ENGROSSED HOUSE
BILL NO. 2676

By: Baker, West (Tammy), Wolfley, and Waldron of the House

and

Thompson (Roger) of the Senate

[schools - State Aid - definition for English

language learner - annual assessment - weighted

pupil category for calculating State Aid -

effective date -

emergency]

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

SECTION 1.   AMENDATORY   70 O.S. 2021, Section 18-109.5, is amended to read as follows:

Section 18-109.5 A. As used in Section 18-201.1 of this title:

1. "Visual impairment" means an impairment in vision that, even with correction, adversely affects a child's educational performance. This includes both partial sight and blindness;

2. "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding

or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of intellectual disability, of emotional disturbance or of environmental, cultural or economic disadvantage;

3. "Deafness" means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance;

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

5. "Intellectual disability" means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the development period, that adversely affects a child's educational performance;

6. "Emotional disturbance" means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

            a.   an inability to learn which cannot be explained by
                  intellectual, sensory or health factors,

b. an inability to build or maintain satisfactory

                    interpersonal relationships with peers and teachers,

                c. inappropriate types of behavior or feelings under

                    normal circumstances,

                d. a general pervasive mood of unhappiness or depression,

                    or

                e. a tendency to develop physical symptoms or fears

                    associated with personal or school problems.

The term includes children who are schizophrenic. The term does not

include children who are socially maladjusted, unless it is

determined that they are seriously emotionally disturbed;

    7. "Gifted" means identified students as outlined in Section

1210.301 of this title;

    8. "Hearing impairment" means an impairment in hearing, whether

permanent or fluctuating, that adversely affects a child's

educational performance but that is not included under the

definition of "deafness";

    9. "Multiple disabilities" means concomitant impairments, such

as intellectual disability – blindness or intellectual disability –

orthopedic impairment, the combination of which causes such severe

educational needs that they cannot be accommodated in special

education programs solely for one of the impairments. The term does

not include deaf-blindness;

1   10. "Orthopedic impairment" means a severe orthopedic

2 impairment that adversely affects a child's educational performance.

3 The term includes impairments caused by a congenital anomaly,

4 impairments caused by disease such as poliomyelitis and bone

5 tuberculosis, and impairments from other causes such as cerebral

6 palsy, amputations and fractures or burns that cause contractures;

7   11. "Other health impairment" means having limited strength,

8 vitality or alertness, including a heightened alertness to

9 environmental stimuli, that results in limited alertness with

10 respect to the educational environment that adversely affects a

11 child's educational performance and is due to chronic or acute

12 health problems such as asthma, attention deficit disorder or

13 attention deficit hyperactivity disorder, diabetes, epilepsy, a

14 heart condition, hemophilia, lead poisoning, leukemia, nephritis,

15 rheumatic fever, sickle cell anemia and Tourette syndrome;

16   12. "Speech or language impairment" means a communication

17 disorder, such as stuttering, impaired articulation, a language

18 impairment, or a voice impairment, that adversely affects a child's

19 educational performance;

20   13. "Deaf-blindness" means concomitant hearing and visual

21 impairments, the combination of which causes such severe

22 communication and other developmental and educational problems that

23 they cannot be accommodated in special education programs solely for

24 children with deafness or children with blindness;

1   14. "Autism" means a developmental disability significantly

2 affecting verbal and nonverbal communication and social interaction,

3 generally evident before age three (3), that adversely affects a

4 child's educational performance. Other characteristics often

5 associated with autism are engagement in repetitive activities and

6 stereotyped movements, resistance to environmental change or change

7 in daily routines, and unusual responses to sensory experiences.

8 Autism does not apply if a child's educational performance is

9 adversely affected primarily because the child has an emotional

10 disturbance, as defined in this subsection;

11   15. "Traumatic brain injury" means an acquired injury to the

12 brain caused by an external physical force, resulting in total or

13 partial functional disability or psychosocial impairment, or both,

14 that adversely affects a child's educational performance. Traumatic

15 brain injury applies to open or closed head injuries resulting in

16 impairments in one or more areas such as cognition; language;

17 memory; attention; reasoning; abstract thinking; judgment; problem-

18 solving; sensory, perceptual, and motor abilities; psychosocial

19 behavior; physical functions; information processing; and speech.

20 Traumatic brain injury does not apply to brain injuries that are

21 congenital or degenerative or to brain injuries induced by birth

22 trauma;

23   16. "~~Bilingual~~ English language learner" means those students:

24

1   a.   who ~~have limited English speaking abilities or who~~

2   ~~come from homes where English is not the dominant~~

3   ~~language as reported on the current year application~~

4   ~~for accreditation~~:

5   (1)   were not born in the United States or whose

6   native language is a language other than English,

7   (2)   are Native American or Alaska Natives, or a

8   native resident of the outlying areas, and who

9   come from an environment where a language other

10   than English has had a significant impact on the

11   student's level of English language proficiency,

12   or

13   (3)   are migratory, whose native language is a

14   language other than English, and who come from an

15   environment where a language other than English

16   is dominant, and

17   b.   whose difficulties in speaking, reading, writing, or

18   understanding the English language may be sufficient

19   to deny the student:

20   (1)   the ability to meet the state's proficient level

21   of achievement on state assessments,

22   (2)   the ability to successfully achieve in classrooms

23   where the language of instruction is English, or

24   (3)   the opportunity to participate fully in society.

1 Any school district receiving funds for a student who is categorized

2 as an English language learner shall reevaluate the student annually

3 using assessments required by federal law to confirm the student

4 continues to meet the definition of English language learner as

5 provided in this paragraph;

6   17. "Special Education Summer Program" means those summer

7 school programs which school districts may provide for children who

8 are severely or profoundly multiple-handicapped if their

9 individualized education program states the need for a continuing

10 educational experience to prevent loss of educational achievement or

11 basic life skills. Any school district receiving funds for such

12 special education summer programs shall provide services as provided

13 in Section 13-101 of this title; and

14   18. "Optional Extended School Year Program" means the program

15 defined in Section 1-109.1 of this title.

16   B. The State Board of Education is hereby authorized to modify

17 and redefine by rule the definitions set out in this section

18 whenever such modification is required to receive federal assistance

19 therefor.

20   SECTION 2.   AMENDATORY   70 O.S. 2021, Section 18-201.1, is

21 amended to read as follows:

22   Section 18-201.1 A. Beginning with the 2020-21 school year,

23 and each school year thereafter, the weighted membership of a school

24 district for calculation of Foundation Aid purposes pursuant to

paragraph 1 of subsection D of Section 18-200.1 of this title shall be the sum of the weighted pupil grade level calculation, the weighted pupil category calculation, the weighted district calculation and the weighted teacher experience and degree calculation. The weighted membership of a school district for calculation of Salary Incentive Aid purposes pursuant to paragraph 3 of subsection D of Section 18-200.1 of this title shall be the sum of the weighted pupil grade level calculation, the weighted pupil category calculation, the weighted district calculation and the weighted teacher experience and degree calculation.

B. Beginning with the 2022-2023 school year, the weighted calculations provided for in subsection A of this section shall be based on the higher weighted average daily membership of the first nine (9) weeks of the current school year or the preceding school year of a school district, unless otherwise specified. The higher of the two (2) weighted average daily memberships shall be used consistently in all of the calculations; however, the weighted calculation for a statewide virtual charter school experiencing a significant decline in membership shall be based on the first nine (9) weeks of the current school year for the statewide virtual charter school. For purposes of this subsection, "significant decline in membership" means equal to or greater than a fifteen percent (15%) decrease in average daily membership from the preceding school year to the average daily membership of the first

nine (9) weeks of the current school year. The average daily

membership data used for all calculations in paragraphs 1, 2, 3 and

4 of this subsection shall be the same as used in the calculation of

the State Aid Formula. The weighted calculations provided for in

subsection A of this section shall be determined as follows:

1. The weighted pupil grade level calculation shall be

determined by taking the highest average daily membership and

assigning weights to the pupils according to grade attended as

follows:

GRADE LEVEL	WEIGHT
a. Half-day early childhood programs	.7
b. Full-day early childhood programs	1.3
c. Half-day kindergarten	1.3
d. Full-day kindergarten	1.5
e. First and second grade	1.351
f. Third grade	1.051
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

1 the provisions of Section 1-114 of this title. The pupils eligible

2 for the out-of-home placement pupil weight shall be students who are

3 not residents of the school district in which they are receiving

4 education pursuant to the provisions of subsection D of Section 1-

5 113 of this title. Such weight may be claimed by the district

6 providing educational services to such student for the days that

7 student is enrolled in that district. If claimed, the out-of-home

8 placement weight shall be in lieu of the pupil grade level and any

9 pupil category weights for that student. Provided, if a student

10 resides in a juvenile detention center that is restricted to less

11 than twelve (12) beds, the out-of-home placement pupil weight for

12 such students shall be calculated as follows: for a center with six

13 (6) beds - 3.0; for a center with eight (8) beds - 2.3 and for a

14 center with ten (10) beds - 1.80.

15   2. The weighted pupil category calculation shall be determined

16 by assigning a weight to the pupil category as follows:

	CATEGORY	WEIGHT
a.	Visual Impairment	3.8
b.	Specific Learning Disability	.4
c.	Deafness or Hearing Impairment	2.9
d.	Deaf-Blindness	3.8
e.	Intellectual Disability	1.3
f.	Emotional Disturbance	2.5
g.	Gifted	.34

1	h.	Multiple Disabilities	2.4
2	i.	Orthopedic Impairment	1.2
3	j.	Speech or Language Impairment	.05
4	k.	~~Bilingual~~ English Language Learner	~~.25~~ .34
5	l.	Special Education Summer Program	1.2
6	m.	Economically Disadvantaged	~~.25~~ .34
7	n.	Optional Extended School Year	
8		Program	As determined by
9			the State Board
10			of Education
11	o.	Autism	2.4
12	p.	Traumatic Brain Injury	2.4
13	q.	Other Health Impairment	1.2

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 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 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 first nine (9) weeks of the school year.

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

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

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

district which is consolidated pursuant to the Oklahoma

School Voluntary Consolidation and Annexation Act shall not

qualify for the weighted district calculation unless the

district can satisfy the specifications herein. 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.

b.   District sparsity - isolation formula:

The district sparsity - isolation formula calculation shall

apply only to school districts:

    (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

1   of subparagraph c of this paragraph, the resulting

2   number shall be counted as additional students for the

3   purpose of calculating State Aid.

4   The school district student cost factor shall be calculated

5   as follows:

6   The school district's average daily membership shall

7   be categorized into the following grade level groups

8   and applied to the appropriate formulas as computed

9   below:

10   Grade Level Group

11   Grades K-5   Divide 74 by the sum of the Grade

12   Level ADM plus 23,

13   add .85 to the quotient, then

14   multiply the sum by the Grade

15   Level ADM.

16   Grades 6-8   Divide 122 by the sum of the Grade

17   Level ADM plus 133,

18   add .85 to the quotient, then

19   multiply the sum by the Grade

20   Level ADM.

21   Grades 9-12   Divide 292 by the sum of the Grade

22   Level ADM plus 128,

23   add .78 to the quotient, then

24   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;

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

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

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

If, after the weighted district calculation is applied, the district's projected per pupil revenue exceeds one hundred fifty percent (150%) of the projected state average per pupil revenue, then the district's State Aid shall be reduced by an amount that will restrict the district's projected per pupil revenue to one hundred fifty percent (150%) of the projected state average per pupil revenue. Provided, in applying the restriction provided in this division, the district's State Aid shall not be reduced by an amount greater than by the amount of State Aid which was generated by the weighted district calculation.

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

county revenues excluding the county four-mills

revenues for the second preceding year, other state

appropriations for the preceding year and the

collections for the preceding year of state

apportionment, motor vehicle revenue, gross production

tax and R.E.A. tax.

The December calculation of the projected per pupil

revenue shall be determined by dividing the higher of

the district's first nine (9) weeks of the current

school year or the preceding school year's average

daily membership (ADM) as weighted by the pupil grade

level, the pupil category, the district and the

teacher experience degree index calculations for

projected State Aid into the district's projected

total revenues including funds for the December

calculation of the current year State Aid Formula, net

assessed valuation for the current calendar year times

thirty-nine (39) mills, county revenues excluding the

county four-mills revenue for the preceding year,

other state appropriations for the preceding year and

the collections for the preceding year of state

apportionment, motor vehicle revenue, gross production

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

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

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 m 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, 2023.

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   Passed the House of Representatives the 20th day of March, 2023.

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16   Presiding Officer of the House
                                   of Representatives

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18   Passed the Senate the ___ day of _____, 2023.

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21   Presiding Officer of the Senate

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