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February 26, 2018

AS AMENDED

SENATE BILL NO. 929

By: Stanislawski

An Act relating to the State Aid Formula; amending 70 O.S. 2011, Section 18-109.5, which relates to definitions; modifying certain definitions; adding and removing definitions; amending 70 O.S. 2011, Section 18-201.1, which relates to calculating a school district's weighted membership; modifying references; adding certain pupil category; 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 18-109.5, is amended to read as follows:

Section 18-109.5. A. As used in Sections 18-201 and 18-201.1
of this 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,

1 minimal brain dysfunction, dyslexia and developmental aphasia. The
2 term does not include learning problems that are primarily the
3 result of visual, hearing or motor disabilities, of intellectual
4 disability, of emotional disturbance or of environmental, cultural
5 or economic disadvantage;

6 3. ~~"Deaf or hard-of-hearing"~~ "Deafness" means a hearing
7 ~~impairment, whether permanent or fluctuating, which~~ that is so
8 severe that the child is impaired in processing linguistic
9 information through hearing, with or without amplification, that
10 adversely affects a child's educational performance;

11 4. "Economically disadvantaged" means all children who qualify
12 for free or reduced lunches;

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

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

- 20 a. an inability to learn which cannot be explained by
- 21 intellectual, sensory or health factors,
- 22 b. an inability to build or maintain satisfactory
- 23 interpersonal relationships with peers and teachers,
- 24

- 1 c. inappropriate types of behavior or feelings under
2 normal circumstances,
3 d. a general pervasive mood of unhappiness or depression,
4 or
5 e. a tendency to develop physical symptoms or fears
6 associated with personal or school problems;

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

10 7. "Gifted" means identified students as outlined in Section
11 1210.301 of this title;

12 8. ~~"Multiple handicapped"~~ "Hearing impairment" means an
13 impairment in hearing, whether permanent or fluctuating, that
14 adversely affects a child's educational performance but that is not
15 included under the definition of "deafness";

16 9. "Multiple disabilities" means concomitant impairments, such
17 as mentally retarded/blind, mentally retarded/orthopedically
18 impaired, intellectual disability-blindness, intellectual
19 disability-orthopedic impairment and other combinations, the
20 combination of which causes such severe educational problems needs
21 that they cannot be accommodated in special education programs
22 solely for one of the impairments. The term does not include
23 deaf/blind children;

24 9. ~~"Physically handicapped"~~

1 10. "Orthopedic impairment" means a severe orthopedic
2 ~~impairment or an autistic condition which is manifested by severe~~
3 ~~communication and other developmental and educational problems; or~~
4 ~~having limited strength, vitality or alertness, due to chronic or~~
5 ~~acute health problems such as a heart condition, tuberculosis,~~
6 ~~rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia,~~
7 ~~epilepsy, lead poisoning, leukemia, or diabetes, which adversely~~
8 ~~affects a child's educational performance~~ that adversely affects a
9 child's educational performance. The term includes impairments
10 caused by congenital anomaly, impairments caused by disease, such as
11 poliomyelitis and bone tuberculosis, and impairments from other
12 causes, such as cerebral palsy, amputations and fractures or burns
13 that cause contractures;

14 11. "Other health impairment" means having limited strength,
15 vitality or alertness, including a heightened alertness to
16 environmental stimuli, that results in limited alertness with
17 respect to the educational environment that adversely affects a
18 child's educational performance and is due to chronic or acute
19 health problems such as asthma, attention deficit disorder or
20 attention deficit hyperactivity disorder, diabetes, epilepsy, a
21 heart condition, hemophilia, lead poisoning, leukemia, nephritis,
22 rheumatic fever, sickle cell anemia and Tourette syndrome.

23 ~~10.~~ 12. "Speech impaired" means a communication disorder, such
24 as stuttering, impaired articulation, language impairment, or voice

1 impairment, which adversely affects a child's educational
2 performance;

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

8 ~~12.~~ 13. "Deaf/Blind" means concomitant hearing and visual
9 impairments, the combination of which causes such severe
10 communication and other developmental and educational problems that
11 they cannot be accommodated in special education programs solely for
12 deaf or blind children;

13 ~~13.~~ 14. "Bilingual" means those students who have limited
14 English speaking abilities or who come from homes where English is
15 not the dominant language as reported on the current year
16 application for accreditation;

17 ~~14.~~ 15. "Special Education Summer Program" means those summer
18 school programs which school districts may provide for children who
19 are severely or profoundly multiple-handicapped if their
20 individualized education program states the need for a continuing
21 educational experience to prevent loss of educational achievement or
22 basic life skills. Any school district receiving funds for such
23 special education summer programs shall provide services as provided
24 in Section 13-101 of this title; and

1 ~~15.~~ 16. "Optional Extended School Year Program" means the
2 program defined in Section 1-109.1 of this title.

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

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

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

22 B. The weighted calculations provided for in subsection A of
23 this section shall be based on the highest weighted average daily
24 membership of the first nine (9) weeks of the current school year,

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

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

17	GRADE LEVEL	WEIGHT
18	a. Half-day early childhood programs	.7
19	b. Full-day early childhood programs	1.3
20	c. Half-day kindergarten	1.3
21	d. Full-day kindergarten	1.5
22	e. First and second grade	1.351
23	f. Third grade	1.051
24	g. Fourth through sixth grade	1.0

h. Seventh through twelfth grade 1.2

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

o. Autism

2.4

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

1 percent (3%) on any national standardized test of intellectual
2 ability plus eight percent (8%) of the total average daily
3 membership of the school district for the first nine (9) weeks of
4 the school year.

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

11 a. Small school district formula: 529 minus the average
12 daily membership divided by 529 times .2 times total
13 average daily membership.

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

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

7 b. District sparsity - isolation formula:

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

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

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

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

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

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.
24

The district's projected total revenues for each calculation 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

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 3. This act shall become effective July 1, 2018.

9 SECTION 4. It being immediately necessary for the preservation
10 of the public peace, health or 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 EDUCATION
14 February 26, 2018 - DO PASS AS AMENDED
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