

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3262

By: Talley

4
5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S.
8 2021, Sections 18-113.1, 18-113.2, and 18-113.3,
9 which relate to class size; removing exception
10 from elementary class size penalty for school
11 districts which meet certain indebtedness
12 criteria; deleting exception from kindergarten
13 class size penalty for school districts which
14 meet certain indebtedness criteria; including
15 weighted pupil grade level and pupil category in
16 average daily membership calculation to determine
17 class size; striking exception from secondary
18 class size penalty for school districts which
19 meet certain indebtedness criteria; and providing
20 an effective date.

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

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

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

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

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.

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

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

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

23 b. Multiply each pupil in excess of the class size
24 membership limit as provided in this subsection by the

1 grade level weight and by the Incentive Aid guarantee
2 for the current school year times twenty (20), and
3 c. Sum the products of subparagraphs a and b of this
4 paragraph.

5 B. The provisions of this subsection shall apply only to grades
6 four through six.

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

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

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 4. Any school district found to be in violation of the
22 provisions of this subsection shall receive a penalty in the State
23 Aid formula as a reduction to State Aid to be determined as follows:
24

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

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

- 14 1. Physical education; and
- 15 2. Chorus, band, orchestra and similar music classes.

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

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

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

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

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

1 ~~Section 9 of Article X of the Oklahoma Constitution~~
2 ~~and Section 10 of Article X of the Oklahoma~~
3 ~~Constitution.~~

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

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

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

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

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

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

- 1 a. the creation of an additional class would cause a
2 class to have fewer than ten (10) students; and
3 b. a teacher's assistant, as defined in Section 6-127 of
4 this title, is employed to serve with each teacher in
5 a class that exceeds the class size limitation
6 provided for in this subsection.

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

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

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

1 ~~of the Oklahoma Constitution as shown on the school~~
2 ~~district budget filed with the State Equalization~~
3 ~~Board for the current school year and certifications~~
4 ~~by the Attorney General prior to February 1 of the~~
5 ~~current school year; and~~

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

14 5. Any school district found to be in violation of the
15 provisions of this subsection shall receive a penalty in the State
16 Aid formula 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. 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 C. School districts which receive state-appropriated funds
7 pursuant to the provisions of Section 18-112.2 of this title and do
8 not comply with the provisions of this section shall be subject to
9 loss of State Aid for each child in excess of the class size
10 limitations specified in this section.

11 SECTION 3. AMENDATORY 70 O.S. 2021, Section 18-113.3, is
12 amended to read as follows:

13 Section 18-113.3 A. ~~Class~~ Until June 30, 2024, class size, as
14 used in Section 18-113.1 and Section 18-113.2 of this title, shall
15 be determined by the average daily membership divided by the full-
16 time equivalency of the instructional staff assigned to each grade
17 level by site. Beginning July 1, 2024, class size, as used in this
18 section and Sections 18-113.1 and 18-113.2 of this title, shall be
19 determined by including the weighted pupil grade level and weighted
20 pupil category calculations in the average daily membership of each
21 site and dividing that by the full-time equivalency of the
22 instructional staff assigned to each grade level by site. Full-time
23 equivalency of special education teachers, Chapter 1 teachers, and
24 teachers of classes not subject to class size limitations and the

1 average daily membership of self-contained special education classes
2 shall not be counted in class size computation.

3 B. As used in this section, self-contained special education
4 classes are those classes whose students attend the same class for
5 three (3) or more class periods and who have individualized
6 education plans.

7 C. Beginning with the 1996-97 school year and each school year
8 thereafter, no teacher who is counted in class size count for grades
9 seven through twelve shall be responsible for the instruction of a
10 class size of more than one hundred forty (140) students on any
11 given six-hour school day. Class size count shall be taken during
12 the month of October of each school year on a date set by the State
13 Board of Education. If the class size count is in excess of the
14 limits set forth in this subsection, the school district shall be
15 subject to the penalties provided for in this section.

16 D. Students within a class which is not subject to class size
17 limitations pursuant to subsection D of Section 18-113.1 of this
18 title shall not be counted for purposes of the limitations set forth
19 in subsection C of this section.

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

24

1 F. The first year that a school district exceeds the class size
2 membership limitation as established and computed in subsection C of
3 this section, the district shall receive as a penalty a reduction in
4 the State Aid for the district. For each child in excess of the
5 class size limitation, the reduction in State Aid to the district
6 shall be determined as follows:

7 1. Multiply the averaged number of the October class size count
8 of pupils which is in excess of the class size membership limit as
9 provided for in subsection C of this section by the grade weight and
10 by the Base Foundation Support Level for the current school year;

11 2. Multiply the averaged number of the October class size count
12 of pupils which is in excess of the class size membership limit as
13 provided for in subsection C of this section by the grade level
14 weight and by the Incentive Aid guarantee for the current school
15 year times twenty (20); and

16 3. Sum the products of paragraphs 1 and 2 of this subsection.

17 G. If a school district exceeds the class size membership
18 limitation as established and computed in subsection C of this
19 section for two (2) consecutive years, the district shall receive as
20 a penalty denial of accreditation in accordance with the
21 requirements of Section 3-104.4 of this title.

22 H. For the purpose of determining whether a penalty for
23 exceeding class size limitations shall apply, a federally funded
24 bilingual assistant shall not qualify as a teacher's assistant.

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

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

18 2. ~~On the date of filing of the school district budget with the~~
19 ~~State Equalization Board, the school district is voting the maximum~~
20 ~~millage allowable for the support, maintenance and construction of~~
21 ~~schools as provided for in subsections (a), (c), (d) and (d-1) of~~
22 ~~Section 9 of Article X of the Oklahoma Constitution and Section 10~~
23 ~~of Article X of the Oklahoma Constitution.~~

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

6 ~~K.~~ J. School districts which receive state-appropriated funds
7 pursuant to the provisions of Section 18-112.2 of this title and do
8 not comply with the provisions of this section shall be subject to
9 loss of State Aid for each child in excess of the class size
10 limitations as specified in this section.

11 SECTION 4. This act shall become effective November 1, 2022.

12
13 58-2-8969 EK 01/19/22
14
15
16
17
18
19
20
21
22
23
24