

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 HOUSE BILL 2009

 By: Davis

7 AS INTRODUCED

8 An Act relating to schools; amending 70 O.S. 2021,
9 Section 3-104.4, which relates to standards for
10 accreditation; modifying date to provide report on
11 statewide class sizes; amending 70 O.S. 2021,
12 Sections 18-113.1 and 18-113.2, which relate to class
13 size limitations; decreasing certain class size
14 limits; raising certain class size limits; providing
15 stipend for teachers with classes that fail to comply
16 with class size limitations; providing for
17 codification; providing an effective date; and
18 declaring an emergency.

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

17 SECTION 1. AMENDATORY 70 O.S. 2021, Section 3-104.4, is
18 amended to read as follows:

19 Section 3-104.4 A. The State Board of Education shall adopt
20 standards for the accreditation of the public schools in this state
21 according to the requirements of Section 3-104.3 et seq. of this
22 title, to be effective as set forth in Section 3-104.3 et seq. of
23 this title. The accreditation standards shall incorporate the
24 curricular standards established pursuant to Section 11-103.6 of

1 this title. The accreditation standards shall equal or exceed
2 nationally recognized accreditation standards to the extent that the
3 standards are consistent with an academic results oriented approach
4 to accreditation. The accreditation adopted by the ~~State~~ Board
5 shall encompass accreditation for elementary schools, middle
6 schools, junior high schools, and high schools. The accreditation
7 standards shall be made available for public inspection at the
8 offices of the State Department of Education.

9 B. Standards for accreditation adopted by the State Board of
10 Education shall include standards relating to the provision of
11 school counselors to the public school children of this state. The
12 State Board of Education shall require each local school district to
13 provide information regarding the number of counselors serving each
14 school site, the duties of all such counselors including all
15 administrative duties, the number of students served by each
16 counselor, and information regarding the number of counselors
17 employed per elementary school, middle school, junior high school
18 and high school.

19 C. Except as otherwise provided, schools shall meet the
20 accreditation standards as a condition of continued accreditation.
21 Nothing herein shall be construed as preventing changes to the
22 adopted standards by the State Board of Education pursuant to the
23 Administrative Procedures Act. The accreditation standards shall
24 provide for warnings, probation or nonaccredited status for schools

1 that fail to meet the standards. The Department shall investigate a
2 complaint of failure to provide educational services or failure to
3 comply with accreditation standards within thirty (30) days of
4 receiving the complaint. If the Department determines that a school
5 has failed to comply with the accreditation standards, the
6 Department shall report the recommended warning, probation or
7 nonaccredited accreditation status to the State Board of Education
8 within ninety (90) days. If a school does not take action to comply
9 with the accreditation standards within ninety (90) days after a
10 report is filed by the Department, the Board shall withdraw
11 accreditation for the school. The State Board accreditation
12 regulations shall provide for warnings and for assistance to schools
13 and school districts whenever there is reason to believe a school is
14 in danger of losing its state accreditation.

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

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

1 programs and emergency shelter programs for persons between the ages
2 of three (3) and twenty-one (21) years of age. The accreditation
3 standards shall apply to on-site and off-site educational services
4 provided by public school districts or state-accredited private
5 schools. Each school which is providing or is required to provide
6 educational services for students placed in a program as described
7 in this subsection shall be actively monitored by the State
8 Department of Education. The Department shall determine on an
9 ongoing basis if the educational program and services are in
10 compliance with the accreditation standards.

11 F. The ~~State~~ Board shall provide assistance to districts in
12 considering the possibility of meeting accreditation requirements
13 through the use of nontraditional means of instruction. The ~~State~~
14 Board shall also assist districts in forming cooperatives and making
15 arrangements for the use of satellite instruction or other
16 instructional technologies to the extent that use of such
17 instructional means meets accreditation standards.

18 G. 1. Accreditation shall not be withdrawn from or denied nor
19 shall a penalty be assessed against a school or school district for
20 failing to meet the media materials and equipment standards, media
21 program expenditure standards and media personnel standards as set
22 forth in the accreditation standards adopted by the Board.

23 2. The provisions of paragraph 1 of this subsection shall cease
24 to be effective during the fiscal year which begins on the July 1

1 immediately succeeding the legislative session during which the
2 measure appropriating monies to the State Board of Education for the
3 financial support of public schools is enacted as law and such
4 appropriation amount is at least Fifty Million Dollars
5 (\$50,000,000.00) greater than the amount of money appropriated to
6 the State Board of Education for the financial support of public
7 schools for the fiscal year ending June 30, 2019, pursuant to
8 Chapter 146, O.S.L. 2018. Provided, the Fifty Million Dollars
9 (\$50,000,000.00) shall not include any amount of appropriations
10 dedicated for support or certified employee salary increases.
11 Accreditation shall not be withdrawn from or denied nor shall a
12 penalty be assessed against a school or school district for failing
13 to meet the media personnel standards as set forth in accreditation
14 standards adopted by the Board.

15 H. 1. The ~~State~~ Board shall not assess a financial penalty
16 against any school district which is given a deficiency in
17 accreditation status during any fiscal year as provided for in this
18 subsection.

19 2. Beginning with the fiscal year which begins July 1, 2021, if
20 the amount of money appropriated to the State Board of Education for
21 the financial support of public schools including funds apportioned
22 pursuant to Section 2 of this act, is at least One Hundred Million
23 Dollars (\$100,000,000.00) greater than the amount of money
24 appropriated to the State Board of Education for the financial

1 support of public schools for the fiscal year ending June 30, 2019,
2 pursuant to Chapter 146, O.S.L. 2018, a financial penalty shall be
3 assessed against any school districts that do not comply with the
4 class size limitations for kindergarten as provided for in Section
5 18-113.2 of this title and class size limitations for grade one as
6 provided for in subsection A of Section 18-113.1 of this title.
7 Provided, the One Hundred Million Dollars (\$100,000,000.00) shall
8 not include any amount of appropriations dedicated for support or
9 certified employee salary increases.

10 3. The State Department of Education shall submit a report on
11 statewide ~~classroom~~ class sizes to the President Pro Tempore of the
12 Oklahoma State Senate and the Speaker of the Oklahoma House of
13 Representatives no later than January 1, ~~2022~~ 2024, and for each
14 year thereafter.

15 I. Except as provided for in subsection J of this section,
16 beginning with the 2019-2020 school year, evaluations of schools to
17 determine whether they meet the accreditation standards set forth in
18 accordance with this section shall occur once every four (4) years
19 on a schedule adopted by the State Board of Education. The Board
20 may interrupt the evaluation schedule provided in this subsection
21 for reasons including a change in the superintendent of the school
22 district; determination that one or more school district board
23 members have not met the continuing education requirements as
24 defined by this title; determination that the school district

1 falsified information submitted to any public city, county, state or
2 federal official or agency; initiation of an investigation by the
3 Board or a law enforcement agency; or other determination by the
4 Board that standards for accreditation are not being met by the
5 school district. The schedule adopted by the Board shall allow for
6 school districts receiving no deficiencies for two (2) consecutive
7 years to be reviewed for accreditation less than annually.

8 Provided, however, that schools shall be evaluated annually for the
9 purposes of:

- 10 1. Local, state and federal funding;
- 11 2. Health and safety;
- 12 3. Certification requirements for teachers, principals and
13 superintendents;
- 14 4. School board governance, including instructional and
15 continuing education requirements for school board members; and
- 16 5. Any other requirements under state or federal law.

17 J. Beginning with the 2019-2020 school year, if a public school
18 receives a deficiency on its accreditation report, the public school
19 shall be evaluated annually to determine if it meets the
20 accreditation standards set forth in accordance with this section.
21 If the public school receives no deficiencies for two (2)
22 consecutive years, the public school shall be subject to the
23 evaluation timeline established in subsection I of this section.

24

1 SECTION 2. AMENDATORY 70 O.S. 2021, Section 18-113.1, is
2 amended to read as follows:

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

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)~~ eighteen (18) 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:

- 13 a. the creation of an additional class would cause a
14 class to have fewer than ten (10) students~~+~~1 and
15 b. a teacher's assistant, as defined in Section 6-127 of
16 this title, is employed to serve with each teacher in
17 a class that exceeds the class size limitation
18 provided for in this subsection.

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.

23
24

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

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

8 b. ~~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 Incentive Aid
11 guarantee for the current school year times twenty
12 (20), and

13 c. ~~Sum~~ sum the products of subparagraphs a and b of this
14 paragraph.

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

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

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

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

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

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

24 1. Physical education; and

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

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

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

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

19 H. 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 18-113.2, is
2 amended to read as follows:

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

5 1. No child shall be included in the average daily membership
6 of a school district for the purpose of computing and paying state-
7 appropriated funds if that child is regularly assigned to a teacher
8 or to a class that includes more than ~~twenty (20)~~ eighteen (18)
9 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:

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

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

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

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

15 c. ~~Sum~~ sum the products of subparagraphs a and b of this
16 paragraph.

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

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

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 18-113.6 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 Beginning with the 2023-2024 school year and each school year
5 thereafter, a school district shall pay a teacher a stipend of One
6 Thousand Two Hundred Fifty Dollars (\$1,250.00) per extra student,
7 with a maximum stipend of Five Thousand Dollars (\$5,000.00) if the
8 teacher is responsible for the instruction of class that fails to
9 comply with the class size limitations as provided for in
10 subsections A of Section 18-113.2, A and B of Section 18-113.1 and C
11 of Section 113.3 of Title 70 of the Oklahoma Statutes.

12 SECTION 5. This act shall become effective July 1, 2023.

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

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18 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/22/2023
19 - DO PASS.
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