

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2539

By: Vaughn

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 1991, Section 1-116, as last amended by Section 1, Chapter 345, O.S.L. 1994 (70 O.S. Supp. 1995, Section 1-116), which relates to definitions of school system positions; modifying certain definitions; amending Section 1, Chapter 120, O.S.L. 1993 (70 O.S. Supp. 1995, Section 5-117b), which relates to interlocal cooperative agreements; providing for superintendent-sharing agreements; providing a financial incentive for superintendent-sharing agreements; stating qualification for financial incentive; providing for application; providing calculation of financial incentive; amending 70 O.S. 1991, Section 18-201, as last amended by Section 1, Chapter 359, O.S.L. 1994 (70 O.S. Supp. 1995, Section 18-201), which relates to State Aid; providing for calculation of financial incentive into State Aid Formula; providing for codification; 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. 1991, Section 1-116, as last amended by Section 1, Chapter 345, O.S.L. 1994 (70 O.S. Supp. 1995, Section 1-116), is amended to read as follows:

Section 1-116. As used in this act:

1. Teacher: Any person who is employed to serve as district superintendent, principal, supervisor, counselor, librarian, school nurse or classroom teacher, or in any other instructional, supervisory, or administrative capacity, is defined as a teacher. Such person shall not be deemed qualified unless ~~he or she~~ the person holds a valid certificate or license, issued by and in accordance with the rules ~~and regulations~~ of the State Board of Education, to perform the particular services for which ~~he or she~~ the person is employed.

2. Superintendent: A superintendent of schools shall be the executive officer of the board of education and the administrative head of the school system of a district maintaining an accredited school or the executive officer of the board of education and the administrative head of the school system of two or more school districts which have entered into an interlocal cooperative agreement pursuant to Section 5-117b of this title for the purpose of employing and sharing a superintendent, provided ~~he or she~~ the person holds an administrator's certificate recognized by the State Board of Education.

3. Principal: A principal shall be any person other than a district superintendent of schools having supervisory or administrative authority over any school or school building having two or more teachers. A teaching principal shall be a principal who devotes at least one-half the time school is in session to classroom teaching. Until July 1, 1993, teaching principals shall not be required to hold administrative certificates. Beginning July 1, 1993, teaching principals shall be required to hold administrative certificates.

4. For purposes of complying with the State Aid Law and other statutes which apportion money on the basis of teaching units or the number of teachers employed or qualified, all persons holding proper certificates or licenses and connected in any capacity with the instruction of pupils shall be designated as "teachers".

5. Entry-year Teacher: An entry-year teacher is any licensed teacher who is employed in a local school to serve as a classroom teacher under the guidance and assistance of a teacher consultant and an entry-year assistance committee. ~~Any such~~ The person shall have completed the program of the college or school of education of the accredited institution of higher learning from which the person has been graduated.

6. Student Teacher: A student teacher is any student who is enrolled in an institution of higher learning approved by the State Board of Education for teacher training and who is jointly assigned by such institution of higher learning and a school district's board of education to perform practice teaching under the direction of a regularly employed and certified teacher. A student teacher, while serving a nonsalaried internship under the supervision of a certified teacher, shall be accorded the same protection of the laws as that accorded the certified teacher.

7. A school nurse employed full time by a board of education shall be a registered nurse licensed by the Oklahoma State Board of Nurse Registration and Nursing Education, and certified the same as a teacher by the State Department of Education. ~~Provided that any~~ Any person who is employed as a full-time nurse in any school district in Oklahoma, but who is not registered on the effective date of this act, may continue to serve in the same capacity, however ~~such~~ the person shall, under rules ~~and regulations~~ adopted by the State Board of Education, attend classes in nursing and prepare to become registered.

A school nurse employed by a board of education shall be accorded the same protection of laws and all other benefits accorded a certified teacher.

8. Support Employee: A support employee shall be an employee who provides those services which are not performed by certified teachers, principals, superintendents or administrators and which are necessary for the efficient and satisfactory functioning of a school district.

SECTION 2. AMENDATORY Section 1, Chapter 120, O.S.L. 1993 (70 O.S. Supp. 1995, Section 5-117b), is amended to read as follows:

Section 5-117b. A. The boards of education of any two or more school districts may enter into an interlocal cooperative agreement for the purpose of jointly and comparatively performing any of the services, duties, functions, activities, obligations or responsibilities which are authorized or required by law to be performed by school districts of this state. An interlocal cooperative agreement may include, but not be limited to, an agreement between two or more school districts for the purpose of employing and sharing the services of a superintendent of schools.

As used in this section, "interlocal cooperative agreement" means an agreement which is entered into by the boards of education of two or more school districts pursuant to the provisions of this section. This section shall not prohibit school districts from entering into cooperative agreements authorized under Section 5-117 of this title or interfere with existing cooperative agreements between school districts. If the boards of education of any two or more school districts enter into an interlocal cooperative agreement the following conditions may apply:

1. An interlocal cooperative agreement shall establish a board of directors which shall be responsible for administering the joint or cooperative undertaking. The agreement shall specify the

organization, terms, and composition of, and manner of appointment to, the board of directors and shall make provision for restructuring or terminating the board upon partial or complete termination of the agreement. The board of directors shall be selected by the board of education of each contracting school district and may include but not be limited to a board member, administrator or teacher from each contracting school district. Vacancies in the membership of the board of directors shall be filled within thirty (30) days from the date of the vacancy in the manner specified in the agreement;

2. An interlocal cooperative agreement which is optional to school districts and shall be effective only after it is approved by the State Board of Education and the board of directors may be designated as a local education agency for some or all state and federal application, reporting and auditing procedures. An interlocal cooperative board of directors that has been designated as a local education agency shall comply with state and federal law and the regulations of the State Board of Education;

3. An interlocal cooperative agreement shall be subject to change or termination by a recommendation of the State Board of Education;

4. The duration of an interlocal cooperative agreement for joint or cooperative action in performing any of the services, duties, functions, activities, obligations or responsibilities, other than the provision of special education services, which are authorized or required by law of school districts in this state, shall be for a term of at least one (1) year. Notice of intent of a school district to withdraw from the cooperative agreement must be given no later than March 15 for the ensuing school year;

5. An interlocal cooperative agreement shall specify the method or methods to be employed for disposing of property upon partial or complete termination of the agreement;

6. Within the limitations provided by law, an interlocal cooperative agreement may be changed or modified by majority consent of the interlocal cooperative board of directors;

7. Except as otherwise specifically provided in this section, any powers, privileges or authority exercised or capable of being exercised by any school district of this state, or by any board of education thereof, may be jointly exercised pursuant to the provisions of an interlocal cooperative agreement. No powers, privileges or authority with respect to the levy and collection of taxes or the application for or receipt of State Aid formula money, or the issuance of bonds shall be created or effectuated for joint exercise pursuant to the provisions of an interlocal cooperative agreement; and

8. Payments from the general fund of each school district which enters into any interlocal cooperative agreement for the purpose of financing the joint or cooperative undertaking provided for by the agreement shall be operating expenses.

B. Nothing contained in this section shall be construed to abrogate, interfere with, impair, qualify or affect in any manner the exercise and enjoyment of all the powers, privileges and authority conferred upon school districts and boards of education by law, except that boards of education and school districts are required to comply with the provisions of this section when entering into an interlocal cooperative agreement that meets the definition of an interlocal cooperative agreement.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-117c of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Beginning with the 1997-98 school year, school districts in this state which enter into an interlocal cooperative agreement, pursuant to Section 5-117b of this title, for the purpose of jointly employing and sharing the services of a superintendent of schools

shall receive a financial incentive. The financial incentive shall be granted by the State Board of Education to each school district which can demonstrate to the Board that the district expended less money on administrative costs as a result of sharing a superintendent with one or more other school districts. To qualify for the financial incentive, the school district shall submit proof of lowered administrative costs to the Board on or before June 1. If approved, the school district shall receive the financial incentive for the next school year. Upon approval by the Board, each school district which qualifies under this section shall have ten (10) additional students added to the districts weighted average daily membership for that school year to be used in the calculation of State Aid as provided for in Section 18-200 of this title.

SECTION 4. AMENDATORY 70 O.S. 1991, Section 18-201, as last amended by Section 1, Chapter 359, O.S.L. 1994 (70 O.S. Supp. 1995, Section 18-201), is amended to read as follows:

Section 18-201. A. 1. The weighted average daily membership of a school district for calculation of Foundation Aid purposes pursuant to Section 18-200 of this title shall be the sum of the weighted pupil grade level calculation, the weighted pupil category calculation and the weighted district calculation. The weighted average daily membership of a school district for calculation of Salary Incentive Aid purposes pursuant to Section 18-200 of this title shall be the sum of the weighted pupil grade level calculation, the weighted pupil category calculation, the weighted district calculation, and the weighted teacher experience and degree calculation.

2. Beginning with the 1997-98 school year, for the purpose of providing a financial incentive for qualifying school districts that have expended less money on administrative costs as a result of sharing a superintendent as provided for in Section 3 of this act, the weighted average daily membership of a school district for

calculation of Foundation Aid and Salary Incentive Aid pursuant to Section 18-200 of this title shall be the sum of the weighted pupil grade level calculation, the weighted district calculation plus an additional ten (10) unweighted average daily membership.

B. The weighted calculations provided for in subsection A of this section shall be determined as follows:

1. The weighted pupil grade level calculation shall be determined by taking the highest average daily membership of the preceding two (2) years of a school district and assigning weights to the pupils according to grade attended as follows:

GRADE LEVEL	WEIGHT
a. Early childhood programs	.5
b. Kindergarten	1.3
c. First and second grade	1.351
d. Third grade	1.051
e. Fourth through sixth grade	1.0
f. Seventh through twelfth grade	1.2

Multiply the membership of each grade by the weight assigned to such grade and add the totals together to determine the weighted pupil grade level calculation for a school district. Determination of the pupils eligible for the early childhood program weight shall be pursuant to the provisions of Section 1-114 of this title. No child for whom tuition is paid pursuant to the provisions of Section 1-114 of this title may be included in the average daily membership of the district providing the early childhood program.

2. The weighted pupil category calculation shall be determined by assigning a weight to the pupil category as follows:

CATEGORY	WEIGHT
a. Vision Impaired	3.8
b. Learning Disabilities	.4

c. Hearing Impaired	2.9
d. Deaf and Blind	3.8
e. Educable Mentally Handicapped	1.3
f. Emotionally Disturbed	2.5
g. Gifted	.34
h. Multiple Handicapped	2.4
i. Physically Handicapped	1.2
j. Speech Impaired	.05
k. Trainable Mentally Handicapped	1.3
l. Bilingual	.25
m. Special Education Summer Program	1.2
n. Economically Disadvantaged	.25
o. Optional Extended School Year Program	

As determined by
the State Board
of Education

Except as otherwise provided, multiply the number of pupils approved in the preceding school year in each category by the weight assigned to such category and add the totals together to determine the weighted pupil category calculation for a school district. For the 1995-96 school year the number to be multiplied by the weight assigned to the gifted category in subparagraph g of this paragraph shall be the lesser of (1) the sum of the number of students who scored in the top three percent (3%) on any national standardized test of intellectual ability plus the number of students identified as gifted pursuant to subparagraphs a through d of paragraph 1 of Section 1210.301 of this title or (2) the sum of the number of students who scored in the top three percent (3%) on any national standardized test of intellectual ability plus twelve percent (12%) of the total average daily membership of the school district for the preceding school year. For the 1996-97 school year and subsequent

school years the number to be multiplied by the weight assigned to the gifted category in subparagraph g of this paragraph shall be the lesser of (1) the sum of the number of students who scored in the top three percent (3%) on any national standardized test of intellectual ability plus the number of students identified as gifted pursuant to subparagraphs a through d of paragraph 1 of Section 1210.301 of this title or (2) the sum of the number of students who scored in the top three percent (3%) on any national standardized test of intellectual ability plus eight percent (8%) of the total average daily membership of the school district for the preceding school year.

3. The weighted district calculation shall be determined by determining the calculations for each school district for both the small school district formula and the district sparsity - isolation formula, applying whichever is the greater of the calculations of the two formulas and then applying the restrictions pursuant to subparagraph c of this paragraph.

a. Small school district formula: $529 \text{ minus total average daily membership divided by } 529 \text{ times } .2 \text{ times total average daily membership.}$

The small school district formula calculation shall apply only to school districts whose highest average daily membership of the preceding two (2) years is less than 529 pupils. School districts which are consolidated or annexed after August 19, 1991, pursuant to the Oklahoma School Consolidation and Annexation Act shall have the weighted district size calculation for the two (2) school years following the fiscal year in which such consolidation occurred calculated to be the sum of the individual consolidated districts computed as if the consolidation had not taken place. Thereafter, any such district which is consolidated pursuant to the Oklahoma School Consolidation

and Annexation Act shall not qualify for the weighted district calculation unless the district can satisfy the specifications herein. Subject to the provisions of subparagraph c of this paragraph, the resulting number shall be counted as additional students for the purpose of calculating State Aid.

b. District sparsity - isolation formula:

The district sparsity - isolation formula calculation shall apply only to school districts:

- (1) whose total area in square miles is greater than the average number of square miles for all school districts in this state; and
- (2) whose areal density is less than one-fourth (1/4) of the state average areal density. Areal density shall be determined by dividing the school district's average daily membership by the school district's total area in square miles.

The district sparsity - isolation formula calculation shall be calculated as follows:

The school district student cost factor multiplied by the school district area factor. The resulting product shall be multiplied by the school district's average daily membership. Subject to the provisions of subparagraph c of this paragraph, the resulting number shall be counted as additional students for the purpose of calculating State Aid.

The school district student cost factor shall be calculated as follows:

The school district's average daily membership shall be categorized into the following grade level groups and applied to the appropriate formulas as computed below:

Grade Level Group

Grades K-5 Divide 74 by the sum of the Grade Level ADM plus 23, add .85 to the quotient, then multiply the sum by the Grade Level ADM.

Grades 6-8 Divide 122 by the sum of the Grade Level ADM plus 133, add .85 to the quotient, then multiply the sum by the Grade Level ADM.

Grades 9-12 Divide 292 by the sum of the Grade Level ADM plus 128, add .78 to the quotient, then multiply the sum by the Grade Level ADM.

The sum of the grade level group's average daily membership shall be divided by the school district's average daily membership. The number one (1.0) shall be subtracted from the resulting quotient.

The school district area cost factor shall be calculated as follows:

Subtract the state average district area from the district area, then divide the remainder by the state average district area;

however, the district area cost factor shall not exceed one (1.0).

The State Board of Education shall define geographical barriers whose location in a school district would inhibit the district from consolidation or annexation. The Board shall make available an application process, review applications, and for districts the Board deems necessary allow additional square miles to be used for the purposes of calculations used for the weighted district sparsity-isolation formula. Provided that the additional square miles

allowed for geographical barriers shall not exceed thirty percent (30%) of the district's actual size.

c. State Aid funds which a district is calculated to receive as a result of the weighted district calculation shall be restricted as follows:

(1) If after the weighted district calculation is applied, the district's projected per pupil revenue exceeds one hundred fifty percent (150%) of the projected state average per pupil revenue then the district's State Aid shall be reduced by an amount that will restrict the district's projected per pupil revenue to one hundred fifty percent (150%) of the projected state average per pupil revenue. Provided, in applying the restriction provided in this division, the district's State Aid shall not be reduced by an amount greater than by the amount of State Aid which was generated by the weighted district calculation.

Projected per pupil revenue shall be determined by dividing the highest of the district's preceding two years average daily membership (ADM) as weighted by the pupil grade level, the pupil category, the district and the teacher experience degree index calculations for projected State Aid into the district's projected total revenues including projected funds for the current State Aid Formula, net assessed valuation for the preceding calendar year times thirty-nine (39) mills, county revenues of the second preceding year, other state appropriations for the preceding year and the collections for the second preceding year of state apportionment, motor vehicle

revenue, gross production tax and R.E.A. tax. The district's projected total revenues shall exclude the following collections for the second preceding year: federal revenue, insurance loss payments, reimbursements, recovery of overpayments and refunds, unused reserves, prior expenditures recovered, prior year surpluses, and other local miscellaneous revenues.

4. The weighted teacher experience and degree calculation shall be determined in accordance with the teacher experience and degree index. The State Department of Education shall determine an index for each state teacher by using data supplied in the school district's teacher personnel reports of the preceding year and utilizing the index as follows:

TEACHER EXPERIENCE - DEGREE INDEX

EXPERIENCE	BACHELOR'S DEGREE	MASTER'S DEGREE	DOCTOR'S DEGREE
0 - 2	.7	.9	1.1
3 - 5	.8	1.0	1.2
6 - 8	.9	1.1	1.3
9 - 11	1.0	1.2	1.4
12 - 15	1.1	1.3	1.5
Over 15	1.2	1.4	1.6

The school district teacher index for each school district shall be determined by subtracting the weighted average state teacher from the weighted average district teacher. Multiply the school district teacher index if greater than zero by .7 and then multiply that product by the sum of the district's weighted pupil grade level calculation provided in paragraph 1 of this subsection and the weighted pupil category calculation provided in subparagraph n of paragraph 2 of this subsection to determine the weighted teacher experience and degree calculation.

SECTION 5. This act shall become effective July 1, 1996.

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

45-2-8966

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