

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 428

By: Pugh

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 18-113.1, which relates to class size
9 limitations; removing certain exemptions for
10 exceeding class size limitations for certain grades;
11 amending 70 O.S. 2011, Section 18-113.2, which
12 relates to class size limitations; removing certain
13 exemptions for certain grade; 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. 2011, 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.~~

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

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

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

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

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

3 B. The provisions of this subsection shall apply only to grades
4 four through six.

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

10 2. If a class or classes in a grade exceed the class size
11 limitation provided for in this subsection, the class size
12 limitation and penalty shall not apply if the creation of an
13 additional class would cause a class to have fewer than sixteen (16)
14 students.

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

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

22 a. 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 Base Foundation Support
2 Level for the current school year, and

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

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

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

12 1. Physical education; and

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

14 D. If a school district groups its grades as grades one through
15 five, grades six through eight, and grades nine through twelve, then
16 as to such district the provisions of subsection B of this section
17 shall apply to grades four and five rather than grades four through
18 six, and the provisions of Section 18-113.3 of this title shall
19 apply to grades six through twelve.

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

23 F. Any school district which at the beginning of the school
24 year does not have sufficient classrooms to meet the class size
25

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
24

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

3 c. the provisions of this subsection shall not apply to
4 grades one through three.

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

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

15 SECTION 2. AMENDATORY 70 O.S. 2011, Section 18-113.2, is
16 amended to read as follows:

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

19 1. No child shall be included in the average daily membership
20 of a school district for the purpose of computing and paying state-
21 appropriated funds if that child is regularly assigned to a teacher
22 or to a class 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.~~

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

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

20 a. ~~the school district has voted indebtedness, at any~~
21 ~~time within the five (5) years preceding the year the~~
22 ~~district exceeds the class size limitations or during~~
23 ~~the year the district exceeds the class size~~
24 ~~limitations, through the issuance of bonds or approval~~

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

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

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

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

- 1 b. Multiply each pupil in excess of the class size
2 membership limit as provided in this subsection by the
3 grade level weight and by the Incentive Aid guarantee
4 for the current school year times twenty (20), and
5 c. Sum the products of subparagraphs a and b of this
6 paragraph.

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

15 SECTION 3. This act shall become effective July 1, 2019.

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

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