

1 ENGROSSED HOUSE
2 BILL NO. 2358

By: Boles of the House

3 and

4 Pemberton of the Senate

5
6
7 An Act relating to schools; amending 70 O.S. 2021,
8 Sections 18-113.1, 18-113.2, and 18-113.4, which
9 relate to class size limitations and penalties;
10 providing an exception for certain transfer students;
11 excepting kindergarten class size penalty for certain
12 transfer students; providing an exemption from
13 certain class size penalties; providing an effective
14 date; and declaring an emergency.

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

16 SECTION 1. AMENDATORY 70 O.S. 2021, Section 18-113.1, is
17 amended to read as follows:

18 Section 18-113.1 A. The provisions of this subsection shall
19 apply only to grades one through three.

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

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

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

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

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

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 Any school district found to be in violation of the provisions
22 of this subsection shall receive a penalty in the State Aid formula
23 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.

B. The provisions of this subsection shall apply only to grades four through 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 funds if that child is regularly assigned to a teacher or to a class that includes more than twenty (20) 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 the creation of an additional class would cause a class to have fewer than sixteen (16) students.

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

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

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

6 a. Multiply each pupil in excess of the class size
7 membership limit as provided in this subsection by the
8 grade level weight and by the Base Foundation Support
9 Level for the current school year, and

10 b. 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 Incentive Aid guarantee
13 for the current school year times twenty (20), and

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

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

19 1. Physical education; and

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

21 D. If a school district groups its grades as grades one through
22 five, grades six through eight, and grades nine through twelve, then
23 as to such district the provisions of subsection B of this section
24 shall apply to grades four and five rather than grades four through

1 six, and the provisions of Section 18-113.3 of this title shall
2 apply to grades six through twelve.

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

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

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

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

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

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

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

23 1. No child shall be included in the average daily membership
24 of a school district for the purpose of computing and paying state-

1 appropriated funds if that child is regularly assigned to a teacher
2 or to a class 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 section if the limitations are
21 exceeded beginning after the first nine (9) weeks of the school
22 year.

23 4. Any school district which at the beginning of the school
24 year does not have sufficient classrooms to meet the class size

1 limitation provided for in this section as determined by guidelines
2 established by the State Board of Education shall not be penalized
3 for failure to meet the class size limitations provided for in this
4 section if:

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

18 b. on the date of filing of the school district budget
19 with the State Equalization Board, the school district
20 is voting the maximum millage allowable for the
21 support, maintenance and construction of schools as
22 provided for in subsections (a), (c), (d) and (d-1) of
23 Section 9 of Article X of the Oklahoma Constitution

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

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

6 a. Multiply each pupil in excess of the class size
7 membership limit as provided in this subsection by the
8 grade level weight and by the Base Foundation Support
9 Level for the current school year, and

10 b. 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 Incentive Aid guarantee
13 for the current school year times twenty (20), and

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

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

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

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

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

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

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

23 ~~C.~~ D. Beginning July 1, 2003, school districts that
24 participate in consolidation or annexation pursuant to the

1 provisions of the Oklahoma School Voluntary Consolidation and
2 Annexation Act shall be exempt from the provisions of Sections 18-
3 113.1, 18-113.2 and 18-113.3 of this title for the year in which the
4 consolidation or annexation occurs and for the next five (5) fiscal
5 years.

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

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

11 Passed the House of Representatives the 7th day of March, 2023.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2023.

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Presiding Officer of the Senate

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