive accreditation as  
15 required pursuant to this section or subsequently lose  
16 accreditation, the State Board of Education shall close the school  
17 and reassign the students to accredited schools within the district  
18 or shall annex the district to one or more other districts in which  
19 the students 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~~ on-site and ~~offsite~~ off-site  
3 educational services provided by public school districts or state-  
4 accredited private schools. Each school which is providing or is  
5 required to provide educational services for students placed in a  
6 program as described in this subsection shall be actively monitored  
7 by the State Department of Education. The Department shall  
8 determine on an ongoing basis if the educational program and  
9 services are in compliance with the accreditation standards.

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

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

22 2. The provisions of paragraph 1 of this subsection shall cease  
23 to be effective during the fiscal year which begins on the July 1  
24 immediately succeeding the legislative session during which the

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

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

18 2. Beginning with the fiscal year which begins July 1, 2021, if  
19 the amount of money appropriated to the State Board of Education for  
20 the financial support of public schools is at least One Hundred  
21 Million Dollars (\$100,000,000.00) greater than the amount of money  
22 appropriated to the State Board of Education for the financial  
23 support of public schools for the fiscal year ending June 30, 2019,  
24 pursuant to Chapter 146, O.S.L. 2018, a financial penalty shall be

1 assessed against any school districts that do not comply with the  
2 class size limitations for kindergarten as provided for in Section  
3 18-113.2 of this title and class size limitations for grade one as  
4 provided for in subsection A of Section 18-113.1 of this title.  
5 Provided, the One Hundred Million Dollars (\$100,000,000.00) shall  
6 not include any amount of appropriations dedicated for support or  
7 certified employee salary increases.

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

12 I. Except as provided for in subsection J of this section,  
13 beginning with the 2019-2020 school year, evaluations of schools to  
14 determine whether they meet the accreditation standards set forth in  
15 accordance with this section shall occur once every four (4) years  
16 on a schedule adopted by the State Board of Education. The Board  
17 may interrupt the evaluation schedule provided in this subsection  
18 for reasons including a change in the superintendent of the school  
19 district; determination that one or more school district board  
20 members have not met the continuing education requirements as  
21 defined by this title; determination that the school district  
22 falsified information submitted to any public city, county, state or  
23 federal official or agency; initiation of an investigation by the  
24 Board or a law enforcement agency; or other determination by the

1 Board that standards for accreditation are not being met by the  
2 school district. The schedule adopted by the Board shall allow for  
3 school districts receiving no deficiencies for two (2) consecutive  
4 years to be reviewed for accreditation less than annually.

5 Provided, however, that schools shall be evaluated annually for the  
6 purposes of:

7 1. Local, state and federal funding;

8 2. Health and safety;

9 3. Certification requirements for teachers, principals and  
10 superintendents;

11 4. School board governance, including instructional and  
12 continuing education requirements for school board members; and

13 5. Any other requirements under state or federal law.

14 J. Beginning with the 2019-2020 school year, if a public school  
15 receives a deficiency on its accreditation report, the public school  
16 shall be evaluated annually to determine if it meets the  
17 accreditation standards set forth in accordance with this section.

18 If the public school receives no deficiencies for two (2)  
19 consecutive years, the public school shall be subject to the  
20 evaluation timeline established in subsection I of this section.

21 SECTION 2. This act shall become effective November 1, 2021.

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23 58-1-6849 EK 01/13/21  
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