

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, or

12 c. beginning with the 2023-2024 school year, the class
13 size limitation provided for in this subsection is
14 exceeded because the school district received students
15 transferred in accordance with Sections 8-101 and 8-
16 113, subsection A of Section 8-101.2 for siblings and
17 children in foster care, or subsection B of Section 8-
18 103.1 of this title.

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

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

- 4 a. Multiply each pupil in excess of the class size
5 membership limit as provided in this subsection by the
6 grade level weight and by the Base Foundation Support
7 Level for the current school year, and
- 8 b. Multiply each pupil in excess of the class size
9 membership limit as provided in this subsection by the
10 grade level weight and by the Incentive Aid guarantee
11 for the current school year times twenty (20), and
- 12 c. Sum the products of subparagraphs a and b of this
13 paragraph.

14 B. The provisions of this subsection shall apply only to grades
15 four through six.

16 1. Except as otherwise provided for in this section, no child
17 shall be included in the average daily membership of a school
18 district for the purpose of computing and paying state-appropriated
19 funds if that child is regularly assigned to a teacher or to a class
20 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 the creation of an
24

1 additional class would cause a class to have fewer than sixteen (16)
2 students.

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

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

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

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

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

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

23 1. Physical education; and

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

1 D. If a school district groups its grades as grades one through
2 five, grades six through eight, and grades nine through twelve, then
3 as to such district the provisions of subsection B of this section
4 shall apply to grades four and five rather than grades four through
5 six, and the provisions of Section 18-113.3 of this title shall
6 apply to grades six through twelve.

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

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

16 a. the school district has voted indebtedness, at any
17 time within the five (5) years preceding the year the
18 district exceeds the class size limitations or during
19 the year the district exceeds the class size
20 limitations, through the issuance of bonds or approval
21 by voters of issuance of new bonds for more than
22 eighty-five percent (85%) of the maximum allowable
23 pursuant to the provisions of Section 26 of Article X
24 of the Oklahoma Constitution as shown on the school

1 district budget filed with the State Equalization
2 Board for the current school year and certifications
3 by the Attorney General prior to February 1 of the
4 current school year; and

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

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

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

23 SECTION 2. AMENDATORY 70 O.S. 2021, Section 18-113.2, is
24 amended to read as follows:

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

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

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

10 a. the creation of an additional class would cause a
11 class to have fewer than ten (10) students~~r~~, and

12 b. a teacher's assistant, as defined in Section 6-127 of
13 this title, is employed to serve with each teacher in
14 a class that exceeds the class size limitation
15 provided for in this subsection, or

16 c. beginning with the 2023-2024 school year, the class
17 size limitation provided for in this subsection is
18 exceeded because the school district received students
19 transferred in accordance with Sections 8-101 and 8-
20 113, subsection A of Section 8-101.2 for siblings and
21 children in foster care, or subsection B of Section 8-
22 103.1 of this title.

23 3. No school district shall be penalized for exceeding class
24 size limitations set forth in this section if the limitations are

1 exceeded beginning after the first nine (9) weeks of the school
2 year.

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

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

22 b. on the date of filing of the school district budget
23 with the State Equalization Board, the school district
24 is voting the maximum millage allowable for the

1 support, maintenance and construction of schools as
2 provided for in subsections (a), (c), (d) and (d-1) of
3 Section 9 of Article X of the Oklahoma Constitution
4 and Section 10 of Article X of the Oklahoma
5 Constitution.

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

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

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

22 C. School districts which receive state-appropriated funds
23 pursuant to the provisions of Section 18-112.2 of this title and do
24 not comply with the provisions of this section shall be subject to

1 loss of State Aid for each child in excess of the class size
2 limitations specified in this section.

3 SECTION 3. AMENDATORY 70 O.S. 2021, Section 18-113.4, is
4 amended to read as follows:

5 Section 18-113.4 A. Beginning with the 1997-98 school year,
6 the penalties for exceeding class size limitations established in
7 Sections 18-113.1, 18-113.2 and 18-113.3 of this title shall not
8 apply if the class size limitations, as set forth in said sections,
9 are exceeded beginning after the first nine (9) weeks of the school
10 year. If the class size limitations are exceeded during the first
11 nine (9) weeks, the penalties shall apply.

12 B. Beginning with the 2023-2024 school year, the penalties for
13 exceeding class size limitations established in Sections 18-113.1,
14 18-113.2, and 18-113.3 of this title shall not apply if the class
15 size limitations provided in those sections are exceeded because the
16 school district received students transferred in accordance with
17 Sections 8-101 and 8-113, subsection A of Section 8-101.2 for
18 siblings and children in foster care, or subsection B of Section 8-
19 103.1 of this title.

20 C. For the purposes of calculating class size penalties
21 established in Sections 18-113.1, 18-113.2 and 18-113.3 of this
22 title, school districts shall use only the full-time-equivalency of
23 the instructional staff who are under contract to work the full
24 school year in question.

1 ~~C.~~ D. Beginning July 1, 2003, school districts that
2 participate in consolidation or annexation pursuant to the
3 provisions of the Oklahoma School Voluntary Consolidation and
4 Annexation Act shall be exempt from the provisions of Sections 18-
5 113.1, 18-113.2 and 18-113.3 of this title for the year in which the
6 consolidation or annexation occurs and for the next five (5) fiscal
7 years.

8 SECTION 4. This act shall become effective July 1, 2023.

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

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14 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/21/2023
15 - DO PASS, As Coauthored.

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