

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2120

By: Ortega

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 3-104.4, as last amended by Section 27,
9 Chapter 42, O.S.L. 2017 (70 O.S. Supp. 2018, Section
10 3-104.4), which relates to standards for
11 accreditation; requiring the State Board of Education
12 to assess a financial penalty against school
13 districts that fail to meet certain class size
14 limitations; amending 70 O.S. 2011, Section 18-113.1,
15 which relates to class size limitations; removing
16 language prohibiting a penalty from being assessed
17 against certain school districts that cannot meet
18 certain class size limitations due to certain
19 reasons; amending 70 O.S. 2011, Section 18-113.2,
20 which relates to penalties for violations of class
21 size limitations; removing language prohibiting a
22 penalty from being assessed against certain school
23 districts that cannot meet certain class size
24 limitations due to certain reasons; 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. 2011, Section 3-104.4, as
last amended by Section 27, Chapter 42, O.S.L. 2017 (70 O.S. Supp.
2018, Section 3-104.4), is amended to read as follows:

Section 3-104.4 A. On or before February 1, 1991, the State
Board of Education shall adopt standards for the accreditation of

1 the public schools in this state according to the requirements of
2 this act, to be effective as set forth in this act. The
3 accreditation standards shall incorporate the curricular standards
4 established pursuant to Section 11-103.6 of this title. The
5 accreditation standards shall equal or exceed the accreditation
6 standards for schools promulgated by the North Central Association
7 of Colleges and Schools to the extent that the standards are
8 consistent with an academic results oriented approach to
9 accreditation, excluding those standards which deal with affective
10 behavior to the extent the adoption of the standards does not
11 conflict with state statute. The accreditation adopted by the State
12 Board shall encompass accreditation for elementary schools, middle
13 schools, junior high schools, and high schools. The accreditation
14 standards shall be made available for public inspection at the
15 offices of the State Department of Education.

16 B. Standards for accreditation adopted by the State Board of
17 Education shall include standards relating to the provision of
18 school counselors to the public school children of this state. The
19 State Board of Education shall require each local school district to
20 provide information regarding the number of counselors serving each
21 school site, the duties of all such counselors including all
22 administrative duties, the number of students served by each
23 counselor, and information regarding the number of counselors

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1 employed per elementary school, middle school, junior high school
2 and high school.

3 C. Except as otherwise provided by subsection A of this section
4 with regard to curricular standards, as a condition of receiving
5 state accreditation pursuant to this act:

6 1. High schools shall meet the accreditation standards not
7 later than June 30, 1995; and

8 2. Elementary, middle and junior high schools shall meet the
9 accreditation standards not later than June 30, 1999.

10 Schools shall thereafter continue to meet the accreditation
11 standards as a condition of continued accreditation. Nothing herein
12 shall be construed as preventing changes to the adopted standards by
13 the State Board of Education pursuant to the Administrative
14 Procedures Act.

15 D. If one or more school sites fails to receive accreditation
16 as required pursuant to this section by the dates set forth in
17 subsection C of this section or subsequently loses accreditation,
18 the State Board of Education shall close the school and reassign the
19 students to accredited schools within the district or shall annex
20 the district to one or more other districts in which the students
21 can be educated in accredited schools.

22 E. Standards for accreditation adopted by the State Board of
23 Education shall include standards relating to the provision of
24 educational services provided in partial hospitalization programs,

1 day treatment programs, day hospital programs, residential treatment
2 programs and emergency shelter programs for persons between the ages
3 of three (3) and twenty-one (21) years of age. The accreditation
4 standards shall apply to onsite and offsite educational services
5 provided by public school districts or state-accredited private
6 schools. The accreditation standards shall provide for warnings,
7 probation or nonaccredited status for schools that fail to meet the
8 standards. Each school which is providing or is required to provide
9 educational services for students placed in a program as described
10 in this subsection shall be actively monitored by the State
11 Department of Education. The Department shall determine on an
12 ongoing basis if the educational program and services are in
13 compliance with the accreditation standards. The Department shall
14 investigate a complaint of failure to provide educational services
15 within ten (10) days of receiving the complaint. If the Department
16 determines that a school has failed to comply with the accreditation
17 standards the Department shall report the recommended warning,
18 probation or nonaccredited accreditation status to the State Board
19 of Education within sixty (60) days. If a school does not take
20 action to comply with the accreditation standards within ninety (90)
21 days after a report is filed by the Department, the Board shall
22 withdraw accreditation for the school.

23 F. State Board accreditation regulations shall provide for
24 warnings and for assistance to schools and school districts whenever

1 there is reason to believe a school is in danger of losing its state
2 accreditation.

3 G. The State Board shall provide assistance to districts in
4 considering the possibility of meeting accreditation requirements
5 through the use of nontraditional means of instruction. The State
6 Board shall also assist districts in forming cooperatives and making
7 arrangements for the use of satellite instruction or other
8 instructional technologies to the extent that use of such
9 instructional means meets accreditation standards.

10 H. 1. Accreditation shall not be withdrawn from or denied nor
11 shall a penalty be assessed against a school or school district for
12 failing to meet the media materials and equipment standards and
13 media program expenditure standards as set forth in the
14 accreditation standards adopted by the Board.

15 2. The provisions of paragraph 1 of this subsection shall cease
16 to be effective during a fiscal year immediately following a fiscal
17 year that the state financial support of public schools provides an
18 amount equal to or more than Three Thousand Two Hundred Ninety-one
19 Dollars and sixty cents (\$3,291.60) per weighted average daily
20 membership as calculated pursuant to Section 18-200.1 of this title
21 and reported to school districts by the State Department of
22 Education on the initial tentative State Aid allocation notice.

23 3. If the amount set and calculated as provided for in
24 paragraph 2 of this subsection is reduced by one percent (1%) or

1 more as reported to school districts by the Department on the
2 initial tentative State Aid allocation notice for the following
3 fiscal year, the provisions of paragraph 2 of this subsection shall
4 cease to be effective and the provisions of paragraph 1 of this
5 subsection shall continue to be effective.

6 I. 1. The State Board shall not assess a financial penalty
7 against any school district which is given a deficiency in
8 accreditation status during any fiscal year as provided for in this
9 subsection, except for deficiencies for failing to meet the class
10 size requirements set forth in subsection A of Section 18-113.1 of
11 this title or Section 18-113.2 of this title.

12 2. The provisions of paragraph 1 of this subsection shall cease
13 to be effective during a fiscal year immediately following a fiscal
14 year that the state financial support of public schools provides an
15 amount equal to or more than Three Thousand Two Hundred Ninety-one
16 Dollars and sixty cents (\$3,291.60) per weighted average daily
17 membership as calculated pursuant to Section 18-200.1 of this title
18 and reported to school districts by the State Department of
19 Education on the initial tentative State Aid allocation notice.

20 3. If the amount set and calculated as provided for in
21 paragraph 2 of this subsection is reduced by one percent (1%) or
22 more as reported to school districts by the Department on the
23 initial tentative State Aid allocation notice for the following
24 fiscal year, the provisions of paragraph 2 of this subsection shall

1 cease to be effective and the provisions of paragraph 1 of this
2 subsection shall continue to be effective.

3 J. Accreditation shall not be withdrawn from or denied, nor
4 shall a penalty be assessed against, a school district for complying
5 with this section.

6 SECTION 2. AMENDATORY 70 O.S. 2011, Section 18-113.1, is
7 amended to read as follows:

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

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

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

- 18 a. the creation of an additional class would cause a
19 class to have fewer than ten (10) students, and
20 b. a teacher's assistant, as defined in Section 6-127 of
21 this title, is employed to serve with each teacher in
22 a class that exceeds the class size limitation
23 provided for in this subsection.

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

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

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

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

17 c. ~~Sum~~ sum the products of subparagraphs a and b of this
18 paragraph.

19 B. The provisions of this subsection shall apply only to grades
20 four through six.

21 1. Except as otherwise provided for in this section, no child
22 shall be included in the average daily membership of a school
23 district for the purpose of computing and paying state-appropriated
24

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~~ multiply each pupil in excess of the class
16 size membership limit as provided in this subsection
17 by the grade level weight and by the Base Foundation
18 Support Level for the current school year, and

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

24

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

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

6 1. Physical education; and

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

8 D. If a school district groups its grades as grades one through
9 five, grades six through eight, and grades nine through twelve, then
10 as to such district the provisions of subsection B of this section
11 shall apply to grades four and five rather than grades four through
12 six, and the provisions of Section 18-113.3 of this title shall
13 apply to grades six through twelve.

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

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

23 a. ~~the school district has voted indebtedness, at any~~

24 ~~time within the five (5) years preceding the year the~~

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

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

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

1 ~~H.~~ G. School districts which receive state-appropriated funds
2 pursuant to the provisions of Section 18-112.2 of this title and do
3 not comply with the provisions of this section shall be subject to
4 loss of State Aid for each child in excess of the class size
5 limitations specified in this section.

6 SECTION 3. AMENDATORY 70 O.S. 2011, Section 18-113.2, is
7 amended to read as follows:

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

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

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

- 17 a. the creation of an additional class would cause a
18 class to have fewer than ten (10) students~~†~~, and
19 b. a teacher's assistant, as defined in Section 6-127 of
20 this title, is employed to serve with each teacher in
21 a class that exceeds the class size limitation
22 provided for in this subsection.

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

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

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

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

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

4 SECTION 4. This act shall become effective July 1, 2019.

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

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