

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 2673

By: Echols

AS INTRODUCED

An Act relating to schools; establishing availability of certain transfer students; reallocating certain aid; amending 70 O.S. 2011, Section 18-201.1, as last amended by Section 3, Chapter 61, O.S.L. 2020 (70 O.S. Supp. 2020, Section 18-201.1), which relates to state aid; adding certain student weight for state aid; amending 70 O.S. 2011, Section 8-104, as amended by Section 1, Chapter 85, O.S.L. 2013 (70 O.S. Supp. 2020, Section 8-104), which relates to student transfers; adding reason for emergency transfer; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-114 of Title 70, unless there is created a duplication in numbering, reads as follows:

B. If a student is transferred to a school district other than the district of residence of the student pursuant to paragraph 9 of Subsection A of Section 8-104 of Title 70 of the Oklahoma Statutes:

1. The receiving district shall establish availability of the appropriate program, staff and services prior to approval of the transfer; and

1        2. Upon approval of the transfer, the receiving district shall  
2 claim the student in the average daily membership for state and  
3 federal funding purposes and shall assume all responsibility for  
4 education of the student. For state funding purposes, the State  
5 Department of Education shall include the appropriate grade level  
6 weight and all category weights to which the pupil is assigned  
7 pursuant to the provisions of Section 18-201.1 of Title 70 of the  
8 Oklahoma Statutes when calculating State Aid pursuant to the  
9 provisions of Section 18-200.1 of Title 70 of the Oklahoma Statutes.

10        SECTION 2.        AMENDATORY        70 O.S. 2011, Section 18-201.1, as  
11 last amended by Section 3, Chapter 61, O.S.L. 2020 (70 O.S. Supp.  
12 2020, Section 18-201.1), is amended to read as follows:

13        Section 18-201.1 A. Beginning with the 2020-21 school year,  
14 and each school year thereafter, the weighted membership of a school  
15 district for calculation of Foundation Aid purposes pursuant to  
16 paragraph 1 of subsection D of Section 18-200.1 of this title shall  
17 be the sum of the weighted pupil grade level calculation, the  
18 weighted pupil category calculation, the weighted district  
19 calculation and the weighted teacher experience and degree  
20 calculation. The weighted membership of a school district for  
21 calculation of Salary Incentive Aid purposes pursuant to paragraph 3  
22 of subsection D of Section 18-200.1 of this title shall be the sum  
23 of the weighted pupil grade level calculation, the weighted pupil  
24

1 category calculation, the weighted district calculation and the  
2 weighted teacher experience and degree calculation.

3 B. The weighted calculations provided for in subsection A of  
4 this section shall be based on the highest weighted average daily  
5 membership of the first nine (9) weeks of the current school year,  
6 the preceding school year or the second preceding school year of a  
7 school district, unless otherwise specified. The highest of the  
8 three (3) weighted average daily memberships shall be used  
9 consistently in all of the calculations; however, the weighted  
10 calculation for a statewide virtual charter school experiencing a  
11 significant decline in membership shall be based on the first nine  
12 (9) weeks of the current school year and not on the preceding school  
13 year or the second preceding school year for the statewide virtual  
14 charter school. For purposes of this subsection, "significant  
15 decline in membership" means equal to or greater than a fifteen  
16 percent (15%) decrease in average daily membership from the  
17 preceding school year to the average daily membership of the first  
18 nine (9) weeks of the current school year. The average daily  
19 membership data used for all calculations in paragraphs 1, 2, 3 and  
20 4 of this subsection shall be the same as used in the calculation of  
21 the State Aid Formula. The weighted calculations provided for in  
22 subsection A of this section shall be determined as follows:

23 1. The weighted pupil grade level calculation shall be  
24 determined by taking the highest average daily membership and

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

3	GRADE LEVEL	WEIGHT
4	a. Half-day early childhood programs	.7
5	b. Full-day early childhood programs	1.3
6	c. Half-day kindergarten	1.3
7	d. Full-day kindergarten	1.5
8	e. First and second grade	1.351
9	f. Third grade	1.051
10	g. Fourth through sixth grade	1.0
11	h. Seventh through twelfth grade	1.2
12	i. Out-of-home placement	1.50

13 Multiply the membership of each subparagraph of this paragraph by  
14 the weight assigned to such subparagraph of this paragraph and add  
15 the totals together to determine the weighted pupil grade level  
16 calculation for a school district. Determination of the pupils  
17 eligible for the early childhood program weight shall be pursuant to  
18 the provisions of Section 1-114 of this title. The pupils eligible  
19 for the out-of-home placement pupil weight shall be students who are  
20 not residents of the school district in which they are receiving  
21 education pursuant to the provisions of subsection D of Section 1-  
22 113 of this title. Such weight may be claimed by the district  
23 providing educational services to such student for the days that  
24 student is enrolled in that district. If claimed, the out-of-home

1 placement weight shall be in lieu of the pupil grade level and any  
2 pupil category weights for that student. Provided, if a student  
3 resides in a juvenile detention center that is restricted to less  
4 than twelve (12) beds, the out-of-home placement pupil weight for  
5 such students shall be calculated as follows: for a center with six  
6 (6) beds - 3.0; for a center with eight (8) beds - 2.3 and for a  
7 center with ten (10) beds - 1.80.

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

10	CATEGORY	WEIGHT
11	a. Visual Impairment	3.8
12	b. Specific Learning Disability	.4
13	c. Deafness or Hearing Impairment	2.9
14	d. Deaf-Blindness	3.8
15	e. Intellectual Disability	1.3
16	f. Emotional Disturbance	2.5
17	g. Gifted	.34
18	h. Multiple Disabilities	2.4
19	i. Orthopedic Impairment	1.2
20	j. Speech or Language Impairment	.05
21	k. Bilingual	.25
22	l. Special Education Summer Program	1.2
23	m. Economically Disadvantaged	.25

24

n. Optional Extended School Year  
Program

As determined by  
the State Board  
of Education

o. Autism 2.4

p. Traumatic Brain Injury 2.4

q. Other Health Impairment 1.2

r. Enrolled at school that has

received a "F" school grade

pursuant to Section 1210.54

of this title in each of the

last three (3) immediately

preceding years 1.1

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)

1 the sum of the number of students who scored in the top three  
2 percent (3%) on any national standardized test of intellectual  
3 ability plus eight percent (8%) of the total average daily  
4 membership of the school district for the preceding school year.  
5 For the 1997-98 school year and subsequent school years, the number  
6 to be 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 first nine (9) weeks of  
16 the school year.

17 3. The weighted district calculation shall be determined by  
18 determining the calculations for each school district for both the  
19 small school district formula and the district sparsity - isolation  
20 formula, applying whichever is the greater of the calculations of  
21 the two formulas and then applying the restrictions pursuant to  
22 subparagraph c of this paragraph.  
23  
24

1 a. Small school district formula: 529 minus the average  
2 daily membership divided by 529 times .2 times total  
3 average daily membership.

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

21 b. District sparsity - isolation formula:

22 The district sparsity - isolation formula calculation shall  
23 apply only to school districts:  
24



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

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

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

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

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

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

Grade Level Group

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

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

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

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

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

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

1           however, the district area cost factor shall not exceed one  
2           (1.0) .

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

12           c. State Aid funds which a district is calculated to  
13 receive as a result of the weighted district  
14 calculation shall be restricted as follows:

15                   If, after the weighted district calculation is  
16 applied, the district's projected per pupil  
17 revenue exceeds one hundred fifty percent (150%)  
18 of the projected state average per pupil revenue,  
19 then the district's State Aid shall be reduced by  
20 an amount that will restrict the district's  
21 projected per pupil revenue to one hundred fifty  
22 percent (150%) of the projected state average per  
23 pupil revenue. Provided, in applying the  
24 restriction provided in this division, the

1 district's State Aid shall not be reduced by an  
2 amount greater than by the amount of State Aid  
3 which was generated by the weighted district  
4 calculation.

5 The July calculation of the projected per pupil  
6 revenue shall be determined by dividing the highest of  
7 the district's preceding two (2) years average daily  
8 membership (ADM) as weighted by the pupil grade level,  
9 the pupil category, the district and the teacher  
10 experience degree index calculations for projected  
11 State Aid into the district's projected total revenues  
12 including projected funds for the State Aid Formula  
13 for the preceding year, net assessed valuation for the  
14 preceding calendar year times thirty-nine (39) mills,  
15 county revenues excluding the county four-mills  
16 revenues for the second preceding year, other state  
17 appropriations for the preceding year and the  
18 collections for the preceding year of state  
19 apportionment, motor vehicle revenue, gross production  
20 tax and R.E.A. tax.

21 The December calculation of the projected per pupil  
22 revenue shall be determined by dividing the highest of  
23 the district's first nine (9) weeks of the current  
24 school year or the two (2) preceding school years

1 average daily membership (ADM) as weighted by the  
2 pupil grade level, the pupil category, the district  
3 and the teacher experience degree index calculations  
4 for projected State Aid into the district's projected  
5 total revenues including funds for the December  
6 calculation of the current year State Aid Formula, net  
7 assessed valuation for the current calendar year times  
8 thirty-nine (39) mills, county revenues excluding the  
9 county four-mills revenue for the preceding year,  
10 other state appropriations for the preceding year and  
11 the collections for the preceding year of state  
12 apportionment, motor vehicle revenue, gross production  
13 tax and R.E.A. tax.

14 The district's projected total revenues for each  
15 calculation shall exclude the following collections  
16 for the second preceding year: federal revenue,  
17 insurance loss payments, reimbursements, recovery of  
18 overpayments and refunds, unused reserves, prior  
19 expenditures recovered, prior year surpluses, and  
20 other local miscellaneous revenues.

21 4. The weighted teacher experience and degree calculation shall  
22 be determined in accordance with the teacher experience and degree  
23 index. The State Department of Education shall determine an index  
24 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 m of paragraph 2 of this subsection to determine the weighted teacher experience and degree calculation.

SECTION 3. AMENDATORY 70 O.S. 2011, Section 8-104, as amended by Section 1, Chapter 85, O.S.L. 2013 (70 O.S. Supp. 2020, Section 8-104), is amended to read as follows:

1       Section 8-104. A. In addition to the transfer process provided  
2 in Section 8-103 of this title, students may be transferred on an  
3 emergency basis. A written application for an emergency transfer  
4 designating the district to which the transfer is desired shall be  
5 made by the parent and filed with the superintendent of the  
6 receiving school district. On an adequate showing of emergency the  
7 superintendent of the receiving school district may make and order a  
8 transfer, subject to approval by the State Board of Education. An  
9 emergency shall include only:

10       1. The destruction or partial destruction of a school building;

11       2. The inability to offer the subject a pupil desires to  
12 pursue, if the pupil becomes a legal resident of a school district  
13 after February 1 of the school year immediately prior to the school  
14 year for which the pupil is seeking the transfer;

15       3. A catastrophic medical problem of a student, which for  
16 purposes of this section shall mean an acute or chronic serious  
17 illness, disease, disorder or injury which has a permanently  
18 detrimental effect on the body's system or renders the risk  
19 unusually hazardous;

20       4. The total failure of transportation facilities;

21       5. The concurrence of both the sending and receiving school  
22 districts;

23       6. The unavailability of remote or on-site Internet-based  
24 instruction by course title in the district of residence for a

1 student identified as in need of drop-out recovery or alternative  
2 education services, provided such student was enrolled at any time  
3 in a public school in this state during the previous three (3)  
4 school years;

5 7. The unavailability of a specialized deaf education program  
6 for a student who is deaf or hearing impaired; ~~or~~

7 8. When a student has been the victim of harassment,  
8 intimidation and bullying as defined in Section 24-100.3 of this  
9 title, upon verification by the receiving school district that the  
10 student has been the victim of harassment, intimidation or bullying  
11 and that the sending school district was notified of the incident or  
12 incidents prior to the filing of the application for transfer; or

13 9. Enrolled at resident school that has received an "F" school  
14 grade pursuant to Section 1210.545 of this title in each of the last  
15 three (3) immediately preceding years prior to the year the student  
16 submits the emergency transfer application.

17 B. An emergency transfer previously made may be canceled, with  
18 the concurrence of the board of the receiving district and the  
19 parent.

20 SECTION 4. This act shall become effective November 1, 2021.

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22 58-1-6246 AMM 01/20/21  
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