

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1560

By: Garvin

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2021, Sections 18-113.1, 18-113.2, 18-113.3, and 18-113.4, which relate to class size limitations; modifying date after which penalties are to be applied for exceeding certain class size limitations; modifying classes that are not subject to class size limitations; removing ability for State Board of Education to set certain date; updating statutory language; 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. 2021, Section 18-113.1, is amended to read as follows:

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 funds if that child is regularly assigned to a teacher 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<sup>+</sup>, 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~~ October 1 of the  
13 each school 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~~ multiply each pupil in excess of the class  
18 size membership limit as provided in this subsection  
19 by the grade level weight and by the Base Foundation  
20 Support Level for the current school year, ~~and~~

21 b. ~~Multiply~~ multiply each pupil in excess of the class  
22 size membership limit as provided in this subsection  
23 by the grade level weight and by the Salary Incentive  
24

1 Aid guarantee for the current school year times twenty  
2 (20), and

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

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

- 15 1. Physical education; ~~and~~
- 16 2. ~~Chorus, band, orchestra and similar music classes~~ Fine arts;
- 17 3. Careers/exploration; and
- 18 4. Library science.

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

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

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

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

1 school district is voting the maximum millage  
2 allowable for the support, maintenance, and  
3 construction of schools as provided for in subsections  
4 (a), (c), (d), and (d-1) of Section 9 of Article X of  
5 the Oklahoma Constitution and Section 10 of Article X  
6 of the Oklahoma Constitution.

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

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

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

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

21 1. No child shall be included in the average daily membership  
22 of a school district for the purpose of computing and paying state-  
23 appropriated funds if that child is regularly assigned to a teacher  
24 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<sup>+</sup>, 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~~ October 1 of the  
13 each school 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 of Equalization for the current school year and  
7 certifications by the Attorney General prior to  
8 February 1 of the current school year~~,~~ and

9 b. on the date of filing of the school district budget  
10 with the State ~~Equalization~~ Board of Equalization, the  
11 school district is voting the maximum millage  
12 allowable for the support, maintenance~~,~~ and  
13 construction of schools as provided for in subsections  
14 (a), (c), (d)~~,~~ and (d-1) of Section 9 of Article X of  
15 the Oklahoma Constitution and Section 10 of Article X  
16 of the Oklahoma 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~~ multiply each pupil in excess of the class  
21 size membership limit as provided in this subsection  
22 by the grade level weight and by the Base Foundation  
23 Support Level for the current school year, ~~and~~



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

6           c. ~~Sum~~ sum the products of subparagraphs a and b of this  
7           paragraph.

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

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

18          Section 18-113.3. A. Class size, as used in Section 18-113.1  
19          and Section 18-113.2 of this title, shall be determined by the  
20          average daily membership divided by the full-time equivalency of the  
21          instructional staff assigned to each grade level by site. Full-time  
22          equivalency of special education teachers, Chapter 1 teachers, and  
23          teachers of classes not subject to class size limitations and the  
24

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  
10 more than one hundred forty (140) students on any given six-hour  
11 school day. Class size count shall be taken ~~during the month of~~  
12 ~~October of each school year on a date set by the State Board of~~  
13 ~~Education on October 1.~~ 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~~ October 1 of the  
23 each school year.

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

12 2. Multiply the averaged number of the October 1 class size  
13 count of pupils which is in excess of the class size membership  
14 limit as provided for in subsection C of this section by the grade  
15 level weight and by the Salary Incentive Aid guarantee for the  
16 current school year times twenty (20); and

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

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

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

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

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

21 2. On the date of filing of the school district budget with the  
22 State ~~Equalization~~ Board of Equalization, the school district is  
23 voting the maximum millage allowable for the support, maintenance,  
24 and construction of schools as provided for in subsections (a), (c),  
25

1 (d),    and (d-1) of Section 9 of Article X of the Oklahoma  
2 Constitution and Section 10 of Article X of the Oklahoma  
3 Constitution.

4       J. 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       K. 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 as specified in this section.

14       SECTION 4.        AMENDATORY        70 O.S. 2021, Section 18-113.4, is  
15 amended to read as follows:

16       Section 18-113.4. A. Beginning with the 1997-98 school year,  
17 the penalties for exceeding class size limitations established in  
18 Sections 18-113.1, 18-113.2,    and 18-113.3 of this title shall not  
19 apply if the class size limitations, as set forth in ~~said~~ such  
20 sections, are exceeded beginning after ~~the first nine (9) weeks~~  
21 October 1 of ~~the~~ each school year. If the class size limitations  
22 are exceeded ~~during the first nine (9) weeks~~ prior to October 1 of  
23 any school year, the penalties shall apply.

1 B. For the purposes of calculating class size penalties  
2 established in Sections 18-113.1, 18-113.2, and 18-113.3 of this  
3 title, school districts shall use only the full-time-equivalency of  
4 the instructional staff who are under contract to work the full  
5 school year in question.

6 C. Beginning July 1, 2003, school districts that participate in  
7 consolidation or annexation pursuant to the provisions of the  
8 Oklahoma School ~~Voluntary~~ Consolidation and Annexation Act shall be  
9 exempt from the provisions of Sections 18-113.1, 18-113.2, and 18-  
10 113.3 of this title for the year in which the consolidation or  
11 annexation occurs and for the next five (5) fiscal years.

12 SECTION 5. This act shall become effective July 1, 2024.

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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