

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 1963

By: Dills

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2011, Sections 18-109.5, as amended by Section 1, Chapter 228, O.S.L. 2018 and 18-201.1, as amended by Section 2, Chapter 228, O.S.L. 2018 (70 O.S. Supp. 2018, Sections 18-109.5 and 18-201.1), which relate to State Aid; eliminating term; adding definition for English Language Learner; modifying weighted pupil category for calculating State Aid; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 18-109.5, as amended by Section 1, Chapter 228, O.S.L. 2018 (70 O.S. Supp. 2018, 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

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

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

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

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

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

- 22 a. an inability to learn which cannot be explained by
23 intellectual, sensory or health factors,
24

- 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, and who
8 come from an environment where a language other
9 than English has had a significant impact on the
10 student's level of English language proficiency,
11 or

12 (3) are migratory, whose native language is a
13 language other than English, and who come from an
14 environment where a language other than English
15 is dominant, and

16 b. whose difficulties in speaking, reading, writing or
17 understanding the English language may be sufficient
18 to deny the student:

19 (1) the ability to meet the state's proficient level
20 of achievement on state assessments,

21 (2) the ability to successfully achieve in classrooms
22 where the language of instruction is English, or

23 (3) the opportunity to participate fully in society;
24

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

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

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

15 SECTION 2. AMENDATORY 70 O.S. 2011, Section 18-201.1, as
16 amended by Section 2, Chapter 228, O.S.L. 2018 (70 O.S. Supp. 2018,
17 Section 18-201.1), is amended to read as follows:

18 Section 18-201.1 A. Beginning with the 1997-98 school year,
19 and each school year thereafter, the weighted membership of a school
20 district for calculation of Foundation Aid purposes pursuant to
21 paragraph 1 of subsection D of Section 18-200.1 of this title shall
22 be the sum of the weighted pupil grade level calculation, the
23 weighted pupil category calculation, the weighted district
24 calculation and the weighted teacher experience and degree

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

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

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

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~~7~~4, 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 <u>English Language Learner</u>	.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

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 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

1 Act shall have the weighted district size calculation for
2 the three (3) school years following the fiscal year in
3 which such consolidation occurred calculated to be the sum
4 of the individual consolidated districts computed as if the
5 consolidation had not taken place. Thereafter, any such
6 district which is consolidated pursuant to the Oklahoma
7 School Voluntary Consolidation and Annexation Act shall not
8 qualify for the weighted district calculation unless the
9 district can satisfy the specifications herein. Subject to
10 the provisions of subparagraph c of this paragraph, the
11 resulting number shall be counted as additional students
12 for the purpose of calculating State Aid.

13 b. District sparsity - isolation formula:

14 The district sparsity - isolation formula calculation shall
15 apply only to school districts:

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

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

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

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

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

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

16 Grade Level Group

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

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

1 multiply the sum by the Grade
2 Level ADM.
3 Grades 9-12 Divide 292 by the sum of the Grade
4 Level ADM plus 128,
5 add .78 to the quotient, then
6 multiply the sum by the Grade
7 Level ADM.

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

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

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

17 however, the district area cost factor shall not exceed one
18 (1.0).

19 The State Board of Education shall define geographical barriers
20 whose location in a school district would inhibit the district from
21 consolidation or annexation. The Board shall make available an
22 application process, review applications, and for districts the
23 Board deems necessary allow additional square miles to be used for
24 the purposes of calculations used for the weighted district sparsity

1 - isolation formula. Provided, that the additional square miles
2 allowed for geographical barriers shall not exceed thirty percent
3 (30%) of the district's actual size.

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

7 If, after the weighted district calculation is
8 applied, the district's projected per pupil
9 revenue exceeds one hundred fifty percent (150%)
10 of the projected state average per pupil revenue,
11 then the district's State Aid shall be reduced by
12 an amount that will restrict the district's
13 projected per pupil revenue to one hundred fifty
14 percent (150%) of the projected state average per
15 pupil revenue. Provided, in applying the
16 restriction provided in this division, the
17 district's State Aid shall not be reduced by an
18 amount greater than by the amount of State Aid
19 which was generated by the weighted district
20 calculation.

21 The July calculation of the projected per pupil
22 revenue shall be determined by dividing the highest of
23 the district's preceding two (2) years average daily
24 membership (ADM) as weighted by the pupil grade level,

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

13 The December calculation of the projected per pupil
14 revenue shall be determined by dividing the highest of
15 the district's first nine (9) weeks of the current
16 school year or the two (2) preceding school years
17 average daily membership (ADM) as weighted by the
18 pupil grade level, the pupil category, the district
19 and the teacher experience degree index calculations
20 for projected State Aid into the district's projected
21 total revenues including funds for the December
22 calculation of the current year State Aid Formula, net
23 assessed valuation for the current calendar year times
24 thirty-nine (39) mills, county revenues excluding the

1 county four-mills revenue for the preceding year,
2 other state appropriations for the preceding year and
3 the collections for the preceding year of state
4 apportionment, motor vehicle revenue, gross production
5 tax and R.E.A. tax.

6 The district's projected total revenues for each
7 calculation shall exclude the following collections
8 for the second preceding year: federal revenue,
9 insurance loss payments, reimbursements, recovery of
10 overpayments and refunds, unused reserves, prior
11 expenditures recovered, prior year surpluses, and
12 other local miscellaneous revenues.

13 4. The weighted teacher experience and degree calculation shall
14 be determined in accordance with the teacher experience and degree
15 index. The State Department of Education shall determine an index
16 for each state teacher by using data supplied in the school
17 district's teacher personnel reports of the preceding year and
18 utilizing the index as follows:

19 TEACHER EXPERIENCE - DEGREE INDEX

20 EXPERIENCE	BACHELOR'S	MASTER'S	DOCTOR'S
21	DEGREE	DEGREE	DEGREE
22 0 - 2	.7	.9	1.1
23 3 - 5	.8	1.0	1.2
24 6 - 8	.9	1.1	1.3

1	9 - 11	1.0	1.2	1.4
2	12 - 15	1.1	1.3	1.5
3	Over 15	1.2	1.4	1.6

4 The school district teacher index for each school district shall
5 be determined by subtracting the weighted average state teacher from
6 the weighted average district teacher. Multiply the school district
7 teacher index if greater than zero by .7 and then multiply that
8 product by the sum of the district's weighted pupil grade level
9 calculation provided in paragraph 1 of this subsection and the
10 weighted pupil category calculation provided in subparagraph m of
11 paragraph 2 of this subsection to determine the weighted teacher
12 experience and degree calculation.

13 SECTION 3. This act shall become effective November 1, 2019.

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