

1 **SENATE FLOOR VERSION**

2 February 27, 2013

3 **AS AMENDED**

4 SENATE BILL NO. 367

By: Anderson of the Senate

and

Enns of the House

5
6
7
8 **[Oklahoma Charter Schools Act - modifying criteria -**
9 **State Aid calculation - effective date -**
10 **emergency]**

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

12 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-132, as
13 amended by Section 1, Chapter 367, O.S.L. 2012 (70 O.S. Supp. 2012,
14 Section 3-132), is amended to read as follows:

15 Section 3-132. A. The Oklahoma Charter Schools Act shall apply
16 only to charter schools formed and operated under the provisions of
17 the ~~act~~ Oklahoma Charter Schools Act. Charter schools shall be
18 sponsored only as follows:

19 1. By a school district with an average daily membership of
20 five thousand (5,000) or more and which all or part of the school
21 district is located in a county having more than five hundred
22 thousand (500,000) population according to the latest Federal
23 Decennial Census;

1 2. By a school district which has a school site listed on the
2 school improvement list as determined by the State Board of
3 Education pursuant to the Elementary and Secondary Education Act of
4 1965, as amended or reauthorized;

5 3. By a technology center school district if the charter school
6 is located in a school district served by the technology center
7 school district and the school district has an average daily
8 membership of five thousand (5,000) or more and which all or part of
9 the school district is located in a county having more than five
10 hundred thousand (500,000) population according to the latest
11 Federal Decennial Census;

12 4. By a technology center school district if the charter school
13 is located in a school district served by the technology center
14 school district and the school district has a school site listed on
15 the school improvement list as determined by the State Board of
16 Education pursuant to the Elementary and Secondary Education Act of
17 1965, as amended or reauthorized;

18 5. By a comprehensive or regional institution that is a member
19 of The Oklahoma State System of Higher Education if the charter
20 school is located in a school district that has an average daily
21 membership of five thousand (5,000) or more and which all or part of
22 the school district is located in a county having more than five
23 hundred thousand (500,000) population according to the latest
24 Federal Decennial Census. In addition, the institution shall have a

1 teacher education program accredited by the Oklahoma Commission for
2 Teacher Preparation and have a branch campus or constituent agency
3 physically located within the school district in which the charter
4 school is located;

5 6. By a comprehensive or regional institution that is a member
6 of the Oklahoma State System of Higher Education if the charter
7 school is located in a school district that has a school site listed
8 on the school improvement list as determined by the State Board of
9 Education pursuant to the Elementary and Secondary Education Act of
10 1965, as amended or reauthorized. In addition, the institution
11 shall have a teacher education program accredited by the Oklahoma
12 Commission for Teacher Preparation and have a branch campus or
13 constituent agency physically located within the school district in
14 which the charter school is located;

15 7. By a federally recognized Indian tribe, operating a high
16 school under the authority of the Bureau of Indian Affairs as of
17 November 1, 2010, if the charter school is for the purpose of
18 demonstrating native language immersion instruction, and is located
19 within its former reservation or treaty area boundaries. For
20 purposes of this paragraph, native language immersion instruction
21 shall require that educational instruction and other activities
22 conducted at the school site are primarily conducted in the native
23 language;

24

1 8. By the State Board of Education when the applicant of the
2 charter school is the Office of Juvenile Affairs ~~or~~, the applicant
3 has a contract with the Office of Juvenile Affairs to provide a
4 fixed rate level E, D, or D+ group home service, the applicant is
5 the Oklahoma Department of Human Services, or the applicant has a
6 contract with the Department of Human Services to provide youth
7 services, and the charter school is for the purpose of providing
8 education services to youth who are or have been in the custody or
9 supervision of the state. Not more than two charter schools shall
10 be sponsored by the Board as provided for in this paragraph during
11 the period of time beginning July 1, 2010, through July 1, 2016; or

12 9. By the State Board of Education when the applicant of the
13 charter school is the Statewide Virtual Charter School Board created
14 in Section 3 of this act and the charter school is for the purpose
15 of establishing a full-time statewide virtual charter school.

16 B. Any charter or enterprise school operating in the state
17 pursuant to an agreement with the board of education of a school
18 district on July 1, 1999, may continue to operate pursuant to that
19 agreement or may contract with the board of education of the school
20 district pursuant to the Oklahoma Charter Schools Act. Nothing in
21 the Oklahoma Charter Schools Act shall prohibit a school district
22 from applying for exemptions from certain education-related
23 statutory requirements as provided for in the Educational
24 Deregulation Act.

1 C. For purposes of the Oklahoma Charter Schools Act, "charter
2 school" means a public school established by contract with a board
3 of education of a school district, an area vocational-technical
4 school district, a higher education institution, a federally
5 recognized Indian tribe, or the State Board of Education pursuant to
6 the Oklahoma Charter Schools Act to provide learning that will
7 improve student achievement and as defined in the Elementary and
8 Secondary Education Act of 1965, 20 U.S.C. 8065.

9 D. A charter school may consist of a new school site, new
10 school sites or all or any portion of an existing school site. An
11 entire school district may not become a charter school site.

12 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3-134, is
13 amended to read as follows:

14 Section 3-134. A. For written applications filed after January
15 1, 2008, prior to submission of the application to a proposed
16 sponsor seeking to establish a charter school, the applicant shall
17 be required to complete training which shall not exceed ten (10)
18 hours provided by the State Department of Education on the process
19 and requirements for establishing a charter school. The Department
20 shall develop and implement the training by January 1, 2008. The
21 Department may provide the training in any format and manner that
22 the Department determines to be efficient and effective including,
23 but not limited to, web-based training.

24

1 B. Except as otherwise provided for in Section 3-137 of this
2 title, an applicant seeking to establish a charter school shall
3 submit a written application to the proposed sponsor as prescribed
4 in subsection E of this section. The application shall include:

5 1. A mission statement for the charter school;

6 2. A description of the organizational structure and the
7 governing body of the charter school;

8 3. A financial plan for the first three (3) years of operation
9 of the charter school and a description of the treasurer or other
10 officers or persons who shall have primary responsibility for the
11 finances of the charter school. Such person shall have demonstrated
12 experience in school finance or the equivalent thereof;

13 4. A description of the hiring policy of the charter school;

14 5. The name of the applicant or applicants and requested
15 sponsor;

16 6. A description of the facility and location of the charter
17 school;

18 7. A description of the grades being served;

19 8. An outline of criteria designed to measure the effectiveness
20 of the charter school;

21 9. A demonstration of support for the charter school from
22 residents of the school district which may include but is not
23 limited to a survey of the school district residents or a petition
24 signed by residents of the school district; and

1 10. Documentation that the applicants completed charter school
2 training as set forth in subsection A of this section.

3 C. A board of education of a public school district, public
4 body, public or private college or university, private person, ~~or~~
5 private organization, including a business, may contract with a
6 sponsor to establish a charter school. A private school shall not be
7 eligible to contract for a charter school under the provisions of
8 the Oklahoma Charter Schools Act.

9 D. The sponsor of a charter school is the board of education of
10 a school district, the board of education of a technology center
11 school district, a higher education institution, the State Board of
12 Education, or a federally recognized Indian tribe which meets the
13 criteria established in Section 3-132 of this title. Any board of
14 education of a school district in the state may sponsor one or more
15 charter schools. The physical location of a charter school
16 sponsored by a board of education of a school district or a
17 technology center school district shall be within the boundaries of
18 the sponsoring school district. The physical location of a charter
19 school sponsored by the State Board of Education when the applicant
20 of the charter school is the Office of Juvenile Affairs or an entity
21 that has a contract with the Office of Juvenile Affairs shall be
22 where an Office of Juvenile Affairs facility for youth or the
23 facility of an entity contracting with the Office of Juvenile
24 Affairs is located. The physical location of a charter school

1 sponsored by the State Board of Education when the applicant of the
2 charter school is the Department of Human Services or an entity that
3 has a contract with the Department of Human Services to provide
4 youth services, shall be where youth in state care or custody are
5 being served.

6 E. An applicant for a charter school may submit an application
7 to a proposed sponsor which shall either accept or reject
8 sponsorship of the charter school within ninety (90) days of receipt
9 of the application. If the proposed sponsor rejects the
10 application, it shall notify the applicant in writing of the reasons
11 for the rejection. The applicant may submit a revised application
12 for reconsideration to the proposed sponsor within thirty (30) days
13 after receiving notification of the rejection. The proposed sponsor
14 shall accept or reject the revised application within thirty (30)
15 days of its receipt.

16 F. A board of education of a school district, board of
17 education of a technology center school district, higher education
18 institution, or federally recognized Indian tribe sponsor of a
19 charter school shall notify the State Board of Education when it
20 accepts sponsorship of a charter school. The notification shall
21 include a copy of the charter of the charter school.

22 G. If a proposed sponsor rejects the revised application for a
23 charter school, the applicant may proceed to mediation or binding
24 arbitration or both mediation and binding arbitration as provided in

1 the Dispute Resolution Act and the rules promulgated pursuant
2 thereto. The applicant shall contact the early settlement program
3 for the county in which the charter school would be located. If the
4 parties proceed to binding arbitration, a panel of three arbitrators
5 shall be appointed by the director of the early settlement program
6 handling the dispute. The proposed sponsor shall pay the cost for
7 any mediation or arbitration requested pursuant to this section.

8 H. If a board of education of a technology center school
9 district, a higher education institution, the State Board of
10 Education, or a federally recognized Indian tribe accepts
11 sponsorship of a charter school, the administrative, fiscal and
12 oversight responsibilities of the technology center school district,
13 the higher education institution, or the federally recognized Indian
14 tribe shall be listed in the contract. No responsibilities shall be
15 delegated to a school district unless the local school district
16 agrees to assume the responsibilities.

17 SECTION 3. AMENDATORY 70 O.S. 2011, Section 3-135, is
18 amended to read as follows:

19 Section 3-135. A. The sponsor of a charter school shall enter
20 into a written contract with the governing body of the charter
21 school. The contract shall incorporate the provisions of the
22 charter of the charter school and contain, but shall not be limited
23 to, the following provisions:

24

1 1. A description of the program to be offered by the school
2 which complies with the purposes outlined in Section ~~41~~ 3-136 of
3 this ~~act~~ title;

4 2. Admission policies and procedures;

5 3. Management and administration of the charter school;

6 4. Requirements and procedures for program and financial
7 audits;

8 5. A description of how the charter school will comply with the
9 charter requirements set forth in the Oklahoma Charter Schools Act;

10 6. Assumption of liability by the charter school; and

11 7. The term of the contract.

12 B. A charter school shall not enter into an employment contract
13 with any teacher or other personnel until the charter school has a
14 contract with a sponsoring board of education of a school district,
15 board of education of a technology center school district, a higher
16 education institution, the State Board of Education or a federally
17 recognized Indian tribe. The employment contract shall set forth
18 the personnel policies of the charter school, including, but not
19 limited to, policies related to certification, professional
20 development evaluation, suspension, dismissal and nonreemployment,
21 sick leave, personal business leave, emergency
22 leave, and family and medical leave. The contract shall also
23 specifically set forth the salary, hours, fringe benefits, and work
24 conditions. The contract may provide for employer-employee

1 bargaining, but the charter school shall not be required to comply
2 with the provisions of Sections 509.1 through 509.10 of Title 70 of
3 the Oklahoma Statutes. The contract shall conform to all applicable
4 provisions set forth in Section ~~11~~ 3-136 of this ~~act~~ title.

5 Upon contracting with any teacher or other personnel, the
6 governing body of the charter school shall, in writing, disclose
7 employment rights of the employees in the event the charter school
8 closes or the charter is not renewed.

9 SECTION 4. AMENDATORY 70 O.S. 2011, Section 3-140, as
10 amended by Section 2, Chapter 367, O.S.L. 2012 (70 O.S. Supp. 2012,
11 Section 3-140), is amended to read as follows:

12 Section 3-140. A. Except for a charter school sponsored by the
13 State Board of Education, a charter school shall enroll those
14 students whose legal residence is within the boundaries of the
15 school district in which the charter school is located and who
16 submit a timely application, or those students who transfer to the
17 district in which the charter school is located in accordance with
18 Section 8-103 or 8-104 of this title, unless the number of
19 applications exceeds the capacity of a program, class, grade level,
20 or building. Students who reside in a school district where a
21 charter school is located shall not be required to obtain a transfer
22 in order to attend a charter school in the school district of
23 residence. If capacity is insufficient to enroll all eligible
24 students, the charter school shall select students through a lottery

1 selection process. Except for a charter school sponsored by the
2 State Board of Education, a charter school shall give enrollment
3 preference to eligible students who reside within the boundaries of
4 the school district in which the charter school is located. Except
5 for a charter school sponsored by the State Board of Education, a
6 charter school created after ~~the effective date of this act~~ November
7 1, 2010, shall give enrollment preference to eligible students who
8 reside within the boundaries of the school district in which the
9 charter school is located and who attend a school site listed on the
10 school improvement list as determined by the State Board of
11 Education pursuant to the Elementary and Secondary Education Act of
12 1965, as amended or reauthorized. A charter school may limit
13 admission to students within a given age group or grade level. A
14 charter school sponsored by the State Board of Education when the
15 applicant of the charter school is the Office of Juvenile Affairs or
16 an entity that has a contract with the Office of Juvenile Affairs to
17 provide fixed rate level E, D, or D+ group home services shall ~~limit~~
18 ~~admission to youth that are in the custody or supervision of the~~
19 ~~Office of Juvenile Affairs~~ admit students in accordance with the
20 provisions of this subsection. A charter school sponsored by the
21 State Board of Education when the applicant is the Department of
22 Human Services or an entity that has a contract with the Department
23 of Human Services to provide youth services shall admit students in
24 accordance with the provisions of this subsection. A charter school

1 sponsored by the State Board of Education when the applicant of the
2 charter school is the Statewide Virtual Charter School Board shall
3 enroll those students who are legal residents of this state and who
4 have been approved for a transfer pursuant to Section 8-103 or 8-104
5 of this title.

6 B. Except for a charter school sponsored by the State Board of
7 Education, a charter school shall admit students who reside in the
8 attendance area of a school or in a school district that is under a
9 court order of desegregation or that is a party to an agreement with
10 the United States Department of Education Office for Civil Rights
11 directed towards mediating alleged or proven racial discrimination
12 unless notice is received from the resident school district that
13 admission of the student would violate the court order or agreement.

14 C. A charter school may designate a specific geographic area
15 within the school district in which the charter school is located as
16 an academic enterprise zone and may limit admissions to students who
17 reside within that area. An academic enterprise zone shall be a
18 geographic area in which sixty percent (60%) or more of the children
19 who reside in the area qualify for the free or reduced school lunch
20 program.

21 D. Except as provided in subsections B and C of this section, a
22 charter school shall not limit admission based on ethnicity,
23 national origin, gender, income level, disabling condition,
24

1 proficiency in the English language, measures of achievement,
2 aptitude, or athletic ability.

3 SECTION 5. AMENDATORY 70 O.S. 2011, Section 18-201.1, is
4 amended to read as follows:

5 Section 18-201.1. A. Beginning with the 1997-98 school year,
6 and each school year thereafter, the weighted membership of a school
7 district for calculation of Foundation Aid purposes pursuant to
8 paragraph 1 of subsection D of Section 18-200.1 of this title shall
9 be the sum of the weighted pupil grade level calculation, the
10 weighted pupil category calculation, the weighted district
11 calculation and the weighted teacher experience and degree
12 calculation. The weighted membership of a school district for
13 calculation of Salary Incentive Aid purposes pursuant to paragraph 3
14 of subsection D of Section 18-200.1 of this title shall be the sum
15 of the weighted pupil grade level calculation, the weighted pupil
16 category calculation, the weighted district calculation, and the
17 weighted teacher experience and degree calculation.

18 B. The weighted calculations provided for in subsection A of
19 this section shall be based on the highest weighted average daily
20 membership of the first nine (9) weeks of the current school year,
21 the preceding school year or the second preceding school year of a
22 school district, unless otherwise specified. The highest of the
23 three (3) weighted average daily memberships shall be used
24 consistently in all of the calculations; however, the portion of

1 weighted membership derived from nonresident, transferred pupils
2 enrolled in online courses shall be based on the weighted average
3 daily membership of the first nine (9) weeks of the current school
4 year. The average daily membership data used for all calculations
5 in paragraphs 1, 2, 3 and 4 of this subsection shall be the same as
6 used in the calculation of the State Aid Formula. The weighted
7 calculations provided for in subsection A of this section shall be
8 determined as follows:

9 1. The weighted pupil grade level calculation shall be
10 determined by taking the highest average daily membership and
11 assigning weights to the pupils according to grade attended as
12 follows:

13	GRADE LEVEL	WEIGHT
14	a. Half-day early childhood programs	.7
15	b. Full-day early childhood programs	1.3
16	c. Half-day kindergarten	1.3
17	d. Full-day kindergarten	1.5
18	e. First and second grade	1.351
19	f. Third grade	1.051
20	g. Fourth through sixth grade	1.0
21	h. Seventh through twelfth grade	1.2
22	i. Out-of-home placement	1.50

23 Multiply the membership of each subparagraph of this paragraph by
24 the weight assigned to such subparagraph of this paragraph and add

1 the totals together to determine the weighted pupil grade level
2 calculation for a school district. Determination of the pupils
3 eligible for the early childhood program weight shall be pursuant to
4 the provisions of Section 1-114 of this title. The pupils eligible
5 for the out-of-home placement pupil weight shall be students who are
6 not residents of the school district in which they are receiving
7 education pursuant to the provisions of subsection D of Section 1-
8 113 of this title. Such weight may be claimed by the district
9 providing educational services to such student for the days that
10 student is enrolled in that district. If claimed, the out-of-home
11 placement weight shall be in lieu of the pupil grade level and any
12 pupil category weights for that student. If a student resides in an
13 Office of Juvenile Affairs facility, a fixed rate level E, D or D+
14 group home operated by an entity contracting with the Office of
15 Juvenile Affairs, a Department of Human Services facility or a
16 facility operated by an entity contracting with the Department of
17 Human Services and the student receives educational services from a
18 charter school, as authorized by paragraph 8 of subsection A of
19 Section 3-132 of this title, the charter school shall receive the
20 out-of-home placement weight and any weighted pupil category for
21 that student, but the charter school shall not receive the pupil
22 grade level weight. Provided, if a student resides in a juvenile
23 detention center that is restricted to less than twelve (12) beds,
24 the out-of-home placement pupil weight for such students shall be

1 calculated as follows: for a center with six (6) beds - 3.0; for a
2 center with eight (8) beds - 2.3 and for a center with ten (10) beds
3 - 1.80.

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

6	CATEGORY	WEIGHT
7	a. Vision Impaired	3.8
8	b. Learning Disabilities	.4
9	c. Deaf or Hard-of-Hearing	2.9
10	d. Deaf and Blind	3.8
11	e. Educable Mentally Handicapped	1.3
12	f. Emotionally Disturbed	2.5
13	g. Gifted	.34
14	h. Multiple Handicapped	2.4
15	i. Physically Handicapped	1.2
16	j. Speech Impaired	.05
17	k. Trainable Mentally Handicapped	1.3
18	l. Bilingual	.25
19	m. Special Education Summer Program	1.2
20	n. Economically Disadvantaged	.25
21	o. Optional Extended School Year	
22	Program	As determined by
23		the State Board
24		of Education

1 Except as otherwise provided, multiply the number of pupils approved
2 in the school year with the highest average daily membership in each
3 category by the weight assigned to such category and add the totals
4 together to determine the weighted pupil category calculation for a
5 school district. For the 1996-97 school year, the number to be
6 multiplied by the weight assigned to the gifted category in
7 subparagraph g of this paragraph shall be the lesser of (1) the sum
8 of the number of students who scored in the top three percent (3%)
9 on any national standardized test of intellectual ability plus the
10 number of students identified as gifted pursuant to subparagraphs a
11 through d of paragraph 1 of Section 1210.301 of this title or (2)
12 the sum of the number of students who scored in the top three
13 percent (3%) on any national standardized test of intellectual
14 ability plus eight percent (8%) of the total average daily
15 membership of the school district for the preceding school year.
16 For the 1997-98 school year and subsequent school years, the number
17 to be multiplied by the weight assigned to the gifted category in
18 subparagraph g of this paragraph shall be the lesser of (1) the sum
19 of the number of students who scored in the top three percent (3%)
20 on any national standardized test of intellectual ability plus the
21 number of students identified as gifted pursuant to subparagraphs a
22 through d of paragraph 1 of Section 1210.301 of this title, or (2)
23 the sum of the number of students who scored in the top three
24 percent (3%) on any national standardized test of intellectual

1 ability plus eight percent (8%) of the total average daily
2 membership of the school district for the first nine (9) weeks of
3 the school year.

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

10 a. Small school district formula: $529 \text{ minus the average}$
11 $\text{daily membership divided by } 529 \text{ times } .2 \text{ times total}$
12 $\text{average daily membership.}$

13 The small school district formula calculation shall apply
14 only to school districts whose highest average daily
15 membership is less than 529 pupils. School districts which
16 are consolidated or annexed after July 1, 2003, pursuant to
17 the Oklahoma School Voluntary Consolidation and Annexation
18 Act shall have the weighted district size calculation for
19 the three (3) school years following the fiscal year in
20 which such consolidation occurred calculated to be the sum
21 of the individual consolidated districts computed as if the
22 consolidation had not taken place. Thereafter, any such
23 district which is consolidated pursuant to the Oklahoma
24 School Voluntary Consolidation and Annexation Act shall not

1 qualify for the weighted district calculation unless the
2 district can satisfy the specifications herein. Subject to
3 the provisions of subparagraph c of this paragraph, the
4 resulting number shall be counted as additional students
5 for the purpose of calculating State Aid.

6 b. District sparsity - isolation formula:

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

9 (1) whose total area in square miles is greater than
10 the average number of square miles for all school
11 districts in this state; and

12 (2) whose areal density is less than one-fourth (1/4)
13 of the state average areal density. Areal
14 density shall be determined by dividing the
15 school district's average daily membership by the
16 school district's total area in square miles.

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

19 The school district student cost factor multiplied by
20 the school district area factor. The resulting
21 product shall be multiplied by the school district's
22 average daily membership. Subject to the provisions
23 of subparagraph c of this paragraph, the resulting
24

1 number shall be counted as additional students for the
2 purpose of calculating State Aid.

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

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

9 Grade Level Group

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

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

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

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

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

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

10 however, the district area cost factor shall not exceed one
11 (1.0).

12 The State Board of Education shall define geographical barriers
13 whose location in a school district would inhibit the district from
14 consolidation or annexation. The Board shall make available an
15 application process, review applications, and for districts the
16 Board deems necessary allow additional square miles to be used for
17 the purposes of calculations used for the weighted district sparsity
18 - isolation formula. Provided, that the additional square miles
19 allowed for geographical barriers shall not exceed thirty percent
20 (30%) of the district's actual size.

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

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

15 The July calculation of the projected per pupil
16 revenue shall be determined by dividing the highest of
17 the district's preceding two years average daily
18 membership (ADM) as weighted by the pupil grade level,
19 the pupil category, the district and the teacher
20 experience degree index calculations for projected
21 State Aid into the district's projected total revenues
22 including projected funds for the State Aid Formula
23 for the preceding year, net assessed valuation for the
24 preceding calendar year times thirty-nine (39) mills,

1 county revenues excluding the county four-mills
2 revenues for the second preceding year, other state
3 appropriations for the preceding year and the
4 collections for the preceding year of state
5 apportionment, motor vehicle revenue, gross production
6 tax and R.E.A. tax.

7 The December calculation of the projected per pupil
8 revenue shall be determined by dividing the highest of
9 the district's first nine (9) weeks of the current
10 school year or the two preceding school years average
11 daily membership (ADM) as weighted by the pupil grade
12 level, the pupil category, the district and the
13 teacher experience degree index calculations for
14 projected State Aid into the district's projected
15 total revenues including funds for the December
16 calculation of the current year State Aid Formula, net
17 assessed valuation for the current calendar year times
18 thirty-nine (39) mills, county revenues excluding the
19 county four-mills revenue for the preceding year,
20 other state appropriations for the preceding year and
21 the collections for the preceding year of state
22 apportionment, motor vehicle revenue, gross production
23 tax and R.E.A. tax.

1 The district's projected total revenues for each
 2 calculation shall exclude the following collections
 3 for the second preceding year: federal revenue,
 4 insurance loss payments, reimbursements, recovery of
 5 overpayments and refunds, unused reserves, prior
 6 expenditures recovered, prior year surpluses, and
 7 other local miscellaneous revenues.

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

14 TEACHER EXPERIENCE - DEGREE INDEX

15 EXPERIENCE	BACHELOR'S	MASTER'S	DOCTOR'S
	DEGREE	DEGREE	DEGREE
17 0 - 2	.7	.9	1.1
18 3 - 5	.8	1.0	1.2
19 6 - 8	.9	1.1	1.3
20 9 - 11	1.0	1.2	1.4
21 12 - 15	1.1	1.3	1.5
22 Over 15	1.2	1.4	1.6

23 The school district teacher index for each school district shall
 24 be determined by subtracting the weighted average state teacher from

1 the weighted average district teacher. Multiply the school district
2 teacher index if greater than zero by .7 and then multiply that
3 product by the sum of the district's weighted pupil grade level
4 calculation provided in paragraph 1 of this subsection and the
5 weighted pupil category calculation provided in subparagraph n of
6 paragraph 2 of this subsection to determine the weighted teacher
7 experience and degree calculation.

8 SECTION 6. This act shall become effective July 1, 2013.

9 SECTION 7. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

13 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
14 February 27, 2013 - DO PASS AS AMENDED
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