

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2677

By: Baker

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2021,
8 Sections 18-109.5 and 18-201.1, which relate to State
9 Aid; eliminating term; adding definition for English
10 language learner; requiring certain annual assessment
11 to confirm student meets definition; modifying
12 weighted pupil category for calculating State Aid;
13 providing an effective date; and declaring an
14 emergency.

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

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

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

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

22 2. "Specific learning disability" means a disorder in one or
23 more of the basic psychological processes involved in understanding
24 or in using language, spoken or written, that may manifest itself in
the imperfect ability to listen, think, speak, read, write, spell or

1 to do mathematical calculations, including conditions such as
2 perceptual disabilities, brain injury, minimal brain dysfunction,
3 dyslexia and developmental aphasia. The term does not include
4 learning problems that are primarily the result of visual, hearing
5 or motor disabilities, of intellectual disability, of emotional
6 disturbance or of environmental, cultural or economic disadvantage;

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

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

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

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

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

23 b. an inability to build or maintain satisfactory
24 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;

10. "Orthopedic impairment" means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly,

1 impairments caused by disease such as poliomyelitis and bone
2 tuberculosis, and impairments from other causes such as cerebral
3 palsy, amputations and fractures or burns that cause contractures;

4 11. "Other health impairment" means having limited strength,
5 vitality or alertness, including a heightened alertness to
6 environmental stimuli, that results in limited alertness with
7 respect to the educational environment that adversely affects a
8 child's educational performance and is due to chronic or acute
9 health problems such as asthma, attention deficit disorder or
10 attention deficit hyperactivity disorder, diabetes, epilepsy, a
11 heart condition, hemophilia, lead poisoning, leukemia, nephritis,
12 rheumatic fever, sickle cell anemia and Tourette syndrome;

13 12. "Speech or language impairment" means a communication
14 disorder, such as stuttering, impaired articulation, a language
15 impairment, or a voice impairment, that adversely affects a child's
16 educational performance;

17 13. "Deaf-blindness" means concomitant hearing and visual
18 impairments, the combination of which causes such severe
19 communication and other developmental and educational problems that
20 they cannot be accommodated in special education programs solely for
21 children with deafness or children with blindness;

22 14. "Autism" means a developmental disability significantly
23 affecting verbal and nonverbal communication and social interaction,
24 generally evident before age three (3), that adversely affects a

1 child's educational performance. Other characteristics often
2 associated with autism are engagement in repetitive activities and
3 stereotyped movements, resistance to environmental change or change
4 in daily routines, and unusual responses to sensory experiences.
5 Autism does not apply if a child's educational performance is
6 adversely affected primarily because the child has an emotional
7 disturbance, as defined in this subsection;

8 15. "Traumatic brain injury" means an acquired injury to the
9 brain caused by an external physical force, resulting in total or
10 partial functional disability or psychosocial impairment, or both,
11 that adversely affects a child's educational performance. Traumatic
12 brain injury applies to open or closed head injuries resulting in
13 impairments in one or more areas such as cognition; language;
14 memory; attention; reasoning; abstract thinking; judgment; problem-
15 solving; sensory, perceptual, and motor abilities; psychosocial
16 behavior; physical functions; information processing; and speech.
17 Traumatic brain injury does not apply to brain injuries that are
18 congenital or degenerative or to brain injuries induced by birth
19 trauma;

20 16. ~~"Bilingual~~ English language learner" means those students:
21 a. ~~who have limited English speaking abilities or who~~
22 ~~come from homes where English is not the dominant~~
23 ~~language as reported on the current year application~~
24 ~~for accreditation:~~

- 1 (1) were not born in the United States or whose
2 native language is a language other than English,
3 (2) are Native American or Alaska Natives, or a
4 native resident of the outlying areas, and who
5 come from an environment where a language other
6 than English has had a significant impact on the
7 student's level of English language proficiency,
8 or
9 (3) are migratory, whose native language is a
10 language other than English, and who come from an
11 environment where a language other than English
12 is dominant, and

13 b. whose difficulties in speaking, reading, writing, or
14 understanding the English language may be sufficient
15 to deny the student:

- 16 (1) the ability to meet the state's proficient level
17 of achievement on state assessments,
18 (2) the ability to successfully achieve in classrooms
19 where the language of instruction is English, or
20 (3) the opportunity to participate fully in society.

21 Any school district receiving funds for a student who is categorized
22 as an English language learner shall reevaluate the student annually
23 using assessments required by federal law to confirm the student
24

1 continues to meet the definition of English language learner as
2 provided in this paragraph;

3 17. "Special Education Summer Program" means those summer
4 school programs which school districts may provide for children who
5 are severely or profoundly multiple-handicapped if their
6 individualized education program states the need for a continuing
7 educational experience to prevent loss of educational achievement or
8 basic life skills. Any school district receiving funds for such
9 special education summer programs shall provide services as provided
10 in Section 13-101 of this title; and

11 18. "Optional Extended School Year Program" means the program
12 defined in Section 1-109.1 of this title.

13 B. The State Board of Education is hereby authorized to modify
14 and redefine by rule the definitions set out in this section
15 whenever such modification is required to receive federal assistance
16 therefor.

17 SECTION 2. AMENDATORY 70 O.S. 2021, Section 18-201.1, is
18 amended to read as follows:

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

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

8 B. Beginning with the 2022-2023 school year, the weighted
9 calculations provided for in subsection A of this section shall be
10 based on the higher weighted average daily membership of the first
11 nine (9) weeks of the current school year or the preceding school
12 year of a school district, unless otherwise specified. The higher
13 of the two (2) weighted average daily memberships shall be used
14 consistently in all of the calculations; however, the weighted
15 calculation for a statewide virtual charter school experiencing a
16 significant decline in membership shall be based on the first nine
17 (9) weeks of the current school year for the statewide virtual
18 charter school. For purposes of this subsection, "significant
19 decline in membership" means equal to or greater than a fifteen
20 percent (15%) decrease in average daily membership from the
21 preceding school year to the average daily membership of the first
22 nine (9) weeks of the current school year. The average daily
23 membership data used for all calculations in paragraphs 1, 2, 3 and
24 4 of this subsection shall be the same as used in the calculation of

1 the State Aid Formula. The weighted calculations provided for in
2 subsection A of this section shall be determined as follows:

3 1. The weighted pupil grade level calculation shall be
4 determined by taking the highest average daily membership and
5 assigning weights to the pupils according to grade attended as
6 follows:

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

17 Multiply the membership of each subparagraph of this paragraph by
18 the weight assigned to such subparagraph of this paragraph and add
19 the totals together to determine the weighted pupil grade level
20 calculation for a school district. Determination of the pupils
21 eligible for the early childhood program weight shall be pursuant to
22 the provisions of Section 1-114 of this title. The pupils eligible
23 for the out-of-home placement pupil weight shall be students who are
24 not residents of the school district in which they are receiving

1 education pursuant to the provisions of subsection D of Section 1-
2 113 of this title. Such weight may be claimed by the district
3 providing educational services to such student for the days that
4 student is enrolled in that district. If claimed, the out-of-home
5 placement weight shall be in lieu of the pupil grade level and any
6 pupil category weights for that student. Provided, if a student
7 resides in a juvenile detention center that is restricted to less
8 than twelve (12) beds, the out-of-home placement pupil weight for
9 such students shall be calculated as follows: for a center with six
10 (6) beds - 3.0; for a center with eight (8) beds - 2.3 and for a
11 center with ten (10) beds - 1.80.

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

14	CATEGORY	WEIGHT
15	a. Visual Impairment	3.8
16	b. Specific Learning Disability	.4
17	c. Deafness or Hearing Impairment	2.9
18	d. Deaf-Blindness	3.8
19	e. Intellectual Disability	1.3
20	f. Emotional Disturbance	2.5
21	g. Gifted	.34
22	h. Multiple Disabilities	2.4
23	i. Orthopedic Impairment	1.2
24	j. Speech or Language Impairment	.05

1	k.	Bilingual <u>English Language Learner</u>	-.25 <u>.34</u>
2	l.	Special Education Summer Program	1.2
3	m.	Economically Disadvantaged	-.25 <u>.34</u>
4	n.	Optional Extended School Year	
5		Program	As determined by
6			the State Board
7			of Education
8	o.	Autism	2.4
9	p.	Traumatic Brain Injury	2.4
10	q.	Other Health Impairment	1.2

11 Except as otherwise provided, multiply the number of pupils approved
12 in the school year with the highest average daily membership in each
13 category by the weight assigned to such category and add the totals
14 together to determine the weighted pupil category calculation for a
15 school district. For the 1997-98 school year and subsequent school
16 years, the number to be multiplied by the weight assigned to the
17 gifted category in subparagraph g of this paragraph shall be the
18 lesser of (1) the sum of the number of students who scored in the
19 top three percent (3%) on any national standardized test of
20 intellectual ability plus the number of students identified as
21 gifted pursuant to subparagraphs a through d of paragraph 1 of
22 Section 1210.301 of this title, or (2) the sum of the number of
23 students who scored in the top three percent (3%) on any national
24 standardized test of intellectual ability plus eight percent (8%) of

1 the total average daily membership of the school district for the
2 first nine (9) weeks of the school year.

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

9 a. Small school district formula: $529 \text{ minus the average}$
10 $\text{daily membership divided by } 529 \text{ times } .2 \text{ times total}$
11 $\text{average daily membership.}$

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

1 district can satisfy the specifications herein. Subject to
2 the provisions of subparagraph c of this paragraph, the
3 resulting number shall be counted as additional students
4 for the purpose of calculating State Aid.

5 b. District sparsity - isolation formula:

6 The district sparsity - isolation formula calculation shall
7 apply only to school districts:

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

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

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

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

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

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

7 Grade Level Group

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

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

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

23 The sum of the grade level group's average daily
24 membership shall be divided by the school district's

1 average daily membership. The number one (1.0) shall
2 be subtracted from the resulting quotient.

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

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

8 however, the district area cost factor shall not exceed one
9 (1.0).

10 The State Board of Education shall define geographical barriers
11 whose location in a school district would inhibit the district from
12 consolidation or annexation. The Board shall make available an
13 application process, review applications, and for districts the
14 Board deems necessary allow additional square miles to be used for
15 the purposes of calculations used for the weighted district sparsity
16 - isolation formula. Provided, that the additional square miles
17 allowed for geographical barriers shall not exceed thirty percent
18 (30%) of the district's actual size.

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

22 If, after the weighted district calculation is
23 applied, the district's projected per pupil
24 revenue exceeds one hundred fifty percent (150%)

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

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

1 collections for the preceding year of state
2 apportionment, motor vehicle revenue, gross production
3 tax and R.E.A. tax.

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

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

1 overpayments and refunds, unused reserves, prior
2 expenditures recovered, prior year surpluses, and
3 other local miscellaneous revenues.

4 4. The weighted teacher experience and degree calculation shall
5 be determined in accordance with the teacher experience and degree
6 index. The State Department of Education shall determine an index
7 for each state teacher by using data supplied in the school
8 district's teacher personnel reports of the preceding year and
9 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

19 The school district teacher index for each school district shall
20 be determined by subtracting the weighted average state teacher from
21 the weighted average district teacher. Multiply the school district
22 teacher index if greater than zero by .7 and then multiply that
23 product by the sum of the district's weighted pupil grade level
24 calculation provided in paragraph 1 of this subsection and the

1 weighted pupil category calculation provided in subparagraph m of
2 paragraph 2 of this subsection to determine the weighted teacher
3 experience and degree calculation.

4 SECTION 3. This act shall become effective July 1, 2023.

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

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10 59-1-6019 EK 01/09/23

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