

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2676 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Rhonda Baker

Reading Clerk

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2676

6 By: Baker

7 FLOOR SUBSTITUTE

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

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

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

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

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

23 2. "Specific learning disability" means a disorder in one or
24 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, 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

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

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

1 nine (9) weeks of the current school year. The average daily
2 membership data used for all calculations in paragraphs 1, 2, 3 and
3 4 of this subsection shall be the same as used in the calculation of
4 the State Aid Formula. The weighted calculations provided for in
5 subsection A of this section shall be determined as follows:

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

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

20 Multiply the membership of each subparagraph of this paragraph by
21 the weight assigned to such subparagraph of this paragraph and add
22 the totals together to determine the weighted pupil grade level
23 calculation for a school district. Determination of the pupils
24 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:

17	CATEGORY	WEIGHT
18	a. Visual Impairment	3.8
19	b. Specific Learning Disability	.4
20	c. Deafness or Hearing Impairment	2.9
21	d. Deaf-Blindness	3.8
22	e. Intellectual Disability	1.3
23	f. Emotional Disturbance	2.5
24	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 <u>English Language Learner</u>	.25 <u>.34</u>
5	l. Special Education Summer Program	1.2
6	m. Economically Disadvantaged	.25 <u>.34</u>
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

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

1 Section 1210.301 of this title, or (2) the sum of the number of
2 students who scored in the top three percent (3%) on any national
3 standardized test of intellectual ability plus eight percent (8%) of
4 the total average daily membership of the school district for the
5 first nine (9) weeks of the school year.

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

12 a. Small school district formula: $529 \text{ minus the average}$
13 $\text{daily membership divided by } 529 \text{ times } .2 \text{ times total}$
14 $\text{average daily membership.}$

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

1 district which is consolidated pursuant to the Oklahoma
2 School Voluntary Consolidation and Annexation Act shall not
3 qualify for the weighted district calculation unless the
4 district can satisfy the specifications herein. Subject to
5 the provisions of subparagraph c of this paragraph, the
6 resulting number shall be counted as additional students
7 for the purpose of calculating State Aid.

8 b. District sparsity - isolation formula:

9 The district sparsity - isolation formula calculation shall
10 apply only to school districts:

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

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

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

21 The school district student cost factor multiplied by
22 the school district area factor. The resulting
23 product shall be multiplied by the school district's
24 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

1 Level ADM.

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

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

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

11 however, the district area cost factor shall not exceed one
12 (1.0).

13 The State Board of Education shall define geographical barriers
14 whose location in a school district would inhibit the district from
15 consolidation or annexation. The Board shall make available an
16 application process, review applications, and for districts the
17 Board deems necessary allow additional square miles to be used for
18 the purposes of calculations used for the weighted district sparsity
19 - isolation formula. Provided, that the additional square miles
20 allowed for geographical barriers shall not exceed thirty percent
21 (30%) of the district's actual size.

22 c. State Aid funds which a district is calculated to
23 receive as a result of the weighted district
24 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 district's
17 preceding year's average daily membership (ADM) as
18 weighted by the pupil grade level, the pupil category,
19 the district and the teacher experience degree index
20 calculations for projected State Aid into the
21 district's projected total revenues including
22 projected funds for the State Aid Formula for the
23 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 higher of
9 the district's first nine (9) weeks of the current
10 school year or the preceding school year's 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.

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:

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.

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14 59-1-7699 EK 03/03/23

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