

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 3213

By: Paulk

AS INTRODUCED

An Act relating to deaf or hard-of-hearing persons; amending 7 O.S. 1991, Section 19.1, as amended by Section 1, Chapter 122, O.S.L. 1992 (7 O.S. Supp. 1997, Section 19.1), which relates to guide dogs; amending Section 2, Chapter 408, O.S.L. 1997 and Section 5, Chapter 408, O.S.L. 1997 (17 O.S. Supp. 1997, Sections 139.102 and 139.105), which relate to the Oklahoma Telecommunications Act of 1997; amending 43A O.S. 1991, Sections 3-501, 3-502 and 3-503, which relate to the Oklahoma Comprehensive Mental Health Services for the Deaf and Hard-of-Hearing; amending 47 O.S. 1991, Sections 6-106, as last amended by Section 1, Chapter 325, O.S.L. 1997, and 6-111, as last amended by Section 3, Chapter 193, O.S.L. 1997 (47 O.S. Supp. 1997, Sections 6-106 and 6-111), which relate to driver licenses; amending 56 O.S. 1991, Sections 199.1, as amended by Section 12, Chapter 364, O.S.L. 1993, and 199.2, as amended by Section 13, Chapter 364, O.S.L. 1993 (56 O.S. Supp. 1997, Sections 199.1 and 199.2), which relate to the Commission for Rehabilitative Services; amending 63 O.S. 1991, Sections 2416, 2417, as last amended by Section 13, Chapter 315, O.S.L. 1994, 2418, as amended by

Section 14, Chapter 315, O.S.L. 1994, and Section 15, Chapter 315, O.S.L. 1994 (63 O.S. Supp. 1997, Sections 2417, 2418 and 2418.1), which relate to the Telecommunications for the Deaf and Hard-of-Hearing Act; amending 70 O.S. 1991, Section 18-109.5, which relates to special education; amending 70 O.S. 1991, Section 18-201, as last amended by Section 5, Chapter 215, O.S.L. 1996, and Section 6, Chapter 215, O.S.L. 1996, as amended by Section 5, Chapter 343, O.S.L. 1997 (70 O.S. Supp. 1997, Sections 18-201 and 18-201.1), which relate to school district membership calculations; amending 70 O.S. 1991, Section 1745, which relates to the Oklahoma School for the Deaf; amending 74 O.S. 1991, Section 324.11b, which relates to hotels and motels; amending 74 O.S. 1991, Section 840.19a, as renumbered by Section 54, Chapter 242, O.S.L. 1994 (74 O.S. Supp. 1997, Section 840-4.4), which relates to sign language; changing the words hearing impaired when they occur in the statute to deaf or hard-of-hearing; and providing an effective date.

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

SECTION 1. AMENDATORY 7 O.S. 1991, Section 19.1, as amended by Section 1, Chapter 122, O.S.L. 1992 (7 O.S. Supp. 1997, Section 19.1), is amended to read as follows:

Section 19.1 A. Any blind, ~~deaf, or~~ physically handicapped, deaf or hard-of-hearing person who is a passenger on any common carrier, airplane, motor vehicle, railroad train, motorbus,

streetcar, boat, or any other public conveyance or mode of transportation operating within ~~the State of Oklahoma~~ this state or any dog trainer from a recognized training center when in the act of training guide, signal, or service dogs shall be entitled to have with him a guide, signal, or service dog specially trained or being trained for that purpose, without being required to pay an additional charge therefor, but shall be liable as hereafter set forth in subsection B of this section.

B. A blind, ~~deaf, or~~ physically handicapped, deaf or hard-of-hearing person and his guide, signal, or service dog or a dog trainer from a recognized training center in the act of training guide, signal, or service dogs shall not be denied admittance to or refused access to any of the following because of such dog: Any street, highway, sidewalk, walkway, any common carrier, airplane, motor vehicle, railroad train, motor bus, streetcar, boat, or any other public conveyance or mode of transportation, hotel, motel, or other place of lodging, public building maintained by any unit or subdivision of government, building to which the general public is invited, college dormitory and other educational facility, restaurant or other place where food is offered for sale to the public, or any other place of public accommodation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited within the State of Oklahoma. Such blind, ~~deaf, or~~ physically handicapped, deaf or hard-of-hearing person or dog trainer from a recognized training center in the act of training guide, signal, or service dogs shall not be required to pay any additional charges for his guide, signal, or service dog, but shall be liable for any damage done to the premises by said dog.

C. ~~Such~~ A dog used by a deaf or hard-of-hearing person shall be required to wear an orange identifying collar.

D. For the purposes of this section and Section 113.1 of Title 41 of the Oklahoma Statutes:

1. "Physically handicapped person" means any person who has a physical impairment which severely and permanently restricts mobility of two or more extremities, or who is so severely disabled as to be unable to move without the aid of a wheelchair;

2. "Service dog" means any dog individually trained to the physically handicapped person's requirements; and

3. "Signal dog" means any dog trained to alert a deaf or hard-of-hearing person, ~~or person whose hearing is impaired,~~ to intruders or sounds.

SECTION 2. AMENDATORY Section 2, Chapter 408, O.S.L. 1997 (17 O.S. Supp. 1997, Section 139.102), is amended to read as follows:

Section 139.102 As used in the Oklahoma Telecommunications Act of 1997:

1. "Access line" means the facility provided and maintained by a telecommunications service provider which permits access to or from the public switched network;

2. "Commission" means the Corporation Commission of this state;

3. "Competitive local exchange carrier" or "CLEC" means, with respect to an area or exchange, a telecommunications service provider that is certificated by the Commission to provide local exchange services in that area or exchange within the state after July 1, 1995;

4. "Competitively neutral" means not advantaging or favoring one person over another;

5. "End User Common Line Charge" means the flat-rate monthly interstate access charge required by the Federal Communications Commission that contributes to the cost of local service;

6. "Enhanced service" means a service that is delivered over communications transmission facilities and that uses computer processing applications to:

- a. change the content, format, code, or protocol of transmitted information,
- b. provide the customer new or restructured information, or
- c. involve end-user interaction with information stored in a computer;

7. "Exchange" means a geographic area established by an incumbent local exchange telecommunications provider as filed with or approved by the Commission for the administration of local telecommunications service in a specified area which usually embraces a city, town, or village and its environs and which may consist of one or more central offices together with associated plant used in furnishing telecommunications service in that area;

8. "Facilities" means all the plant and equipment of a telecommunications service provider, including all tangible and intangible real and personal property without limitation, and any and all means and instrumentalities in any manner owned, operated, leased, licensed, used, controlled, furnished, or supplied for, by, or in connection with the regulated business of any telecommunications service provider;

9. "Incumbent local exchange telecommunications service provider" or "ILEC" means, with respect to an area or exchanges, any telecommunications service provider furnishing local exchange service in such area or exchanges within this state on July 1, 1995, pursuant to a certificate of convenience and necessity or grandfathered authority;

10. "Interexchange telecommunications carrier" or "IXC" means any person, firm, partnership, corporation or other entity, except an incumbent local exchange telecommunications service provider,

engaged in furnishing regulated interexchange telecommunications services under the jurisdiction of the Commission;

11. "Internet" means the international research-oriented network comprised of business, government, academic and other networks;

12. "Local exchange telecommunications service" means a regulated switched or dedicated telecommunications service which originates and terminates within an exchange or an exchange service territory. Local exchange telecommunications service may be terminated by a telecommunications service provider other than the telecommunications service provider on whose network the call originated. The local exchange service territory defined in the originating provider's tariff shall determine whether the call is local exchange service;

13. "Local exchange telecommunications service provider" means a company holding a certificate of convenience and necessity from the Commission to provide local exchange telecommunications service;

14. "Not-for-profit hospital" means a municipal, county or state government-owned, not-for-profit hospital, that is primarily funded by county, state or federal support, which is located in the state and is devoted primarily for the maintenance and operation of facilities for the diagnosis, treatment or care of patients admitted overnight or longer in order to obtain medical care, surgical care or obstetrical care;

15. "Oklahoma High Cost Fund" means the fund established by the Commission in Cause Nos. PUD 950000117 and 950000119;

16. "Oklahoma Lifeline Fund" means the fund established and required to be implemented by the Commission pursuant to Section 5 139.105 of this ~~act~~ title;

17. "Oklahoma Universal Service Fund" means the fund established and required to be implemented by the Commission pursuant to Section 6 139.106 of this ~~act~~ title;

18. "Person" means any individual, partnership, association, corporation, governmental entity, public or private organization of any character, or any other entity;

19. "Primary universal service" means an access line and dial tone provided to the premises of residential or business customers which provides access to other lines for the transmission of two-way switched or dedicated communication in the local calling area without additional, usage-sensitive charges, including:

- a. a primary directory listing,
- b. dual-tone multifrequency signaling,
- c. access to operator services,
- d. access to directory assistance services,
- e. access to telecommunications relay services for the ~~hearing-impaired~~ deaf or hard-of-hearing,
- f. access to nine-one-one service where provided by a local governmental authority or multijurisdictional authority, and
- g. access to interexchange long distance services;

20. "Public library" means a library or library system that is freely open to all persons under identical conditions and which is supported in whole or in part by public funds. Public library shall not include libraries operated as part of any university, college, school museum, the Oklahoma Historical Society or county law libraries;

21. "Public school" means all free schools supported by public taxation, and shall include grades kindergarten through twelve;

22. "Regulated telecommunications service" means the offering of telecommunications for a fee directly to the public where the rates for such service are regulated by the Commission. Regulated telecommunications service does not include the provision of nontelecommunications services, including, but not limited to, the printing, distribution, or sale of advertising in telephone

directories, maintenance of inside wire, customer premises equipment, and billing and collection service, nor does it include the provision of wireless telephone service, enhanced service, and other unregulated services, including services not under the jurisdiction of the Commission, and services determined by the Commission to be competitive;

23. "Special Universal Services" means the telecommunications services supported by the OUSF which are furnished to public schools, public libraries, not-for-profit hospitals and county seats as provided for in Section ~~9~~ 139.109 of this ~~act~~ title;

24. "Tariff" means all or any part of the body of rates, tolls, charges, classifications, and terms and conditions of service relating to regulated services offered, the conditions under which offered, and the charges therefor, which have been filed with the Commission and have become effective;

25. "Telecommunications" means the transmission, between or among points specified by the user, of voice or data information of the user's choosing, without change in the form or content of the information as sent and received;

26. "Telecommunications carrier" means a person that provides telecommunications service in this state;

27. "Telecommunications service" means the offering of telecommunications for a fee;

28. "Universal service area" has the same meaning as the term "service area" as defined in 47 U.S.C., Section 214(e)(5); and

29. "Wire center" means a geographic area normally served by a central office.

SECTION 3. AMENDATORY Section 5, Chapter 408, O.S.L. 1997 (17 O.S. Supp. 1997, Section 139.105), is amended to read as follows:

Section 139.105 A. Each local exchange telecommunications service provider shall file tariffs with the Corporation Commission

implementing a program to provide a full waiver of the End User Common Line Charge and a credit equal to the End User Common Line Charge on the monthly basic service rate of qualifying customers. Eligibility criteria for this program shall comply with the provisions of 47 C.F.R., Section 69.104(k) (1) and shall be limited to customers who:

1. Are eligible for or receive assistance or benefits, as certified by the Department of Human Services, under programs providing:

- a. Temporary Assistance to Needy Families,
- b. Food Stamps,
- c. Medical Assistance, or
- d. Supplemental Security Income;

2. Are eligible for or receive assistance or benefits, as certified by the State Department of Rehabilitation Services, under programs providing vocational rehabilitation, including, but not limited to, aid to the ~~hearing impaired~~ deaf or hard-of-hearing; or

3. Are eligible for or receive assistance or benefits, as certified by the Oklahoma Tax Commission, pursuant to the Sales Tax Relief Act, ~~Section 5011 et seq. of Title 68 of the Oklahoma Statutes.~~

B. There is hereby created within the Corporation Commission the "Oklahoma Lifeline Fund". The Commission shall administer and maintain the Oklahoma Lifeline Fund to help ensure that low-income Oklahomans are provided financial assistance in maintaining basic local exchange telecommunications service. Proceeds from the Oklahoma Lifeline Fund shall be distributed to all local exchange telecommunications service providers who are required to file lifeline tariffs.

C. The Oklahoma Lifeline Fund charges shall be levied, collected, and administered pursuant to Section 7 139.107 of this act title. Telecommunications carriers may, at their option,

recover from their retail customers who are not eligible for lifeline assistance, on an equitable basis, the amount of the lifeline charges paid by the carrier. The Oklahoma Lifeline Fund charges shall not be subject to state or local taxes or franchise fees.

D. An eligible telecommunications carrier may not receive reimbursements from the Oklahoma Lifeline Fund unless it demonstrates that its rates have been reduced by an amount equal to the amount of the Lifeline payments which have been previously included in the rate structure of the carrier. A carrier shall be eligible for support from the Oklahoma Lifeline Fund for any amount which is greater than the amount which has been previously included in the rate structure of the carrier.

SECTION 4. AMENDATORY 43A O.S. 1991, Section 3-501, is amended to read as follows:

Section 3-501. Sections 3-501 through 3-503 of the Mental Health Law shall be known and may be cited as the "Oklahoma Comprehensive Mental Health Services for the Deaf and ~~Hearing Impaired~~ Hard-of-Hearing Act".

SECTION 5. AMENDATORY 43A O.S. 1991, Section 3-502, is amended to read as follows:

Section 3-502. A. The Commissioner of Mental Health and Substance Abuse Services shall establish a program to provide comprehensive inpatient and outpatient mental health care and treatment for deaf and ~~hearing-impaired~~ hard-of-hearing individuals, and their families who need such services. For purposes of the Oklahoma Comprehensive Mental Health Services for the Deaf and ~~Hearing Impaired~~ Hard-of-Hearing Act, the term "individuals" shall include adults and children.

B. ~~On or before December 31, 1986,~~ a A director for said program shall be appointed by the Commissioner of Mental Health and Substance Abuse Services. Said appointment shall be made after

consultation with the advisory Committee established pursuant to Section 3-503 of the Mental Health Law and with the advice and approval of the Board of Mental Health and Substance Abuse Services.

1. The Director shall be a trained professional from the field of deafness or a psychiatrist, physician, licensed clinical psychologist, licensed clinical social worker, psychiatric nurse who possesses professional training and expertise in the field of deafness or have other similar professional qualifications, shall have a minimum of three (3) years of clinical mental health, adequate administrative experience as determined by the Commissioner, and shall meet the qualifications for professional staff established pursuant to subsection D of this section.

2. The Director shall prepare, in consultation with the advisory committee, a plan for the implementation of the Oklahoma Comprehensive Mental Health Services for the Deaf and ~~Hearing Impaired~~ Hard-of-Hearing Act. ~~On or before May 1, 1987, said plan shall be submitted to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and such legislative committees as the Speaker of the House of Representatives and the President Pro Tempore of the Senate designate for review.~~

The Director shall be responsible for the administration and supervision of the program established pursuant to the provisions of subsection A of this section.

C. Said program shall include but not be limited to the following:

1. Inpatient and outpatient treatment; and
2. Evaluation, diagnostic, and information resource services for mental health care for deaf and ~~hearing-impaired~~ hard-of-hearing individuals and their families; and

3. Cooperation with state-supported community mental health programs and other community mental health programs and services in order to provide mental health care throughout the state for deaf

and ~~hearing-impaired~~ hard-of-hearing individuals and their families;
and

4. Services to aid deaf and ~~hearing-impaired~~ hard-of-hearing individuals who are committed to mental health facilities in making the transition from inpatient care to independent existence outside of the facility. In counties having a population of not less than two hundred fifty thousand (250,000) according to the last preceding Federal Decennial Census, the program shall include transitional living facilities as well as outpatient transitional services provided through community mental health centers.

D. The professional staff of the program shall:

1. Have experience in techniques of assessing the mental health problems of deaf and ~~hearing-impaired~~ hard-of-hearing individuals and their families and in individual and group psychotherapy with deaf and ~~hearing-impaired~~ hard-of-hearing individuals and their families; and

2. Have specialized training in the psychosocial aspects of deafness and in therapeutic work with deaf and ~~hearing-impaired~~ hard-of-hearing individuals in mental health facilities; and

3. Be fluent in receptive and expressive manual communication including but not limited to American Sign Language, or reach a level of fluency in said communication acceptable to the Director of the unit within one (1) year of being employed.

~~E. On or before December 31, 1987, the program established pursuant to the provisions of this section shall be fully implemented by the Commissioner of Mental Health and Substance Abuse Services and the Board of Mental Health and Substance Abuse Services.~~

SECTION 6. AMENDATORY 43A O.S. 1991, Section 3-503, is amended to read as follows:

Section 3-503. A. There is hereby established an advisory committee to the Commissioner of Mental Health and Substance Abuse

Services which shall be consulted with regard to the administration of the Oklahoma Comprehensive Mental Health Services for the Deaf and ~~Hearing Impaired~~ Hard-of-Hearing Act. The advisory committee shall be composed of thirteen (13) members each of whom shall serve a term of five (5) years.

1. Subject to the approval of the Board of Mental Health and Substance Abuse Services, the Commissioner of Mental Health and Substance Abuse Services shall appoint nine of the members. Vacancies in these nine positions shall be filled by appointment by the Commissioner of Mental Health and Substance Abuse Services, subject to approval by the Board of Mental Health and Substance Abuse Services. The members appointed by the Commissioner of Mental Health and Substance Abuse Services shall include four members who shall be mental health professionals, two of whom shall have professional training and experience in the mental health treatment of deaf and ~~hearing-impaired~~ hard-of-hearing individuals, one member who shall be the parent of a deaf or ~~hearing-impaired~~ hard-of-hearing child, two members of whom represent community service agencies for the deaf and hard-of-hearing, and two persons who are knowledgeable in the field of education of the deaf and ~~hearing-impaired~~ hard-of-hearing.

2. The Director of the Department of Human Services or his designee shall serve as a member of the advisory committee.

3. The Director of the Department of Human Services shall appoint three members who shall be deaf or ~~hearing-impaired~~ hard-of-hearing persons subject to the approval of the Oklahoma Association of the Deaf. Vacancies in these three positions shall be filled by appointment by the Director of the Department of Human Services subject to the approval of the Oklahoma Commission for Human Services.

4. Members shall serve without compensation but may be reimbursed for all reasonable and necessary travel expenses actually

incurred in the performance of their duties in accordance with the provisions of the State Travel Reimbursement Act.

B. The Commissioner of Mental Health and Substance Abuse Services, after consultation with the advisory committee, shall:

1. Determine the policies to be followed in the operation and management of facilities operated pursuant to the program established by the Oklahoma Comprehensive Mental Health Services for the Deaf and ~~Hearing-Impaired~~ Hard-of-Hearing Act; and

2. ~~Adopt~~ Promulgate rules and ~~regulations~~ concerning the admission of patients to ~~said~~ the program; and

3. Enter into contractual arrangements for the operation of the facilities for ~~said~~ the program.

SECTION 7. AMENDATORY 47 O.S. 1991, Section 6-106, as last amended by Section 1, Chapter 325, O.S.L. 1997 (47 O.S. Supp. 1997, Section 6-106), is amended to read as follows:

Section 6-106. A. Every application for a driver's license shall be made upon a form furnished by the Department of Public Safety.

B. Every application for a driver's license shall state the full name, date of birth, sex and residence address of the applicant, whether the applicant is deaf or ~~hearing-impaired~~ hard-of-hearing, the license plate number and state by which the license plate is issued for up to two (2) vehicles owned by the applicant, and shall briefly describe the applicant. The application shall also state whether the applicant has previously been licensed, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal. Every application for a commercial driver's license shall contain the applicant's social security number.

C. Whenever application is received from a person previously licensed in another jurisdiction, the Department shall request a copy of the driving record from such other jurisdiction. When received, the driving record shall become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

D. Whenever the Department receives a request for a driver's record from another licensing jurisdiction, the record shall be forwarded without charge.

E. If an applicant for a driver's license owns a vehicle which is not currently registered pursuant to the Oklahoma Vehicle License and Registration Act, ~~Section 1101 et seq. of this title,~~ the application shall be denied unless the applicant submits an affidavit to the effect that the applicant is not a resident of this state. The Department of Public Safety and the Oklahoma Tax Commission shall promulgate rules to administer the provisions of this subsection.

SECTION 8. AMENDATORY 47 O.S. 1991, Section 6-111, as last amended by Section 3, Chapter 193, O.S.L. 1997 (47 O.S. Supp. 1997, Section 6-111), is amended to read as follows:

Section 6-111. A. The Department of Public Safety shall, upon payment of the required fee, issue to every applicant qualifying therefor a Class A, B, C or D license or identification card as applied for, which license or card shall bear thereon a distinguishing number assigned to the licensee or cardholder, date of issuance and date of expiration of the license or card, the full name, signature, date of birth, mailing address, sex, and a color photograph of the licensee or cardholder. The Department may cancel the distinguishing number, when that distinguishing number is another person's Social Security number, assign a new distinguishing number, and issue a new license or identification card without

charge to the licensee or cardholder. The Department may promulgate rules for inclusion of the height and a brief description of the licensee or cardholder on the face of the card or license, and for the provision of a small decal for attachment to the card or license, identifying the licensee or cardholder as deaf or ~~hearing impaired~~ hard-of-hearing. The Department of Public Safety may authorize all motor license agents to accept applications for the license or card immediately upon payment of the required fee in accordance with the rules promulgated by the Department of Public Safety. The Department of Public Safety shall develop an alternative procedure whereby an individual applying for a new or renewal Class D license who satisfactorily demonstrates to the Department the inability to appear personally to be photographed, shall be issued a license or card bearing the words "Valid Without Photo"; provided, however, only persons with legitimate religious objection to being photographed may be issued a new or renewal Class A, B or C license without a photograph and bearing the words "Valid Without Photo".

B. The Department may issue a temporary permit to an applicant for a driver license permitting such applicant to operate a motor vehicle while the Department is completing its investigation and determination of all facts relative to such applicant's privilege to receive a license. Such permit must be in the immediate possession of the driver while operating a motor vehicle, and it shall be invalid when the applicant's driver license has been issued or for good cause has been refused.

C. The Department may issue a restricted commercial driver license to seasonal drivers eighteen (18) years of age or older for any of the following specific farm-related service industries:

1. Farm retail outlets and suppliers;
2. Agri-chemical businesses;
3. Custom harvesters; and

4. Livestock feeders.

The applicant shall hold a valid Oklahoma driver license and shall meet all the requirements for a commercial driver license except for the commercial driver license skills and knowledge tests. The restricted commercial driver license shall not exceed a total of one hundred eighty (180) days within any twelve-month period.

The restricted commercial driver license shall not be valid for operators of commercial motor vehicles beyond one hundred fifty (150) miles from the place of business or the farm currently being served. Such license shall be limited to Class B and Class C vehicles. Holders of such licenses who transport hazardous materials which are required to be placarded shall be limited to the following:

1. Diesel fuel in quantities of one thousand (1,000) gallons or less;
2. Liquid fertilizers in vehicles with total capacities of three thousand (3,000) gallons or less; and
3. Solid fertilizers that are not mixed with any organic substance.

No other placarded hazardous materials shall be transported by holders of said licenses.

SECTION 9. AMENDATORY 56 O.S. 1991, Section 199.1, as amended by Section 12, Chapter 364, O.S.L. 1993 (56 O.S. Supp. 1997, Section 199.1), is amended to read as follows:

Section 199.1 The Commission for Rehabilitation Services shall:

1. Promote the coordination of efforts and services on behalf of the deaf and ~~hearing-impaired~~ hard-of-hearing;
2. Inventory the various services available for meeting the problems of the deaf and ~~hearing-impaired~~ hard-of-hearing and assist persons in locating and securing such services;
3. Collect studies, compile bibliographies, gather information and conduct research with respect to the education, training,

counseling, placement and social and economic adjustment of the deaf and ~~hearing-impaired~~ hard-of-hearing and with respect to the causes, diagnosis, treatment and methods of prevention of impaired hearing;

4. Keep informed of and cooperate with federal, state and local programs available for the improvement of the general welfare of deaf and ~~hearing-impaired~~ hard-of-hearing persons;

5. Appoint advisory or special committees when appropriate for in-depth investigations and study of particular problems and to receive reports of findings and recommendations; and

6. Make recommendations to the Governor and the Legislature with respect to modifications in existing services or establishment of additional services for deaf or ~~impaired-hearing~~ hard-of-hearing persons.

SECTION 10. AMENDATORY 56 O.S. 1991, Section 199.2, as amended by Section 13, Chapter 364, O.S.L. 1993 (56 O.S. Supp. 1997, Section 199.2), is amended to read as follows:

Section 199.2 A. The Commission for Rehabilitation Services is hereby directed, in carrying out its functions, to cooperate with the appropriate commissions and state agencies having authority related to the problems of the deaf and ~~hearing-impaired~~ hard-of-hearing persons. These agencies are likewise directed to cooperate with the Commission for Rehabilitation Services in carrying out its functions.

B. The State Department of Rehabilitation Services shall establish and operate a program to provide interpreter services to deaf and ~~hearing-impaired~~ hard-of-hearing citizens of the state, under ~~regulations-adopted~~ rules promulgated by the Commission for Rehabilitation Services.

C. The State Department of Rehabilitation Services shall establish policy and procedures for the evaluation and certification of interpreters for the deaf and hard-of-hearing. The Department

may require a nominal fee to recoup costs incurred in testing and certifying such interpreters.

SECTION 11. AMENDATORY 63 O.S. 1991, Section 2416, is amended to read as follows:

Section 2416. This act shall be known and may be cited as the "Telecommunications for the ~~Hearing-Impaired~~ Deaf and Hard-of-Hearing Act".

SECTION 12. AMENDATORY 63 O.S. 1991, Section 2417, as last amended by Section 13, Chapter 315, O.S.L. 1994 (63 O.S. Supp. 1997, Section 2417), is amended to read as follows:

Section 2417. The State Department of Rehabilitation Services is hereby directed to:

1. Provide for the availability, distribution and maintenance, at no cost to qualified individuals with hearing or speech disabilities, or both, telecommunication devices and ring-signaling devices compatible with the telecommunications relay services for ~~hearing-impaired~~ deaf or hard-of-hearing and speech-impaired individuals requirements of the Americans with Disabilities Act of 1990 and regulations promulgated thereunder; and

2. Design and implement a needs assessment test so that individuals with hearing or speech disabilities, or both, are benefited by this program. Provided, however, that no equipment and maintenance shall be provided without charge for those individuals meeting more than two hundred percent (200%) of the income guidelines for food stamps. The State Department of Rehabilitation Services shall develop a sliding scale to provide equipment and maintenance to individuals exceeding the ~~above-mentioned~~ needs test specified by this paragraph.

SECTION 13. AMENDATORY 63 O.S. 1991, Section 2418, as amended by Section 14, Chapter 315, O.S.L. 1994 (63 O.S. Supp. 1997, Section 2418), is amended to read as follows:

Section 2418. A. There is hereby imposed a surcharge of five cents (\$0.05) per local exchange telephone access line per month to pay for the equipment and maintenance program provided for in Section 2417 of this title and to provide for other needed services for the deaf, severely ~~hearing-impaired~~ hard-of-hearing, severely speech-impaired and deaf-blind programs administered through the Department of Rehabilitation Services, such surcharge to be paid by each local exchange subscriber to local telephone service in this state, unless such subscriber is otherwise exempt from taxation.

B. The surcharge shall be collected on the regular monthly bill by each local exchange telephone company operating in this state and shall be remitted quarterly to the Oklahoma Tax Commission no later than fifteen (15) days following the end of each quarter.

C. There is hereby created in the State Treasury the Telecommunications for the ~~Hearing-Impaired~~ Deaf and Hard-of-Hearing Revolving Fund. The fund shall consist of monies imposed in subsection A of this section. All monies accruing to said fund are hereby appropriated and may be budgeted and expended by the Department of Rehabilitation Services. The fund shall be a continuing fund not subject to fiscal year limitations and expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims submitted to the Director of State Finance for the purpose of implementation of this act.

SECTION 14. AMENDATORY Section 15, Chapter 315, O.S.L. 1994 (63 O.S. Supp. 1997, Section 2418.1), is amended to read as follows:

Section 2418.1 Each certified local exchange telephone company shall comply with the provisions of the Americans with Disabilities Act of 1990 and regulations promulgated thereunder relating to telecommunications relay services for ~~hearing-impaired~~ deaf and hard-of-hearing and speech-impaired individuals and shall assess a surcharge to each customer on a per line per month basis to recover

the costs associated with such compliance and advise the Commission of any changes.

SECTION 15. AMENDATORY 70 O.S. 1991, Section 18-109.5, is amended to read as follows:

Section 18-109.5 A. Prior to July 1, 1990, as used in Sections 18-109.3 and 18-109.4 of this title, and on and after July 1, 1990, as used in ~~Section 108~~ Sections 18-201 and 18-201.1 of this ~~act~~ title:

1. "Vision impaired" means a visual impairment which, even with correction, adversely affects a child's educational performance;

2. "Children with learning disabilities" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, written or spoken, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia;

3. ~~"Hearing impaired"~~ "Deaf or hard-of-hearing" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance;

4. "Economically disadvantaged" means all children who qualify for free or reduced lunches. Provided, for the school year 1981-82, economically disadvantaged shall mean children who qualify and participate in a program for free or reduced lunches;

5. "Educable mentally handicapped" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the development period, which adversely affects a child's educational performance;

6. "Emotionally disturbed" means emotional problems preventing adjustment in regular class including:

- a. an inability to learn which cannot be explained by intellectual, sensory or health factors,
- b. an inability to build or maintain satisfactory interpersonal relationships with peers and teachers,
- c. inappropriate types of behavior or feelings under normal circumstances,
- d. a general pervasive mood of unhappiness or depression, or
- e. a tendency to develop physical symptoms or fears associated with personal or school problems;

The term includes children who are schizophrenic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed;

7. "Gifted" means identified students as outlined in Section 1210.301 of Title 70 of the Oklahoma Statutes;

8. "Multiple handicapped" means concomitant impairments, such as mentally retarded/blind, mentally retarded/orthopedically impaired, and other combinations, the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf/blind children;

9. "Physically handicapped" means a severe orthopedic impairment or an autistic condition which is manifested by severe communication and other developmental and educational problems; or having limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.

The term includes impairments caused by congenital anomaly, and impairments from other causes;

10. "Speech impaired" means a communication disorder, such as stuttering, impaired articulation, language impairment, or voice impairment, which adversely affects a child's educational performance;

11. "Trainable mentally handicapped" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the development period, which adversely affects a child's educational performance;

12. "Deaf/Blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children;

13. "Bilingual" means those students who have limited English speaking abilities or who come from homes where English is not the dominant language as reported on the prior year application for accrediting;

14. "Special Education Summer Program" means those summer school programs which school districts may provide for children who are severely or profoundly multiple-handicapped if their individualized education program states the need for a continuing educational experience to prevent loss of educational achievement or basic life skills. Any school district receiving funds for such special education summer programs shall provide services as provided in Section 13-101 of this title. ~~Provided, during the 1982-83 school year the State Department of Education shall obtain data related to the number of children who would qualify for summer school special education programs and the number of children who are being served in summer school special education programs; and~~

15. "Optional Extended School Year Program" means the program defined in Section 18 of this act.

B. The State Board of Education is hereby authorized to modify and redefine by ~~regulation~~ rule the definitions set out in this section whenever such modification is required to receive federal assistance therefor.

SECTION 16. AMENDATORY 70 O.S. 1991, Section 18-201, as last amended by Section 5, Chapter 215, O.S.L. 1996 (70 O.S. Supp. 1997, Section 18-201), is amended to read as follows:

Section 18-201. A. Until the 1997-98 school year, the weighted average daily membership of a school district for calculation of Foundation Aid purposes pursuant to paragraph 1 of subsection B of 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 paragraph 3 of subsection B of 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.

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	
<u>Deaf or Hard-of-Hearing</u>	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 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:

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 17. AMENDATORY Section 6, Chapter 215, O.S.L. 1996, as amended by Section 5, Chapter 343, O.S.L. 1997 (70 O.S. Supp. 1997, Section 18-201.1), is amended to read as follows:

Section 18-201.1 A. Beginning with the 1997-98 school year, and each school year thereafter, the weighted membership of a school district for calculation of Foundation Aid purposes pursuant to paragraph 1 of subsection D of Section 18-200.1 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. The weighted membership of a school district for calculation of Salary Incentive Aid purposes pursuant to paragraph 3 of subsection D of Section 18-200.1 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.

B. The weighted calculations provided for in subsection A of this section shall be based on the highest weighted average daily membership of the first nine (9) weeks of the current school year, the preceding school year or the second preceding school year of a school district, unless otherwise specified. The highest of the three (3) weighted average daily memberships shall be used consistently in all of the calculations. The average daily membership data used for all calculations in paragraphs 1, 2, 3 and 4 of this subsection shall be the same as used in the calculation of the State Aid Formula. 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 and

assigning weights to the pupils according to grade attended as follows:

GRADE LEVEL	WEIGHT
a. Early childhood programs, contingent upon the enactment of Enrolled House Bill No. 1657 of the 1st Session of the 46th Oklahoma Legislature	.7
b. Underage students enrolled in kindergarten for the 1997-98 school year, contingent upon the enactment of Enrolled House Bill No. 1657 of the 1st Session of the 46th Oklahoma Legislature	1.3
c. Underage students enrolled in kindergarten beginning with the 1998-99 school year, contingent upon the enactment of Enrolled House Bill No. 1657 of the 1st Session of the 46th Oklahoma Legislature	.7
d. Kindergarten	1.3
e. First and second grade	1.351
f. Third grade	1.051
g. Fourth through sixth grade	1.0
h. Seventh through twelfth grade	1.2
i. Out-of-home placement	1.45

Multiply the membership of each subparagraph of this paragraph by the weight assigned to such subparagraph of this paragraph 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 membership count of the school district providing the early childhood program. The pupils eligible for the out-of-home placement pupil weight shall be students who are not residents of the school district in which they are receiving education pursuant to the provisions of subsection D of Section 1-113 of this title. Such weight may be claimed by the district providing educational services to such student for the days that student is enrolled in that district. If claimed, the out-of-home placement weight shall be in lieu of the pupil grade level and any pupil category weights for that student. Provided, if a student resides in a juvenile detention center that is restricted to less than twelve (12) beds, the out-of-home placement pupil weight for such students shall be calculated as follows: for a center with six (6) beds - 2.9; for a center with eight (8) beds - 2.2; and for a center with ten (10) beds - 1.74.

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	
	<u>Deaf or Hard-of-Hearing</u>	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 school year with the highest average daily membership 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 1996-97 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 eight percent (8%) of the total average daily membership of the school district for the preceding school year. For the 1997-98 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 first nine (9) weeks of the 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: $529 \text{ minus the average daily membership divided by } 529 \text{ times } .2 \text{ times total average daily membership.}$

The small school district formula calculation shall apply only to school districts whose highest average daily membership 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:

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.

The July calculation of the 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 State Aid Formula for the preceding year, net assessed valuation for the preceding calendar year times thirty-nine (39) mills, county revenues excluding the county four-mills revenues for the second preceding year, other state appropriations for the preceding year and the collections for the preceding year of state apportionment, motor vehicle revenue, gross production tax and R.E.A. tax.

The December calculation of the projected per pupil revenue shall be determined by dividing the highest of the district's first nine (9) weeks of the current school year or the two preceding school 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 funds for the December calculation of the current year State Aid Formula, net assessed valuation for the current calendar year times thirty-nine (39) mills, county revenues excluding the county four-mills revenue for the preceding year, other state appropriations for the preceding year and the collections for the preceding year of state apportionment, motor vehicle revenue, gross production tax and R.E.A. tax.

The district's projected total revenues for each calculation shall exclude the following collections for the 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:

EXPERIENCE	TEACHER EXPERIENCE - DEGREE INDEX		
	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 18. AMENDATORY 70 O.S. 1991, Section 1745, is amended to read as follows:

Section 1745. The Oklahoma School for the Deaf of the State Board of Education and the Oklahoma Vocational Rehabilitation Division of the State Board for Vocational Education are hereby authorized to enter into a cooperative agreement that is mutually acceptable to both Boards, whereby an evaluation and rehabilitation center can be established, maintained and operated to serve the ~~hearing-impaired~~ deaf and hard-of-hearing citizens of Oklahoma who are fifteen (15) years of age or older at the State School for the Deaf.

SECTION 19. AMENDATORY 74 O.S. 1991, Section 324.11b, is amended to read as follows:

Section 324.11b A. Any person, partnership, corporation, organization, state, city, town, county, or other subdivision of this state, operating a building or structure used as a hotel or motel, within the State of Oklahoma, shall provide, at no additional charge to deaf and ~~hearing-impaired~~ hard-of-hearing guests and upon request of such guests, portable smoke detectors of the type suitable for providing visual warning to such guests, a room

equipped with fixed visual warning smoke detectors or a ground floor guest room accessible to the out-of-doors. Each hotel or motel shall have available at least one portable visual warning smoke detector, one room equipped with a fixed visual warning smoke detector or one ground floor guest room accessible to the out-of-doors for each fifty guest rooms of such hotel or motel. No hotel or motel shall be required to have more than a total of six portable visual warning smoke detectors, six rooms with fixed visual warning smoke detectors or six ground floor guest rooms accessible to the out-of-doors. Each hotel or motel shall have at least one such smoke detector, one room equipped with a fixed visual warning smoke detector or one ground floor guest room accessible to the out-of-doors.

B. Any school or college that provides housing to ~~hearing-impaired~~ deaf and hard-of-hearing individuals shall make a visual warning smoke detector available for each such individual's use and may require users to post a refundable deposit.

SECTION 20. AMENDATORY 74 O.S. 1991, Section 840.19a, as renumbered by Section 54, Chapter 242, O.S.L. 1994 (74 O.S. Supp. 1997, Section 840-4.4), is amended to read as follows:

Section 840-4.4 When the appointing authority determines that certain knowledge and sign language skills are required in any position in order to effectively work with ~~hearing-impaired~~ deaf or hard-of-hearing persons, such requirements shall be incorporated into the specifications of the appropriate job classifications. Such requirements shall not be construed as placing additional requirements on persons who are incumbents in such positions at the time such a determination is made.

SECTION 21. This act shall become effective November 1, 1998.

46-2-8412

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