

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

SENATE BILL 1324

By: Treat

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2011, Section 1-114, which relates to enrollment in early childhood programs; allowing certain students to attend early childhood programs; removing language regarding calculation of State Aid for early childhood education programs; amending 70 O.S. 2011, Section 18-201.1, which relates to calculation of Foundation Aid; removing language providing weights for certain early childhood programs; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-114, is amended to read as follows:

Section 1-114. A. All children between the ages of five (5) years on or before September 1, and twenty-one (21) years on or before September 1, shall be entitled to attend school free of charge in the district in which they reside.

B. All children who are at least four (4) years of age but not more than five (5) years of age on or before September 1 and who have not attended a public school kindergarten ~~shall be entitled to~~ may attend half-day or full-day early childhood programs at any

1 public school in the state where such programs are offered; provided
2 no child shall be required to attend any early childhood education
3 program. The following paragraphs shall govern early childhood
4 programs:

5 1. Children who are at least four (4) years of age but not more
6 than five (5) years of age on or before September 1 ~~shall be~~
7 ~~entitled to~~ may attend either half-day or full-day early childhood
8 programs in their district of residence free of charge as long as
9 the district has the physical facilities and teaching personnel to
10 accommodate the child.; ~~For purposes of calculation of State Aid,~~
11 ~~children in an early childhood education program shall be included~~
12 ~~in the average daily membership of the district providing the~~
13 ~~program.~~

14 2. A child who has not reached the age of five (5) years on or
15 before September 1 and who resides in a district which does not
16 offer an early childhood program shall be eligible for transfer to a
17 district where an early childhood program is offered if the district
18 that offers the early childhood program agrees to the transfer. A
19 district offering early childhood programs may refuse to accept a
20 nonresident child if the district does not have the physical
21 facilities or teaching personnel to accommodate the child in an
22 early childhood education class. If the child requesting the
23 transfer has not reached the age of four (4) years on or before
24 September 1, the district may refuse to accept the nonresident child

1 if the district determines the child is not ready for an early
2 childhood program. ~~Children who are accepted in a program outside~~
3 ~~their district of residence as provided in this paragraph shall be~~
4 ~~included in the average daily membership of the district providing~~
5 ~~the program for State Aid funding subject to the State Aid formula~~
6 ~~weight limitations set forth in paragraph 1 of this subsection.~~

7 C. No child shall be enrolled in kindergarten unless he or she
8 will have reached the age of five (5) years on or before September 1
9 of the school year. No child shall be enrolled in the first grade
10 unless he or she will have reached the age of six (6) years on or
11 before September 1 of the school year.

12 D. No nonresident and nontransferred pupil shall be allowed to
13 attend school in any school district unless a tuition fee equal to
14 the per capita cost of education for a similar period in such
15 district during the preceding year has been paid to the receiving
16 district in advance yearly or by semester as determined by the
17 district board of education of the receiving district. If the State
18 Board of Education discovers that such attendance has been allowed
19 without prior payment of the tuition fee in advance as required, no
20 further payment of any State Aid Funds shall be made to the district
21 until such district has shown to the satisfaction of the State Board
22 of Education that all such tuition fees have been paid or that such
23 tuition pupil will no longer be allowed to attend school until the
24 required tuition fee has been paid.

1 E. Any parent, guardian, person or institution having care and
2 custody of a child who pays ad valorem tax on real property in any
3 other school district other than that in which that person resides
4 may, with the approval of the receiving board, enroll the child in
5 any school district in which ad valorem tax is paid and receive a
6 credit on the nonresident tuition fee equal to the amount of the ad
7 valorem tax paid for school district purposes in the school district
8 in which the child is enrolled. Provided, the credit shall not
9 exceed the total amount required for the tuition payment.

10 SECTION 2. AMENDATORY 70 O.S. 2011, Section 18-201.1, is
11 amended to read as follows:

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

1 B. The weighted calculations provided for in subsection A of
2 this section shall be based on the highest weighted average daily
3 membership of the first nine (9) weeks of the current school year,
4 the preceding school year or the second preceding school year of a
5 school district, unless otherwise specified. The highest of the
6 three (3) weighted average daily memberships shall be used
7 consistently in all of the calculations; however, the portion of
8 weighted membership derived from nonresident, transferred pupils
9 enrolled in online courses shall be based on the weighted average
10 daily membership of the first nine (9) weeks of the current school
11 year. The average daily membership data used for all calculations
12 in paragraphs 1, 2, 3 and 4 of this subsection shall be the same as
13 used in the calculation of the State Aid Formula. The weighted
14 calculations provided for in subsection A of this section shall be
15 determined as follows:

16 1. The weighted pupil grade level calculation shall be
17 determined by taking the highest average daily membership and
18 assigning weights to the pupils according to grade attended as
19 follows:

20	GRADE LEVEL	WEIGHT
21	a. Half-day early childhood programs	.7
22	b. Full-day early childhood programs	1.3
23	e. <u>a.</u> Half-day kindergarten	1.3
24	d. <u>b.</u> Full-day kindergarten	1.5

e.c. First and second grade	1.351
f.d. Third grade	1.051
g.e. Fourth through sixth grade	1.0
h.f. Seventh through twelfth grade	1.2
i.g. Out-of-home placement	1.50

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.~~ 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 - 3.0; for a center with eight (8) beds - 2.3 and for a center with ten (10) beds - 1.80.

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. Deaf or Hard-of-Hearing	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

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

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

7 a. Small school district formula: 529 minus the average
8 daily membership divided by 529 times .2 times total
9 average daily membership.

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

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

3 b. District sparsity - isolation formula:

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

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

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

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

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

23 The school district student cost factor shall be calculated
24 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.

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

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

6 however, the district area cost factor shall not exceed one
7 (1.0).

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

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

20 If, after the weighted district calculation is
21 applied, the district's projected per pupil
22 revenue exceeds one hundred fifty percent (150%)
23 of the projected state average per pupil revenue,
24 then the district's State Aid shall be reduced by

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

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

1 apportionment, motor vehicle revenue, gross production
2 tax and R.E.A. tax.

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

20 The district's projected total revenues for each
21 calculation shall exclude the following collections
22 for the second preceding year: federal revenue,
23 insurance loss payments, reimbursements, recovery of
24 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

1 paragraph 2 of this subsection to determine the weighted teacher
2 experience and degree calculation.

3 SECTION 3. This act shall become effective July 1, 2016.

4 SECTION 4. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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