

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3440 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Tom Gann

Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3440

By: Gann

7
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to schools; requiring expenditure of
10 certain funds for purpose of providing teacher bonus
11 payments; directing State Board of Equalization to
12 determine amount of payments; creating certain
13 revolving fund; requiring monies from revolving fund
14 to be used for certain purpose; amending 70 O.S.
2011, Section 18-200.1, which relates to the State
Aid formula; providing certain exception in
calculating state apportionment portion of Foundation
Program Income; providing for codification; providing
an effective date; and declaring an emergency.

15
16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 18-501 of Title 70, unless there
19 is created a duplication in numbering, reads as follows:

20 A. For the fiscal year ending June 30, 2019, and for each
21 fiscal year thereafter, and pursuant to the provisions of Section 3
22 of Article XI of the Oklahoma Constitution and other applicable
23 provisions of law, the Commissioners of the Land Office shall
24

1 provide a bonus payment with monies received by a common school
2 district to teachers with the professional staff distribution code
3 of 210. This money shall be expended by those districts exclusively
4 and shall not be used for any other purpose.

5 B. The State Board of Equalization shall determine the amount
6 of the teacher bonus payments based on the performance of the
7 revenues generated by the permanent school fund which are not
8 already allocated for the use and benefit of the common schools.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1013A of Title 64, unless there
11 is created a duplication in numbering, reads as follows:

12 There is hereby created in the State Treasury a revolving fund
13 for the Commissioners of the Land Office to be designated the
14 "Teacher Bonus Revolving Fund". The fund shall be a continuing
15 fund, not subject to fiscal year limitations, and shall consist of
16 all monies received by the Commissioners of the Land Office as
17 described in Section 3 of Article XI of the Oklahoma Constitution
18 and other applicable provisions of law for distribution to the
19 common schools of the state. All monies accruing to the credit of
20 said fund are hereby appropriated and shall be used by the
21 Commissioners of the Land Office for the purpose set forth in
22 Section 1 of this act.

23 SECTION 3. AMENDATORY 70 O.S. 2011, Section 18-200.1, is
24 amended to read as follows:

1 Section 18-200.1 A. Beginning with the 1997-98 school year,
2 and each school year thereafter, each school district shall have its
3 initial allocation of State Aid calculated based on the state
4 dedicated revenues actually collected during the preceding fiscal
5 year, the adjusted assessed valuation of the preceding year and the
6 highest weighted average daily membership for the school district of
7 the two (2) preceding school years; however, the weighted membership
8 of nonresident, transferred pupils enrolled in online courses shall
9 be based on the weighted average daily membership of the preceding
10 school year. Each school district shall submit the following data
11 based on the first nine (9) weeks, to be used in the calculation of
12 the average daily membership of the school district:

- 13 1. Student enrollment by grade level;
- 14 2. Pupil category counts; and
- 15 3. Transportation supplement data.

16 On or before December 30, the State Department of Education
17 shall determine each school district's current year allocation
18 pursuant to subsection D of this section. The State Department of
19 Education shall complete an audit, using procedures established by
20 the Department, of the student enrollment by grade level data, pupil
21 category counts and transportation supplement data to be used in the
22 State Aid Formula pursuant to subsection D of this section by
23 December 1 and by January 15 shall notify each school district of
24 the district's final State Aid allocation for the current school

1 year. The January payment of State Aid and each subsequent payment
2 for the remainder of the school year shall be based on the final
3 State Aid allocation as calculated in subsection D of this section.
4 Except for reductions made due to the assessment of penalties by the
5 State Department of Education according to law, the January payment
6 of State Aid and each subsequent payment for the remainder of the
7 school year shall not decrease by an amount more than the amount
8 that the current chargeable revenue increases for that district.

9 B. The State Department of Education shall retain not less than
10 one and one-half percent (1 1/2%) of the total funds appropriated
11 for financial support of schools, to be used to make midyear
12 adjustments in State Aid and which shall be reflected in the final
13 allocations. If the amount of appropriated funds, including the one
14 and one-half percent (1 1/2%) retained, remaining after January 1 of
15 each year is not sufficient to fully fund the final allocations, the
16 Department shall recalculate each school district's remaining
17 allocation pursuant to subsection D of this section using the
18 reduced amount of appropriated funds.

19 C. On and after July 1, 1997, the amount of State Aid each
20 district shall receive shall be the sum of the Foundation Aid, the
21 Salary Incentive Aid and the Transportation Supplement, as adjusted
22 pursuant to the provisions of subsection G of this section and
23 Section 18-112.2 of this title; provided, no district having per
24 pupil revenue in excess of three hundred percent (300%) of the

1 average per pupil revenue of all districts shall receive any State
2 Aid or Supplement in State Aid.

3 The July calculation of per pupil revenue shall be determined by
4 dividing the district's second preceding year's total weighted
5 average daily membership (ADM) into the district's second preceding
6 year's total revenues excluding federal revenue, insurance loss
7 payments, reimbursements, recovery of overpayments and refunds,
8 unused reserves, prior expenditures recovered, prior year surpluses,
9 and less the amount of any transfer fees paid in that year.

10 The December calculation of per pupil revenue shall be
11 determined by dividing the district's preceding year's total
12 weighted average daily membership (ADM) into the district's
13 preceding year's total revenues excluding federal revenue, insurance
14 loss payments, reimbursements, recovery of overpayments and refunds,
15 unused reserves, prior expenditures recovered, prior year surpluses,
16 and less the amount of any transfer fees paid in that year.

17 D. For the 1997-98 school year, and each school year
18 thereafter, Foundation Aid, the Transportation Supplement and Salary
19 Incentive Aid shall be calculated as follows:

20 1. Foundation Aid shall be determined by subtracting the amount
21 of the Foundation Program Income from the cost of the Foundation
22 Program and adding to this difference the Transportation Supplement.

23 a. The Foundation Program shall be a district's highest
24 weighted average daily membership based on the first

1 nine (9) weeks of the current school year, the
2 preceding school year or the second preceding school
3 year of a school district, as determined by the
4 provisions of subsection A of Section 18-201.1 of this
5 title and paragraphs 1, 2, 3 and 4 of subsection B of
6 Section 18-201.1 of this title, multiplied by the Base
7 Foundation Support Level. However, for the portion of
8 weighted membership derived from nonresident,
9 transferred pupils enrolled in online courses, the
10 Foundation Program shall be a district's weighted
11 average daily membership of the preceding school year
12 or the first nine (9) weeks of the current school
13 year, whichever is greater, as determined by the
14 provisions of subsection A of Section 18-201.1 of this
15 title and paragraphs 1, 2, 3 and 4 of subsection B of
16 Section 18-201.1 of this title, multiplied by the Base
17 Foundation Support Level.

18 b. The Foundation Program Income shall be the sum of the
19 following:

20 (1) The adjusted assessed valuation of the current
21 school year of the school district, minus the
22 previous year protested ad valorem tax revenues
23 held as prescribed in Section 2884 of Title 68 of
24 the Oklahoma Statutes, multiplied by the mills

1 levied pursuant to subsection (c) of Section 9 of
2 Article X of the Oklahoma Constitution, if
3 applicable, as adjusted in subsection (c) of
4 Section 8A of Article X of the Oklahoma
5 Constitution. For purposes of this subsection,
6 the "adjusted assessed valuation of the current
7 school year" shall be the adjusted assessed
8 valuation on which tax revenues are collected
9 during the current school year, ~~and~~

10 (2) Seventy-five percent (75%) of the amount received
11 by the school district from the proceeds of the
12 county levy during the preceding fiscal year, as
13 levied pursuant to subsection (b) of Section 9 of
14 Article X of the Oklahoma Constitution, ~~and~~

15 (3) Motor Vehicle Collections, ~~and~~

16 (4) Gross Production Tax, ~~and~~

17 (5) State Apportionment, except for monies
18 distributed by the Commissioners of the Land
19 Office from the Teacher Bonus Revolving Fund
20 created by Section 2 of this act, and

21 (6) R.E.A. Tax.

22 The items listed in divisions (3), (4), (5), and (6)
23 of this subparagraph shall consist of the amounts
24 actually collected from such sources during the

preceding fiscal year calculated on a per capita basis
on the unit provided for by law for the distribution
of each such revenue.

2. The Transportation Supplement shall be equal to the average
daily haul times the per capita allowance times the appropriate
transportation factor.

a. The average daily haul shall be the number of children
in a district who are legally transported and who live
one and one-half (1 1/2) miles or more from school.

b. The per capita allowance shall be determined using the
following chart:

PER CAPITA		PER CAPITA	
DENSITY FIGURE	ALLOWANCE	DENSITY FIGURE	ALLOWANCE
.3000 - .3083	\$167.00	.9334 - .9599	\$99.00
.3084 - .3249	\$165.00	.9600 - .9866	\$97.00
.3250 - .3416	\$163.00	.9867 - 1.1071	\$95.00
.3417 - .3583	\$161.00	1.1072 - 1.3214	\$92.00
.3584 - .3749	\$158.00	1.3215 - 1.5357	\$90.00
.3750 - .3916	\$156.00	1.5358 - 1.7499	\$88.00
.3917 - .4083	\$154.00	1.7500 - 1.9642	\$86.00
.4084 - .4249	\$152.00	1.9643 - 2.1785	\$84.00
.4250 - .4416	\$150.00	2.1786 - 2.3928	\$81.00
.4417 - .4583	\$147.00	2.3929 - 2.6249	\$79.00
.4584 - .4749	\$145.00	2.6250 - 2.8749	\$77.00

1	.4750 - .4916	\$143.00	2.8750 - 3.1249	\$75.00
2	.4917 - .5083	\$141.00	3.1250 - 3.3749	\$73.00
3	.5084 - .5249	\$139.00	3.3750 - 3.6666	\$70.00
4	.5250 - .5416	\$136.00	3.6667 - 3.9999	\$68.00
5	.5417 - .5583	\$134.00	4.0000 - 4.3333	\$66.00
6	.5584 - .5749	\$132.00	4.3334 - 4.6666	\$64.00
7	.5750 - .5916	\$130.00	4.6667 - 4.9999	\$62.00
8	.5917 - .6133	\$128.00	5.0000 - 5.5000	\$59.00
9	.6134 - .6399	\$125.00	5.5001 - 6.0000	\$57.00
10	.6400 - .6666	\$123.00	6.0001 - 6.5000	\$55.00
11	.6667 - .6933	\$121.00	6.5001 - 7.0000	\$53.00
12	.6934 - .7199	\$119.00	7.0001 - 7.3333	\$51.00
13	.7200 - .7466	\$117.00	7.3334 - 7.6667	\$48.00
14	.7467 - .7733	\$114.00	7.6668 - 8.0000	\$46.00
15	.7734 - .7999	\$112.00	8.0001 - 8.3333	\$44.00
16	.8000 - .8266	\$110.00	8.3334 - 8.6667	\$42.00
17	.8267 - .8533	\$108.00	8.6668 - 9.0000	\$40.00
18	.8534 - .8799	\$106.00	9.0001 - 9.3333	\$37.00
19	.8800 - .9066	\$103.00	9.3334 - 9.6667	\$35.00
20	.9067 - .9333	\$101.00	9.6668 or more	\$33.00

c. The formula transportation factor shall be 1.39.

3. Salary Incentive Aid shall be determined as follows:

a. Multiply the Incentive Aid guarantee by the district's highest weighted average daily membership based on the

1 first nine (9) weeks of the current school year, the
2 preceding school year or the second preceding school
3 year of a school district, as determined by the
4 provisions of subsection A of Section 18-201.1 of this
5 title and paragraphs 1, 2, 3 and 4 of subsection B of
6 Section 18-201.1 of this title.

7 b. Divide the district's adjusted assessed valuation of
8 the current school year minus the previous year's
9 protested ad valorem tax revenues held as prescribed
10 in Section 2884 of Title 68 of the Oklahoma Statutes,
11 by one thousand (1,000) and subtract the quotient from
12 the product of subparagraph a of this paragraph. The
13 remainder shall not be less than zero (0).

14 c. Multiply the number of mills levied for general fund
15 purposes above the fifteen (15) mills required to
16 support Foundation Aid pursuant to division (1) of
17 subparagraph b of paragraph 1 of this subsection, not
18 including the county four-mill levy, by the remainder
19 of subparagraph b of this paragraph. The product
20 shall be the Salary Incentive Aid of the district.

21 E. By June 30, 1998, the State Department of Education shall
22 develop and the Department and all school districts shall have
23 implemented a student identification system which is consistent with
24 the provisions of subsections C and D of Section 3111 of Title 74 of

1 the Oklahoma Statutes. The student identification system shall be
2 used specifically for the purpose of reporting enrollment data by
3 school sites and by school districts, the administration of the
4 Oklahoma School Testing Program Act, the collection of appropriate
5 and necessary data pursuant to the Oklahoma Educational Indicators
6 Program, determining student enrollment, establishing a student
7 mobility rate, allocation of the State Aid Formula and mid-year
8 adjustments in funding for student growth. This enrollment data
9 shall be submitted to the State Department of Education in
10 accordance with rules promulgated by the State Board of Education.
11 Funding for the development, implementation, personnel training and
12 maintenance of the student identification system shall be set out in
13 a separate line item in the allocation section of the appropriation
14 bill for the State Board of Education for each year.

15 F. 1. In the event that ad valorem taxes of a school district
16 are determined to be uncollectible because of bankruptcy, clerical
17 error, or a successful tax protest, and the amount of such taxes
18 deemed uncollectible exceeds Fifty Thousand Dollars (\$50,000.00) or
19 an amount greater than twenty-five percent (25%) of ad valorem taxes
20 per tax year, or the valuation of a district is lowered by order of
21 the State Board of Equalization, the school district's State Aid,
22 for the school year that such ad valorem taxes are calculated in the
23 State Aid Formula, shall be determined by subtracting the net
24 assessed valuation of the property upon which taxes were deemed

1 uncollectible from the assessed valuation of the school district and
2 the state. Upon request of the local board of education, it shall
3 be the duty of the county assessor to certify to the Director of
4 Finance of the State Department of Education the net assessed
5 valuation of the property upon which taxes were determined
6 uncollectible.

7 2. In the event that the amount of funds a school district
8 receives for reimbursement from the Ad Valorem Reimbursement Fund is
9 less than the amount of funds claimed for reimbursement by the
10 school district due to insufficiency of funds as provided in Section
11 193 of Title 62 of the Oklahoma Statutes, then the school district's
12 assessed valuation for the school year that such ad valorem
13 reimbursement is calculated in the State Aid Formula shall be
14 adjusted accordingly.

15 G. 1. Notwithstanding the provisions of Section 18-112.2 of
16 this title, a school district shall have its State Aid reduced by an
17 amount equal to the amount of carryover in the general fund of the
18 district as of June 30 of the preceding fiscal year, that is in
19 excess of the following standards for two (2) consecutive years:

20	Total Amount of	Amount of
21	General Fund Collections,	General Fund
22	Excluding Previous Year	Balance
23	Cash Surplus as of June 30	Allowable
24	Less than \$1,000,000	40%

1	\$1,000,000 - \$2,999,999	35%
2	\$3,000,000 - \$3,999,999	30%
3	\$4,000,000 - \$4,999,999	25%
4	\$5,000,000 - \$5,999,999	20%
5	\$6,000,000 - \$7,999,999	18%
6	\$8,000,000 - \$9,999,999	16%
7	\$10,000,000 or more	14%

8 2. By February 1 the State Department of Education shall send
 9 by certified mail, with return receipt requested, to each School
 10 District Superintendent, Auditor and Regional Accreditation Officer
 11 a notice of and calculation sheet reflecting the general fund
 12 balance penalty to be assessed against that school district.
 13 Calculation of the general fund balance penalty shall not include
 14 federal revenue. Within thirty (30) days of receipt of this written
 15 notice the school district shall submit to the Department a written
 16 reply either accepting or protesting the penalty to be assessed
 17 against the district. If protesting, the school district shall
 18 submit with its reply the reasons for rejecting the calculations and
 19 documentation supporting those reasons. The Department shall review
 20 all school district penalty protest documentation and notify each
 21 district by March 15 of its finding and the final penalty to be
 22 assessed to each district. General fund balance penalties shall be
 23 assessed to all school districts by April 1.

24

1 3. Any school district which receives proceeds from a tax
2 settlement or a Federal Emergency Management Agency settlement
3 during the last two (2) months of the preceding fiscal year shall be
4 exempt from the penalties assessed in this subsection, if the
5 penalty would occur solely as a result of receiving funds from the
6 tax settlement.

7 4. Any school district which receives an increase in State Aid
8 because of a change in Foundation and/or Salary Incentive Aid
9 factors during the last two (2) months of the preceding fiscal year
10 shall be exempt from the penalties assessed in this subsection, if
11 the penalty would occur solely as a result of receiving funds from
12 the increase in State Aid.

13 5. If a school district does not receive Foundation and/or
14 Salary Incentive Aid during the preceding fiscal year, the State
15 Board of Education may waive the penalty assessed in this subsection
16 if the penalty would result in a loss of more than forty percent
17 (40%) of the remaining State Aid to be allocated to the school
18 district between April 1 and the remainder of the school year and if
19 the Board determines the penalty will cause the school district not
20 to meet remaining financial obligations.

21 6. Any school district which receives gross production revenue
22 apportionment during the 2002-2003 school year or in any subsequent
23 school year that is greater than the gross production revenue
24 apportionment of the preceding school year shall be exempt from the

penalty assessed in this subsection, if the penalty would occur solely as a result of the gross production revenue apportionment, as determined by the State Board of Education.

7. Beginning July 1, 2003, school districts that participate in consolidation or annexation pursuant to the provisions of the Oklahoma School Voluntary Consolidation and Annexation Act shall be exempt from the penalty assessed in this subsection for the school year in which the consolidation or annexation occurs and for the next three (3) fiscal years.

8. Any school district which receives proceeds from a sales tax levied by a municipality pursuant to Section 22-159 of Title 11 of the Oklahoma Statutes or proceeds from a sales tax levied by a county pursuant to Section 1370 of Title 68 of the Oklahoma Statutes during the 2003-2004 school year or the 2004-2005 school year shall be exempt from the penalties assessed in this subsection, if the penalty would occur solely as a result of receiving funds from the sales tax levy.

9. For purposes of calculating the general fund balance penalty, the terms "carryover" and "general fund balance" shall not include federal revenue.

H. In order to provide startup funds for the implementation of early childhood programs, State Aid may be advanced to school districts that initially start early childhood instruction at a school site. School districts that desire such advanced funding

1 shall make application to the State Department of Education no later
2 than September 15 of each year and advanced funding shall be awarded
3 to the approved districts no later than October 30. The advanced
4 funding shall not exceed the per pupil amount of State Aid as
5 calculated in subsection D of this section per anticipated Head
6 Start eligible student. The total amount of advanced funding shall
7 be proportionately reduced from the monthly payments of the
8 district's State Aid payments during the last six (6) months of the
9 same fiscal year.

10 I. 1. Beginning July 1, 1996, the Oklahoma Tax Commission,
11 notwithstanding any provision of law to the contrary, shall report
12 monthly to the State Department of Education the monthly
13 apportionment of the following information:

- 14 a. the assessed valuation of property,
- 15 b. motor vehicle collections,
- 16 c. R.E.A. tax collected, and
- 17 d. gross productions tax collected.

18 2. Beginning July 1, 1997, the State Auditor and Inspector's
19 Office, notwithstanding any provision of law to the contrary, shall
20 report monthly to the State Department of Education the monthly
21 apportionment of the proceeds of the county levy.

22 3. Beginning July 1, 1996, the Commissioners of the Land
23 Office, notwithstanding any provision of law to the contrary, shall
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1 report monthly to the State Department of Education the monthly
2 apportionment of state apportionment.

3 4. Beginning July 1, 1997, the county treasurers' offices,
4 notwithstanding any provision of law to the contrary, shall report
5 monthly to the State Department of Education the ad valorem tax
6 protest amounts for each county.

7 5. The information reported by the Tax Commission, the State
8 Auditor and Inspector's Office, the county treasurers' offices and
9 the Commissioners of the Land Office, pursuant to this subsection
10 shall be reported by school district on forms developed by the State
11 Department of Education.

12 SECTION 4. This act shall become effective July 1, 2018.

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

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18 56-2-9862 AM 02/23/18
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