

1 **SENATE FLOOR VERSION**

2 February 26, 2018

3 **AS AMENDED**

4 SENATE BILL NO. 929

5 By: Stanislawski

6 An Act relating to the State Aid Formula; amending 70  
7 O.S. 2011, Section 18-109.5, which relates to  
8 definitions; modifying certain definitions; adding  
9 and removing definitions; amending 70 O.S. 2011,  
10 Section 18-201.1, which relates to calculating a  
11 school district's weighted membership; modifying  
12 references; adding certain pupil category; providing  
13 an effective date; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 70 O.S. 2011, Section 18-109.5, is  
16 amended to read as follows:

17 Section 18-109.5. A. As used in Sections 18-201 and 18-201.1  
18 of this title:

19 1. "Vision impaired" means a visual impairment which, even with  
20 correction, adversely affects a child's educational performance;

21 2. "Children with learning disabilities" means a disorder in  
22 one or more of the basic psychological processes involved in  
23 understanding or in using language, written or spoken, which may  
24 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





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



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:  $529 \text{ minus the average}$   
12  $\text{daily membership divided by } 529 \text{ times } .2 \text{ times total}$   
13  $\text{average daily membership.}$

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

1 number shall be counted as additional students for the  
2 purpose of calculating State Aid.

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

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

9 Grade Level Group

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

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

20 Grades 9-12 Divide 292 by the sum of the Grade  
21 Level ADM plus 128,  
22 add .78 to the quotient, then  
23 multiply the sum by the Grade  
24 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.



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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