

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1257

By: Pugh and Garvin of the
Senate

3

and

4

Lowe (Dick) of the House

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7 An Act relating to school funding; amending 70 O.S.
8 2021, Section 1-117, which relates to school district
9 general funds; updating statutory reference; removing
10 language exempting certain funds from calculation of
11 general fund carryover; amending 70 O.S. 2021,
12 Section 18-200.1, as amended by Section 1, Chapter
13 280, O.S.L. 2023 (70 O.S. Supp. 2023, Section 18-
14 200.1), which relates to State Aid; modifying certain
15 calculation of per pupil revenue; removing
16 limitations on school district general fund
17 carryover, method for calculating carryover amount,
18 and penalties for exceeding limitations; updating
19 statutory language; repealing 70 O.S. 2021, Section
20 18-200.1, as amended by Section 1, Chapter 488,
21 O.S.L. 2021, which relates to State Aid; providing an
22 effective date; and declaring an emergency.

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19 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
20 and insert:

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22 "An Act relating to school funding; amending 70 O.S.
23 2021, Section 1-117, which relates to school district
24 general funds; updating statutory reference; removing
language exempting certain funds from calculation of
general fund carryover; amending 70 O.S. 2021,

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1 Section 18-200.1, as amended by Section 1, Chapter
2 280, O.S.L. 2023 (70 O.S. Supp. 2023, Section 18-
3 200.1), which relates to State Aid; modifying certain
4 calculation of per pupil revenue; modifying
5 limitations on school district general fund
6 carryover; providing an exception for carryover of
7 certain gross production revenue apportionment;
8 updating statutory language; repealing 70 O.S. 2021,
9 Section 18-200.1, as amended by Section 1, Chapter
10 488, O.S.L. 2021, which relates to State Aid;
11 providing an effective date; and declaring an
12 emergency.

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

14 SECTION 1. AMENDATORY 70 O.S. 2021, Section 1-117, is
15 amended to read as follows:

16 Section 1-117. A. The general fund of any school district is
17 hereby defined as a current expense fund and shall consist of all
18 revenue or monies that can legally be expended within a certain
19 specified fiscal year, but shall not be considered as including any
20 money derived from a special building fund levy made in accordance
21 with the provisions of Section 10 of Article X of the Oklahoma
22 Constitution, nor shall it include any monies derived from the sale
23 of bonds issued under the provisions of Section 26 of Article X of
24 the Oklahoma Constitution. All monies derived from the proceeds of
the school levies made pursuant to the provisions of Section 9 of
Article X of the Oklahoma Constitution shall be placed in the
general fund provided by this section. Expenditures from the
general fund shall be noncapital in nature. All monies derived from

1 state-dedicated revenue, state-appropriated revenue unless otherwise
2 provided for by law, and county sources shall be placed in the
3 general fund provided for by this section. Except as provided for
4 in subsections F, K, and L of this section, a district shall not be
5 authorized to make capital expenditures as defined by this section
6 from the general fund.

7 B. For purposes of this section, state-dedicated revenue shall
8 be any registration or license fees, taxes, or penalties collected
9 at the state level and distributed to common school districts.
10 County sources shall be all funds collected by the county and
11 distributed to common school districts but shall not include any
12 funds derived from the building fund levy made in accordance with
13 the provisions of Section 10 of Article X of the Oklahoma
14 Constitution or funds derived from the sinking fund levy made in
15 accordance with the provisions of Section 26 of Article X of the
16 Oklahoma Constitution.

17 C. For the purposes of this section, a capital expenditure
18 shall be an expenditure which results in the acquisition of fixed
19 assets or additions to fixed assets. Capital expenditures shall
20 include, but shall not be limited to, purchases of land or existing
21 buildings, purchases of real property, improvements of grounds and
22 sites for construction purposes, all expenditures for construction
23 of buildings unless authorized by the State Board of Education or
24 the State Board of Career and Technology Education upon application

1 to the appropriate state board pursuant to subsection F of this
2 section, additions to buildings, remodeling of buildings if such
3 remodeling involves changes to roof structures or load-bearing
4 walls, professional services, salaries and expenses of architects
5 and engineers hired or assigned to capital projects except for such
6 services, salaries, and expenses as are applicable in preparation
7 for a bond issue, expenditures for the initial installation and
8 extension of service systems and built-in heat or air equipment to
9 existing buildings, expenditures for the replacement of a building
10 which has been destroyed, installments and lease payments on
11 property, including interest, that have a terminal date and result
12 in the acquisition of property, and expenditures for preliminary
13 studies made prior to the time that authority to proceed with a
14 construction project is given if authority is received within the
15 same fiscal year that the expenditure was made.

16 D. Noncapital expenditures shall include, but shall not be
17 limited to, expenditures for maintenance, repair, and replacement of
18 property and equipment, initial or additional purchases of furniture
19 and equipment, direct expenses for maintenance of plant, including
20 grounds, salaries for maintenance of plant, including salaries for
21 the upkeep of grounds, and repair and replacement of building
22 structures which do not add to existing facilities and which do not
23 involve changes in roof structures or load-bearing walls and which
24 are not classified as a capital expenditure by this section.

1 E. The State Board of Education shall adopt and amend
2 regulations regarding the classification, definition, and financial
3 administration of funds, accounts, and expenditures in accordance
4 with the requirements of this section.

5 F. A school district shall be authorized to make capital
6 expenditures from the general fund to defray the cost of rebuilding
7 a school building only if a school building or facility has been
8 destroyed by a fire or natural disaster, such as flood, tornado, or
9 other act of God, or by an act of a public enemy of the United
10 States or this state and monies received by the district through
11 insurance coverage, federal reimbursement, contributions, and
12 allocation from the State Board of Education from the State Public
13 Common School Building Equalization Fund are insufficient to rebuild
14 the facility. Capital expenditures from the general fund pursuant
15 to this subsection shall be limited to an amount necessary to defray
16 the cost of rebuilding the facility which exceeds monies received by
17 the school district through insurance, federal reimbursement,
18 contributions, and state allocations.

19 G. Schools which receive gifts ~~or~~, donations, or state-
20 appropriated monies for the purpose of capital expenditures or
21 projects shall place such monies in the building fund, as provided
22 by Section 1-118 of this title, and not in the general fund. School
23 districts which receive gifts, grants, or donations of monies for
24 noncapital expenditures may place the monies in the general fund,

1 and such monies shall not be required to be used during the year in
2 which the money was received but may accumulate from year to year
3 ~~and shall not be considered a part of the general fund collections~~
4 ~~when calculating the general fund carryover as provided for in~~
5 ~~subsection G of Section 18-200.1 of this title.~~

6 H. School districts which receive monies from rental, sale, or
7 lease of buildings, impact aid monies, or grants, gifts, or
8 donations for capital purposes, whether from state, federal, or
9 other sources, may place such monies in the building fund authorized
10 by Section 1-118 of this title or the general fund authorized by
11 this section.

12 I. Any construction of a building included as a capital
13 expenditure from the general fund of a school district which is
14 authorized and has had a contractual agreement concerning such
15 construction executed prior to July 1, 1991, may be proceeded with
16 and completed as authorized prior to July 1, 1991, as a capital
17 expenditure from such general fund.

18 J. School districts receiving revenues authorized by Section 9B
19 of Article X of the Oklahoma Constitution shall be authorized to
20 make capital expenditures from the general revenue fund no greater
21 than the amount levied by the incentive millage.

22 K. Upon the approval of the State Board of Education, a school
23 district shall be authorized to make capital expenditures as defined
24 in this section from its general fund if:

1 1. A bond issue has been rejected at an election by the school
2 district electors voting on that question within the current school
3 year, as certified by the secretary of the county election board; or

4 2. The school district has voted indebtedness at any time
5 within the preceding three (3) school years through the issuance of
6 bonds or through approval by voters of issuance of new bonds for
7 more than eighty-five percent (85%) of the maximum allowable
8 pursuant to the provisions of Section 26 of Article X of the
9 Oklahoma Constitution as shown on the school district budget filed
10 with the State Board of Equalization for the current school year and
11 certifications by the Attorney General prior to April 1 of the
12 current school year. The State Board of Education shall establish
13 the rules to administer the provisions of this subsection which
14 shall include, but not be limited to, specification of a maximum
15 amount of general fund monies to be used for capital expenditures,
16 the purposes for which such funds may be expended, and the period of
17 time in which such funds shall be encumbered.

18 L. Other provisions of this section notwithstanding, a school
19 district shall be authorized to make capital expenditures from the
20 general fund if the total assessed property valuation per average
21 daily attendance is less than sixty percent (60%) of the state
22 average total assessed property valuation per average daily
23 attendance and if, for each year in which general fund revenue is
24 used for capital expenditures, the district has voted the five-mill

1 building fund levy authorized in Section 10 of Article X of the
2 Oklahoma Constitution and has voted indebtedness through the
3 issuance of new bonds for at least eighty-five percent (85%) within
4 the last three (3) years of the maximum allowable pursuant to the
5 provisions of Section 26 of Article X of the Oklahoma Constitution
6 as shown on the school district budget filed with the State Board of
7 Equalization for the current school year and certifications by the
8 Attorney General prior to April 1 of the school year. Provided, the
9 maximum amount of general fund revenue used for capital expenditures
10 pursuant to this subsection shall not exceed five percent (5%) of
11 the total yearly revenue to the general fund. ~~Said~~ Such fund may
12 not be used for capital expenditures for more than five (5)
13 consecutive years and may only be utilized for remodeling or
14 construction of classroom facilities and such ancillary facilities
15 to ~~said~~ such classrooms as may be necessary. Provided, further, the
16 ~~State~~ Superintendent of Public Instruction shall certify in writing,
17 prior to the expenditure of the funds for which provision is made in
18 this subsection, that such expenditures are in compliance with the
19 provisions of this subsection.

20 SECTION 2. AMENDATORY 70 O.S. 2021, Section 18-200.1, as
21 amended by Section 1, Chapter 280, O.S.L. 2023 (70 O.S. Supp. 2023,
22 Section 18-200.1), is amended to read as follows:

23 Section 18-200.1. A. Beginning with the 2022-2023 school year,
24 and each school year thereafter, each school district shall have its

1 initial allocation of State Aid calculated based on the state
2 dedicated revenues actually collected during the preceding fiscal
3 year, the adjusted assessed valuation of the preceding year, and the
4 weighted average daily membership for the school district of the
5 preceding school year. Each school district shall submit the
6 following data based on the first nine (9) weeks, to be used in the
7 calculation of the average daily membership of the school district:

- 8 1. Student enrollment by grade level;
- 9 2. Pupil category counts; and
- 10 3. Transportation supplement data.

11 On or before December 30, the State Department of Education
12 shall determine each school district's current year allocation
13 pursuant to subsection D of this section. The State Department of
14 Education shall complete an audit, using procedures established by
15 the Department, of the student enrollment by grade level data, pupil
16 category counts, and transportation supplement data to be used in
17 the State Aid Formula pursuant to subsection D of this section by
18 December 1 and by January 15 shall notify each school district of
19 the district's final State Aid allocation for the current school
20 year. The January payment of State Aid and each subsequent payment
21 for the remainder of the school year shall be based on the final
22 State Aid allocation as calculated in subsection D of this section.
23 Except for reductions made due to the assessment of penalties by the
24 State Department of Education according to law, the January payment

1 of State Aid and each subsequent payment for the remainder of the
2 school year shall not decrease by an amount more than the amount
3 that the current chargeable revenue increases for that district.

4 B. The State Department of Education shall retain not less than
5 one and one-half percent (1 1/2%) of the total funds appropriated
6 for financial support of schools, to be used to make midyear
7 adjustments in State Aid and which shall be reflected in the final
8 allocations. If the amount of appropriated funds, including the one
9 and one-half percent (1 1/2%) retained, remaining after January 1 of
10 each year is not sufficient to fully fund the final allocations, the
11 Department shall recalculate each school district's remaining
12 allocation pursuant to subsection D of this section using the
13 reduced amount of appropriated funds.

14 C. On and after July 1, 1997, the amount of State Aid each
15 district shall receive shall be the sum of the Foundation Aid, the
16 Salary Incentive Aid, and the Transportation Supplement, as adjusted
17 pursuant to the provisions of ~~subsection C of this section and~~
18 Section 18-112.2 of this title; provided, no district having per
19 pupil revenue in excess of three hundred percent (300%) of the
20 average per pupil revenue of all districts shall receive any State
21 Aid or Supplement in State Aid.

22 The July calculation of per pupil revenue shall be determined by
23 dividing the district's second preceding year's total weighted
24 average daily membership (ADM) into the district's second preceding

1 year's total revenues excluding federal revenue, insurance loss
2 payments, reimbursements, recovery of overpayments and refunds,
3 unused reserves, prior expenditures recovered, prior year surpluses,
4 and less the amount of any transfer fees paid in that year.

5 The December calculation of per pupil revenue shall be
6 determined by dividing the district's preceding year's total
7 weighted average daily membership (ADM) into the district's
8 preceding year's total revenues excluding federal revenue, insurance
9 loss payments, reimbursements, recovery of overpayments and refunds,
10 unused reserves, prior expenditures recovered, prior year surpluses,
11 and less the amount of any transfer fees paid in that year.

12 D. For the 1997-98 school year, and each school year
13 thereafter, Foundation Aid, the Transportation Supplement, and
14 Salary Incentive Aid shall be calculated as follows:

15 1. Foundation Aid shall be determined by subtracting the amount
16 of the Foundation Program Income from the cost of the Foundation
17 Program and adding to this difference the Transportation Supplement.

18 a. The Foundation Program shall be a district's higher
19 weighted average daily membership based on the first
20 nine (9) weeks of the current school year or the
21 preceding school year of a school district, as
22 determined by the provisions of subsection A of
23 Section 18-201.1 of this title and paragraphs 1, 2, 3,
24 and 4 of subsection B of Section 18-201.1 of this

1 title, multiplied by the Base Foundation Support
2 Level. ~~However, for the portion of weighted~~
3 ~~membership derived from nonresident, transferred~~
4 ~~pupils enrolled in online courses, the Foundation~~
5 ~~Program shall be a district's weighted average daily~~
6 ~~membership of the preceding school year or the first~~
7 ~~nine (9) weeks of the current school year, whichever~~
8 ~~is greater, as determined by the provisions of~~
9 ~~subsection A of Section 18-201.1 of this title and~~
10 ~~paragraphs 1, 2, 3, and 4 of subsection B of Section~~
11 ~~18-201.1 of this title, multiplied by the Base~~
12 ~~Foundation Support Level.~~

13 b. The Foundation Program Income shall be the sum of the
14 following:

15 (1) ~~The~~ the adjusted assessed valuation of the
16 current school year of the school district, minus
17 the previous year protested ad valorem tax
18 revenues held as prescribed in Section 2884 of
19 Title 68 of the Oklahoma Statutes, multiplied by
20 the mills levied pursuant to subsection (c) of
21 Section 9 of Article X of the Oklahoma
22 Constitution, if applicable, as adjusted in
23 subsection (c) of Section 8A of Article X of the
24 Oklahoma Constitution. For purposes of this

1 subsection, the "adjusted assessed valuation of
2 the current school year" shall be the adjusted
3 assessed valuation on which tax revenues are
4 collected during the current school year, ~~and~~

5 (2) ~~Seventy-five~~ seventy-five percent (75%) of the
6 amount received by the school district from the
7 proceeds of the county levy during the preceding
8 fiscal year, as levied pursuant to subsection (b)
9 of Section 9 of Article X of the Oklahoma
10 Constitution, ~~and~~

11 (3) motor vehicle collections, ~~and~~

12 (4) gross production tax, ~~and~~

13 (5) state apportionment, and

14 (6) R.E.A. tax.

15 The items listed in divisions (3), (4), (5), and (6) of this
16 subparagraph shall consist of the amounts actually collected from
17 such sources during the preceding fiscal year calculated on a per
18 capita basis on the unit provided for by law for the distribution of
19 each such revenue.

20 2. The Transportation Supplement shall be equal to the average
21 daily haul times the per capita allowance times the appropriate
22 transportation factor.

a. The average daily haul shall be the number of children in a district who are legally transported and who live one and one-half (1 1/2) miles or more from school.

b. The per capita allowance shall be determined using the following chart:

	PER CAPITA		PER CAPITA	
DENSITY FIGURE	ALLOWANCE	DENSITY FIGURE	ALLOWANCE	
3000 - .3083	\$167.00	.9334 - .9599	\$99.00	
3084 - .3249	\$165.00	.9600 - .9866	\$97.00	
3250 - .3416	\$163.00	.9867 - 1.1071	\$95.00	
3417 - .3583	\$161.00	1.1072 - 1.3214	\$92.00	
3584 - .3749	\$158.00	1.3215 - 1.5357	\$90.00	
3750 - .3916	\$156.00	1.5358 - 1.7499	\$88.00	
3917 - .4083	\$154.00	1.7500 - 1.9642	\$86.00	
4084 - .4249	\$152.00	1.9643 - 2.1785	\$84.00	
4250 - .4416	\$150.00	2.1786 - 2.3928	\$81.00	
4417 - .4583	\$147.00	2.3929 - 2.6249	\$79.00	
4584 - .4749	\$145.00	2.6250 - 2.8749	\$77.00	
4750 - .4916	\$143.00	2.8750 - 3.1249	\$75.00	
4917 - .5083	\$141.00	3.1250 - 3.3749	\$73.00	
5084 - .5249	\$139.00	3.3750 - 3.6666	\$70.00	
5250 - .5416	\$136.00	3.6667 - 3.9999	\$68.00	
5417 - .5583	\$134.00	4.0000 - 4.3333	\$66.00	
5584 - .5749	\$132.00	4.3334 - 4.6666	\$64.00	

1	5750 - .5916	\$130.00	4.6667 - 4.9999	\$62.00
2	5917 - .6133	\$128.00	5.0000 - 5.5000	\$59.00
3	6134 - .6399	\$125.00	5.5001 - 6.0000	\$57.00
4	6400 - .6666	\$123.00	6.0001 - 6.5000	\$55.00
5	6667 - .6933	\$121.00	6.5001 - 7.0000	\$53.00
6	6934 - .7199	\$119.00	7.0001 - 7.3333	\$51.00
7	7200 - .7466	\$117.00	7.3334 - 7.6667	\$48.00
8	7467 - .7733	\$114.00	7.6668 - 8.0000	\$46.00
9	7734 - .7999	\$112.00	8.0001 - 8.3333	\$44.00
10	8000 - .8266	\$110.00	8.3334 - 8.6667	\$42.00
11	8267 - .8533	\$108.00	8.6668 - 9.0000	\$40.00
12	8534 - .8799	\$106.00	9.0001 - 9.3333	\$37.00
13	8800 - .9066	\$103.00	9.3334 - 9.6667	\$35.00
14	9067 - .9333	\$101.00	9.6668 or more	\$33.00

15 c. The formula transportation factor shall be 2.0.

16 3. Salary Incentive Aid shall be determined as follows:

17 a. Multiply the Incentive Aid guarantee by the district's
18 higher weighted average daily membership based on the
19 first nine (9) weeks of the current school year or the
20 preceding school year of a school district, as
21 determined by the provisions of subsection A of
22 Section 18-201.1 of this title and paragraphs 1, 2, 3,
23 and 4 of subsection B of Section 18-201.1 of this
24 title.

1 b. Divide the district's adjusted assessed valuation of
2 the current school year minus the previous year's
3 protested ad valorem tax revenues held as prescribed
4 in Section 2884 of Title 68 of the Oklahoma Statutes,
5 by one thousand (1,000) and subtract the quotient from
6 the product of subparagraph a of this paragraph. The
7 remainder shall not be less than zero (0).

8 c. Multiply the number of mills levied for general fund
9 purposes above the fifteen (15) mills required to
10 support Foundation Aid pursuant to division (1) of
11 subparagraph b of paragraph 1 of this subsection, not
12 including the county four-mill levy, by the remainder
13 of subparagraph b of this paragraph. The product
14 shall be the Salary Incentive Aid of the district.

15 E. By June 30, 1998, the State Department of Education shall
16 develop and the Department and all school districts shall have
17 implemented a student identification system which is consistent with
18 the provisions of subsections € D and Ð E of Section 3111 of Title
19 74 of the Oklahoma Statutes. The student identification system
20 shall be used specifically for the purpose of reporting enrollment
21 data by school sites and by school districts, the administration of
22 the Oklahoma School Testing Program Act, the collection of
23 appropriate and necessary data pursuant to the Oklahoma Educational
24 Indicators Program, determining student enrollment, establishing a

1 student mobility rate, allocation of the State Aid Formula, and
2 midyear adjustments in funding for student growth. This enrollment
3 data shall be submitted to the State Department of Education in
4 accordance with rules promulgated by the State Board of Education.
5 Funding for the development, implementation, personnel training, and
6 maintenance of the student identification system shall be set out in
7 a separate line item in the allocation section of the appropriation
8 bill for the State Board of Education for each year.

9 F. 1. In the event that ad valorem taxes of a school district
10 are determined to be uncollectible because of bankruptcy, clerical
11 error, or a successful tax protest, and the amount of such taxes
12 deemed uncollectible exceeds Fifty Thousand Dollars (\$50,000.00) or
13 an amount greater than twenty-five percent (25%) of ad valorem taxes
14 per tax year, or the valuation of a district is lowered by order of
15 the State Board of Equalization, the school district's State Aid,
16 for the school year that such ad valorem taxes are calculated in the
17 State Aid Formula, shall be determined by subtracting the net
18 assessed valuation of the property upon which taxes were deemed
19 uncollectible from the assessed valuation of the school district and
20 the state. Upon request of the local board of education, it shall
21 be the duty of the county assessor to certify to the Director of
22 Finance of the State Department of Education the net assessed
23 valuation of the property upon which taxes were determined
24 uncollectible.

1 2. In the event that the amount of funds a school district
 2 receives for reimbursement from the Ad Valorem Reimbursement Fund is
 3 less than the amount of funds claimed for reimbursement by the
 4 school district due to insufficiency of funds as provided in Section
 5 193 of Title 62 of the Oklahoma Statutes, then the school district's
 6 assessed valuation for the school year that such ad valorem
 7 reimbursement is calculated in the State Aid Formula shall be
 8 adjusted accordingly.

9 G. 1. Notwithstanding the provisions of Section 18-112.2 of
 10 this title, a school district shall have its State Aid reduced by an
 11 amount equal to the amount of carryover in the general fund of the
 12 district as of June 30 of the preceding fiscal year, that is in
 13 excess of the following standards for two (2) consecutive years:

14 Total Amount of	Amount of
15 General Fund Collections,	General Fund
16 Excluding Previous Year	Balance
17 Cash Surplus as of June 30	Allowable
18 Less than \$1,000,000	48% <u>53%</u>
19 \$1,000,000 - \$2,999,999	42% <u>47%</u>
20 \$3,000,000 - \$3,999,999	36% <u>41%</u>
21 \$4,000,000 - \$4,999,999	30% <u>35%</u>
22 \$5,000,000 - \$5,999,999	24% <u>29%</u>
23 \$6,000,000 - \$7,999,999	22% <u>27%</u>
24 \$8,000,000 - \$9,999,999	19% <u>24%</u>

1 \$10,000,000 or more

~~17%~~ 22%

2 2. By February 1 the State Department of Education shall send
3 by certified mail, with return receipt requested, to each school
4 district superintendent, auditor, and regional accreditation officer
5 a notice of and calculation sheet reflecting the general fund
6 balance penalty to be assessed against that school district.

7 Calculation of the general fund balance penalty shall not include
8 federal revenue. Within thirty (30) days of receipt of this written
9 notice the school district shall submit to the Department a written
10 reply either accepting or protesting the penalty to be assessed
11 against the district. If protesting, the school district shall
12 submit with its reply the reasons for rejecting the calculations and
13 documentation supporting those reasons. The Department shall review
14 all school district penalty protest documentation and notify each
15 district by March 15 of its finding and the final penalty to be
16 assessed to each district. General fund balance penalties shall be
17 assessed to all school districts by April 1.

18 3. Any school district which receives proceeds from a tax
19 settlement or a Federal Emergency Management Agency settlement
20 during the last two (2) months of the preceding fiscal year shall be
21 exempt from the penalties assessed in this subsection, if the
22 penalty would occur solely as a result of receiving funds from the
23 tax settlement.

1 4. Any school district which receives an increase in State Aid
2 because of a change in Foundation and/or Salary Incentive Aid
3 factors during the last two (2) months of the preceding fiscal year
4 shall be exempt from the penalties assessed in this subsection, if
5 the penalty would occur solely as a result of receiving funds from
6 the increase in State Aid.

7 5. If a school district does not receive Foundation and/or
8 Salary Incentive Aid during the preceding fiscal year, the State
9 Board of Education may waive the penalty assessed in this subsection
10 if the penalty would result in a loss of more than forty percent
11 (40%) of the remaining State Aid to be allocated to the school
12 district between April 1 and the remainder of the school year and if
13 the Board determines the penalty will cause the school district not
14 to meet remaining financial obligations.

15 6. Any school district which receives gross production revenue
16 apportionment during the 2002-2003 school year or in any subsequent
17 school year that is greater than the gross production revenue
18 apportionment of the preceding school year shall be exempt from the
19 penalty assessed in this subsection, if the penalty would occur
20 solely as a result of the gross production revenue apportionment, as
21 determined by the State Board of Education.

22 7. Any school district which receives gross production revenue
23 apportionment during the 2024-2025 school year or in any subsequent
24 school year, may carryover up to fifty percent (50%) of the total

1 amount of the gross production revenue apportionment in addition to
2 the carryover limitations provided in this subsection and shall be
3 exempt from the penalty assessed in this subsection, if the penalty
4 would occur solely as a result of the carried over gross production
5 revenue apportionment permitted in this paragraph.

6 8. Beginning July 1, 2003, school districts that participate in
7 consolidation or annexation pursuant to the provisions of the
8 Oklahoma School Consolidation and Annexation Act shall be exempt
9 from the penalty assessed in this subsection for the school year in
10 which the consolidation or annexation occurs and for the next three
11 (3) fiscal years.

12 ~~8.~~ 9. Any school district which receives proceeds from a sales
13 tax levied by a municipality pursuant to Section 22-159 of Title 11
14 of the Oklahoma Statutes or proceeds from a sales tax levied by a
15 county pursuant to Section 1370 of Title 68 of the Oklahoma Statutes
16 during the 2003-2004 school year or the 2004-2005 school year shall
17 be exempt from the penalties assessed in this subsection, if the
18 penalty would occur solely as a result of receiving funds from the
19 sales tax levy.

20 ~~9.~~ 10. Any school district which has an amount of carryover in
21 the general fund of the district in excess of the limits established
22 in paragraph 1 of this subsection during the fiscal years beginning
23 July 1, 2020, July 1, 2021, July 1, 2022, and July 1, 2023, shall
24

1 not be assessed a general fund balance penalty as provided for in
2 this subsection.

3 ~~10.~~ 11. For purposes of calculating the general fund balance
4 penalty, the terms "carryover" and "general fund balance" shall not
5 include federal revenue.

6 H. In order to provide startup funds for the implementation of
7 early childhood programs, State Aid may be advanced to school
8 districts that initially start early childhood instruction at a
9 school site. School districts that desire such advanced funding
10 shall make application to the State Department of Education no later
11 than September 15 of each year and advanced funding shall be awarded
12 to the approved districts no later than October 30. The advanced
13 funding shall not exceed the per pupil amount of State Aid as
14 calculated in subsection D of this section per anticipated Head
15 Start eligible student. The total amount of advanced funding shall
16 be proportionately reduced from the monthly payments of the
17 district's State Aid payments during the last six (6) months of the
18 same fiscal year.

19 I. 1. Beginning July 1, 1996, the Oklahoma Tax Commission,
20 notwithstanding any provision of law to the contrary, shall report
21 monthly to the State Department of Education the monthly
22 apportionment of the following information:

- 23 a. the assessed valuation of property,
24 b. motor vehicle collections,

1 c. R.E.A. tax collected, and

2 d. gross productions tax collected.

3 2. Beginning July 1, 1997, the State Auditor and Inspector's
4 Office, notwithstanding any provision of law to the contrary, shall
5 report monthly to the State Department of Education the monthly
6 apportionment of the proceeds of the county levy.

7 3. Beginning July 1, 1996, the Commissioners of the Land
8 Office, notwithstanding any provision of law to the contrary, shall
9 report monthly to the State Department of Education the monthly
10 apportionment of state apportionment.

11 4. Beginning July 1, 1997, the county treasurers' offices,
12 notwithstanding any provision of law to the contrary, shall report
13 monthly to the State Department of Education the ad valorem tax
14 protest amounts for each county.

15 5. The information reported by the Tax Commission, the State
16 Auditor and Inspector's Office, the county treasurers' offices, and
17 the Commissioners of the Land Office, pursuant to this subsection
18 shall be reported by a school district on forms developed by the
19 State Department of Education.

20 SECTION 3. REPEALER 70 O.S. 2021, Section 18-200.1, as
21 amended by Section 1, Chapter 488, O.S.L. 2021, is hereby repealed.

22 SECTION 4. This act shall become effective July 1, 2024.

23 SECTION 5. It being immediately necessary for the preservation
24 of the public peace, health, or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval."

3 Passed the House of Representatives the 24th day of April, 2024.

4
5

6 Presiding Officer of the House of
7 Representatives

8 Passed the Senate the ____ day of _____, 2024.

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11 Presiding Officer of the Senate

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1 ENGROSSED SENATE
2 BILL NO. 1257

By: Pugh and Garvin of the
Senate

3 and

4 Lowe (Dick) of the House

5
6 An Act relating to school funding; amending 70 O.S.
7 2021, Section 1-117, which relates to school district
8 general funds; updating statutory reference; removing
9 language exempting certain funds from calculation of
10 general fund carryover; amending 70 O.S. 2021,
11 Section 18-200.1, as amended by Section 1, Chapter
12 280, O.S.L. 2023 (70 O.S. Supp. 2023, Section 18-
13 200.1), which relates to State Aid; modifying certain
14 calculation of per pupil revenue; removing
15 limitations on school district general fund
16 carryover, method for calculating carryover amount,
17 and penalties for exceeding limitations; updating
18 statutory language; repealing 70 O.S. 2021, Section
19 18-200.1, as amended by Section 1, Chapter 488,
20 O.S.L. 2021, which relates to State Aid; providing an
21 effective date; and declaring an emergency.

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

23 SECTION 6. AMENDATORY 70 O.S. 2021, Section 1-117, is
24 amended to read as follows:

Section 1-117. A. The general fund of any school district is
hereby defined as a current expense fund and shall consist of all
revenue or monies that can legally be expended within a certain
specified fiscal year, but shall not be considered as including any
money derived from a special building fund levy made in accordance
with the provisions of Section 10 of Article X of the Oklahoma

1 Constitution, nor shall it include any monies derived from the sale
2 of bonds issued under the provisions of Section 26 of Article X of
3 the Oklahoma Constitution. All monies derived from the proceeds of
4 the school levies made pursuant to the provisions of Section 9 of
5 Article X of the Oklahoma Constitution shall be placed in the
6 general fund provided by this section. Expenditures from the
7 general fund shall be noncapital in nature. All monies derived from
8 state-dedicated revenue, state-appropriated revenue unless otherwise
9 provided for by law, and county sources shall be placed in the
10 general fund provided for by this section. Except as provided for
11 in subsections F, K, and L of this section, a district shall not be
12 authorized to make capital expenditures as defined by this section
13 from the general fund.

14 B. For purposes of this section, state-dedicated revenue shall
15 be any registration or license fees, taxes, or penalties collected
16 at the state level and distributed to common school districts.
17 County sources shall be all funds collected by the county and
18 distributed to common school districts but shall not include any
19 funds derived from the building fund levy made in accordance with
20 the provisions of Section 10 of Article X of the Oklahoma
21 Constitution or funds derived from the sinking fund levy made in
22 accordance with the provisions of Section 26 of Article X of the
23 Oklahoma Constitution.

24

1 C. For the purposes of this section, a capital expenditure
2 shall be an expenditure which results in the acquisition of fixed
3 assets or additions to fixed assets. Capital expenditures shall
4 include, but shall not be limited to, purchases of land or existing
5 buildings, purchases of real property, improvements of grounds and
6 sites for construction purposes, all expenditures for construction
7 of buildings unless authorized by the State Board of Education or
8 the State Board of Career and Technology Education upon application
9 to the appropriate state board pursuant to subsection F of this
10 section, additions to buildings, remodeling of buildings if such
11 remodeling involves changes to roof structures or load-bearing
12 walls, professional services, salaries and expenses of architects
13 and engineers hired or assigned to capital projects except for such
14 services, salaries, and expenses as are applicable in preparation
15 for a bond issue, expenditures for the initial installation and
16 extension of service systems and built-in heat or air equipment to
17 existing buildings, expenditures for the replacement of a building
18 which has been destroyed, installments and lease payments on
19 property, including interest, that have a terminal date and result
20 in the acquisition of property, and expenditures for preliminary
21 studies made prior to the time that authority to proceed with a
22 construction project is given if authority is received within the
23 same fiscal year that the expenditure was made.

24

1 D. Noncapital expenditures shall include, but shall not be
2 limited to, expenditures for maintenance, repair, and replacement of
3 property and equipment, initial or additional purchases of furniture
4 and equipment, direct expenses for maintenance of plant, including
5 grounds, salaries for maintenance of plant, including salaries for
6 the upkeep of grounds, and repair and replacement of building
7 structures which do not add to existing facilities and which do not
8 involve changes in roof structures or load-bearing walls and which
9 are not classified as a capital expenditure by this section.

10 E. The State Board of Education shall adopt and amend
11 regulations regarding the classification, definition, and financial
12 administration of funds, accounts, and expenditures in accordance
13 with the requirements of this section.

14 F. A school district shall be authorized to make capital
15 expenditures from the general fund to defray the cost of rebuilding
16 a school building only if a school building or facility has been
17 destroyed by a fire or natural disaster, such as flood, tornado, or
18 other act of God, or by an act of a public enemy of the United
19 States or this state and monies received by the district through
20 insurance coverage, federal reimbursement, contributions, and
21 allocation from the State Board of Education from the State Public
22 Common School Building Equalization Fund are insufficient to rebuild
23 the facility. Capital expenditures from the general fund pursuant
24 to this subsection shall be limited to an amount necessary to defray

1 the cost of rebuilding the facility which exceeds monies received by
2 the school district through insurance, federal reimbursement,
3 contributions, and state allocations.

4 G. Schools which receive gifts ~~or~~, donations, or state-
5 appropriated monies for the purpose of capital expenditures or
6 projects shall place such monies in the building fund, as provided
7 by Section 1-118 of this title, and not in the general fund. School
8 districts which receive gifts, grants, or donations of monies for
9 noncapital expenditures may place the monies in the general fund,
10 and such monies shall not be required to be used during the year in
11 which the money was received but may accumulate from year to year
12 ~~and shall not be considered a part of the general fund collections~~
13 ~~when calculating the general fund carryover as provided for in~~
14 ~~subsection C of Section 18-200.1 of this title.~~

15 H. School districts which receive monies from rental, sale, or
16 lease of buildings, impact aid monies, or grants, gifts, or
17 donations for capital purposes, whether from state, federal, or
18 other sources, may place such monies in the building fund authorized
19 by Section 1-118 of this title or the general fund authorized by
20 this section.

21 I. Any construction of a building included as a capital
22 expenditure from the general fund of a school district which is
23 authorized and has had a contractual agreement concerning such
24 construction executed prior to July 1, 1991, may be proceeded with

1 and completed as authorized prior to July 1, 1991, as a capital
2 expenditure from such general fund.

3 J. School districts receiving revenues authorized by Section 9B
4 of Article X of the Oklahoma Constitution shall be authorized to
5 make capital expenditures from the general revenue fund no greater
6 than the amount levied by the incentive millage.

7 K. Upon the approval of the State Board of Education, a school
8 district shall be authorized to make capital expenditures as defined
9 in this section from its general fund if:

10 1. A bond issue has been rejected at an election by the school
11 district electors voting on that question within the current school
12 year, as certified by the secretary of the county election board; or

13 2. The school district has voted indebtedness at any time
14 within the preceding three (3) school years through the issuance of
15 bonds or through approval by voters of issuance of new bonds for
16 more than eighty-five percent (85%) of the maximum allowable
17 pursuant to the provisions of Section 26 of Article X of the
18 Oklahoma Constitution as shown on the school district budget filed
19 with the State Board of Equalization for the current school year and
20 certifications by the Attorney General prior to April 1 of the
21 current school year. The State Board of Education shall establish
22 the rules to administer the provisions of this subsection which
23 shall include, but not be limited to, specification of a maximum
24 amount of general fund monies to be used for capital expenditures,

1 the purposes for which such funds may be expended, and the period of
2 time in which such funds shall be encumbered.

3 L. Other provisions of this section notwithstanding, a school
4 district shall be authorized to make capital expenditures from the
5 general fund if the total assessed property valuation per average
6 daily attendance is less than sixty percent (60%) of the state
7 average total assessed property valuation per average daily
8 attendance and if, for each year in which general fund revenue is
9 used for capital expenditures, the district has voted the five-mill
10 building fund levy authorized in Section 10 of Article X of the
11 Oklahoma Constitution and has voted indebtedness through the
12 issuance of new bonds for at least eighty-five percent (85%) within
13 the last three (3) years of the maximum allowable pursuant to the
14 provisions of Section 26 of Article X of the Oklahoma Constitution
15 as shown on the school district budget filed with the State Board of
16 Equalization for the current school year and certifications by the
17 Attorney General prior to April 1 of the school year. Provided, the
18 maximum amount of general fund revenue used for capital expenditures
19 pursuant to this subsection shall not exceed five percent (5%) of
20 the total yearly revenue to the general fund. ~~Said~~ Such fund may
21 not be used for capital expenditures for more than five (5)
22 consecutive years and may only be utilized for remodeling or
23 construction of classroom facilities and such ancillary facilities
24 to ~~said~~ such classrooms as may be necessary. Provided, further, the

1 ~~State~~ Superintendent of Public Instruction shall certify in writing,
2 prior to the expenditure of the funds for which provision is made in
3 this subsection, that such expenditures are in compliance with the
4 provisions of this subsection.

5 SECTION 7. AMENDATORY 70 O.S. 2021, Section 18-200.1, as
6 amended by Section 1, Chapter 280, O.S.L. 2023 (70 O.S. Supp. 2023,
7 Section 18-200.1), is amended to read as follows:

8 Section 18-200.1. A. Beginning with the 2022-2023 school year,
9 and each school year thereafter, each school district shall have its
10 initial allocation of State Aid calculated based on the state
11 dedicated revenues actually collected during the preceding fiscal
12 year, the adjusted assessed valuation of the preceding year, and the
13 weighted average daily membership for the school district of the
14 preceding school year. Each school district shall submit the
15 following data based on the first nine (9) weeks, to be used in the
16 calculation of the average daily membership of the school district:

- 17 1. Student enrollment by grade level;
- 18 2. Pupil category counts; and
- 19 3. Transportation supplement data.

20 On or before December 30, the State Department of Education
21 shall determine each school district's current year allocation
22 pursuant to subsection D of this section. The State Department of
23 Education shall complete an audit, using procedures established by
24 the Department, of the student enrollment by grade level data, pupil

1 category counts, and transportation supplement data to be used in
2 the State Aid Formula pursuant to subsection D of this section by
3 December 1 and by January 15 shall notify each school district of
4 the district's final State Aid allocation for the current school
5 year. The January payment of State Aid and each subsequent payment
6 for the remainder of the school year shall be based on the final
7 State Aid allocation as calculated in subsection D of this section.
8 Except for reductions made due to the assessment of penalties by the
9 State Department of Education according to law, the January payment
10 of State Aid and each subsequent payment for the remainder of the
11 school year shall not decrease by an amount more than the amount
12 that the current chargeable revenue increases for that district.

13 B. The State Department of Education shall retain not less than
14 one and one-half percent (1 1/2%) of the total funds appropriated
15 for financial support of schools, to be used to make midyear
16 adjustments in State Aid and which shall be reflected in the final
17 allocations. If the amount of appropriated funds, including the one
18 and one-half percent (1 1/2%) retained, remaining after January 1 of
19 each year is not sufficient to fully fund the final allocations, the
20 Department shall recalculate each school district's remaining
21 allocation pursuant to subsection D of this section using the
22 reduced amount of appropriated funds.

23 C. On and after July 1, 1997, the amount of State Aid each
24 district shall receive shall be the sum of the Foundation Aid, the

1 Salary Incentive Aid, and the Transportation Supplement, as adjusted
2 pursuant to the provisions of ~~subsection C of this section and~~
3 Section 18-112.2 of this title; provided, no district having per
4 pupil revenue in excess of three hundred percent (300%) of the
5 average per pupil revenue of all districts shall receive any State
6 Aid or Supplement in State Aid.

7 The July calculation of per pupil revenue shall be determined by
8 dividing the district's second preceding year's total weighted
9 average daily membership (ADM) into the district's second preceding
10 year's total revenues excluding federal revenue, insurance loss
11 payments, reimbursements, recovery of overpayments and refunds,
12 unused reserves, prior expenditures recovered, prior year surpluses,
13 and less the amount of any transfer fees paid in that year.

14 The December calculation of per pupil revenue shall be
15 determined by dividing the district's preceding year's total
16 weighted average daily membership (ADM) into the district's
17 preceding year's total revenues excluding federal revenue, insurance
18 loss payments, reimbursements, recovery of overpayments and refunds,
19 unused reserves, prior expenditures recovered, prior year surpluses,
20 and less the amount of any transfer fees paid in that year.

21 D. For the 1997-98 school year, and each school year
22 thereafter, Foundation Aid, the Transportation Supplement, and
23 Salary Incentive Aid shall be calculated as follows:

24

1 1. Foundation Aid shall be determined by subtracting the amount
2 of the Foundation Program Income from the cost of the Foundation
3 Program and adding to this difference the Transportation Supplement.

4 a. The Foundation Program shall be a district's higher
5 weighted average daily membership based on the first
6 nine (9) weeks of the current school year or the
7 preceding school year of a school district, as
8 determined by the provisions of subsection A of
9 Section 18-201.1 of this title and paragraphs 1, 2, 3,
10 and 4 of subsection B of Section 18-201.1 of this
11 title, multiplied by the Base Foundation Support
12 Level. ~~However, for the portion of weighted~~
13 ~~membership derived from nonresident, transferred~~
14 ~~pupils enrolled in online courses, the Foundation~~
15 ~~Program shall be a district's weighted average daily~~
16 ~~membership of the preceding school year or the first~~
17 ~~nine (9) weeks of the current school year, whichever~~
18 ~~is greater, as determined by the provisions of~~
19 ~~subsection A of Section 18-201.1 of this title and~~
20 ~~paragraphs 1, 2, 3, and 4 of subsection B of Section~~
21 ~~18-201.1 of this title, multiplied by the Base~~
22 ~~Foundation Support Level.~~

23 b. The Foundation Program Income shall be the sum of the
24 following:

- 1 (1) ~~The~~ the adjusted assessed valuation of the
2 current school year of the school district, minus
3 the previous year protested ad valorem tax
4 revenues held as prescribed in Section 2884 of
5 Title 68 of the Oklahoma Statutes, multiplied by
6 the mills levied pursuant to subsection (c) of
7 Section 9 of Article X of the Oklahoma
8 Constitution, if applicable, as adjusted in
9 subsection (c) of Section 8A of Article X of the
10 Oklahoma Constitution. For purposes of this
11 subsection, the "adjusted assessed valuation of
12 the current school year" shall be the adjusted
13 assessed valuation on which tax revenues are
14 collected during the current school year, and
15 (2) ~~Seventy-five~~ seventy-five percent (75%) of the
16 amount received by the school district from the
17 proceeds of the county levy during the preceding
18 fiscal year, as levied pursuant to subsection (b)
19 of Section 9 of Article X of the Oklahoma
20 Constitution, ~~and~~
21 (3) motor vehicle collections, ~~and~~
22 (4) gross production tax, ~~and~~
23 (5) state apportionment, and
24 (6) R.E.A. tax.

The items listed in divisions (3), (4), (5), and (6) of this subparagraph shall consist of the amounts actually collected from such sources during the preceding fiscal year calculated on a per capita basis on the unit provided for by law for the distribution of each such revenue.

2. The Transportation Supplement shall be equal to the average daily haul times the per capita allowance times the appropriate transportation factor.

a. The average daily haul shall be the number of children in a district who are legally transported and who live one and one-half (1 1/2) miles or more from school.

b. The per capita allowance shall be determined using the following chart:

	PER CAPITA		PER CAPITA	
DENSITY FIGURE	ALLOWANCE	DENSITY FIGURE	ALLOWANCE	
3000 - .3083	\$167.00	.9334 - .9599	\$99.00	
3084 - .3249	\$165.00	.9600 - .9866	\$97.00	
3250 - .3416	\$163.00	.9867 - 1.1071	\$95.00	
3417 - .3583	\$161.00	1.1072 - 1.3214	\$92.00	
3584 - .3749	\$158.00	1.3215 - 1.5357	\$90.00	
3750 - .3916	\$156.00	1.5358 - 1.7499	\$88.00	
3917 - .4083	\$154.00	1.7500 - 1.9642	\$86.00	
4084 - .4249	\$152.00	1.9643 - 2.1785	\$84.00	

1	4250 - .4416	\$150.00	2.1786 - 2.3928	\$81.00
2	4417 - .4583	\$147.00	2.3929 - 2.6249	\$79.00
3	4584 - .4749	\$145.00	2.6250 - 2.8749	\$77.00
4	4750 - .4916	\$143.00	2.8750 - 3.1249	\$75.00
5	4917 - .5083	\$141.00	3.1250 - 3.3749	\$73.00
6	5084 - .5249	\$139.00	3.3750 - 3.6666	\$70.00
7	5250 - .5416	\$136.00	3.6667 - 3.9999	\$68.00
8	5417 - .5583	\$134.00	4.0000 - 4.3333	\$66.00
9	5584 - .5749	\$132.00	4.3334 - 4.6666	\$64.00
10	5750 - .5916	\$130.00	4.6667 - 4.9999	\$62.00
11	5917 - .6133	\$128.00	5.0000 - 5.5000	\$59.00
12	6134 - .6399	\$125.00	5.5001 - 6.0000	\$57.00
13	6400 - .6666	\$123.00	6.0001 - 6.5000	\$55.00
14	6667 - .6933	\$121.00	6.5001 - 7.0000	\$53.00
15	6934 - .7199	\$119.00	7.0001 - 7.3333	\$51.00
16	7200 - .7466	\$117.00	7.3334 - 7.6667	\$48.00
17	7467 - .7733	\$114.00	7.6668 - 8.0000	\$46.00
18	7734 - .7999	\$112.00	8.0001 - 8.3333	\$44.00
19	8000 - .8266	\$110.00	8.3334 - 8.6667	\$42.00
20	8267 - .8533	\$108.00	8.6668 - 9.0000	\$40.00
21	8534 - .8799	\$106.00	9.0001 - 9.3333	\$37.00
22	8800 - .9066	\$103.00	9.3334 - 9.6667	\$35.00
23	9067 - .9333	\$101.00	9.6668 or more	\$33.00

24 c. The formula transportation factor shall be 2.0.

1 3. Salary Incentive Aid shall be determined as follows:

2 a. Multiply the Incentive Aid guarantee by the district's
3 higher weighted average daily membership based on the
4 first nine (9) weeks of the current school year or the
5 preceding school year of a school district, as
6 determined by the provisions of subsection A of
7 Section 18-201.1 of this title and paragraphs 1, 2, 3,
8 and 4 of subsection B of Section 18-201.1 of this
9 title.

10 b. Divide the district's adjusted assessed valuation of
11 the current school year minus the previous year's
12 protested ad valorem tax revenues held as prescribed
13 in Section 2884 of Title 68 of the Oklahoma Statutes,
14 by one thousand (1,000) and subtract the quotient from
15 the product of subparagraph a of this paragraph. The
16 remainder shall not be less than zero (0).

17 c. Multiply the number of mills levied for general fund
18 purposes above the fifteen (15) mills required to
19 support Foundation Aid pursuant to division (1) of
20 subparagraph b of paragraph 1 of this subsection, not
21 including the county four-mill levy, by the remainder
22 of subparagraph b of this paragraph. The product
23 shall be the Salary Incentive Aid of the district.

1 E. By June 30, 1998, the State Department of Education shall
2 develop and the Department and all school districts shall have
3 implemented a student identification system which is consistent with
4 the provisions of subsections C D and D E of Section 3111 of Title
5 74 of the Oklahoma Statutes. The student identification system
6 shall be used specifically for the purpose of reporting enrollment
7 data by school sites and by school districts, the administration of
8 the Oklahoma School Testing Program Act, the collection of
9 appropriate and necessary data pursuant to the Oklahoma Educational
10 Indicators Program, determining student enrollment, establishing a
11 student mobility rate, allocation of the State Aid Formula, and
12 midyear adjustments in funding for student growth. This enrollment
13 data shall be submitted to the State Department of Education in
14 accordance with rules promulgated by the State Board of Education.
15 Funding for the development, implementation, personnel training, and
16 maintenance of the student identification system shall be set out in
17 a separate line item in the allocation section of the appropriation
18 bill for the State Board of Education for each year.

19 F. 1. In the event that ad valorem taxes of a school district
20 are determined to be uncollectible because of bankruptcy, clerical
21 error, or a successful tax protest, and the amount of such taxes
22 deemed uncollectible exceeds Fifty Thousand Dollars (\$50,000.00) or
23 an amount greater than twenty-five percent (25%) of ad valorem taxes
24 per tax year, or the valuation of a district is lowered by order of

1 the State Board of Equalization, the school district's State Aid,
2 for the school year that such ad valorem taxes are calculated in the
3 State Aid Formula, shall be determined by subtracting the net
4 assessed valuation of the property upon which taxes were deemed
5 uncollectible from the assessed valuation of the school district and
6 the state. Upon request of the local board of education, it shall
7 be the duty of the county assessor to certify to the Director of
8 Finance of the State Department of Education the net assessed
9 valuation of the property upon which taxes were determined
10 uncollectible.

11 2. In the event that the amount of funds a school district
12 receives for reimbursement from the Ad Valorem Reimbursement Fund is
13 less than the amount of funds claimed for reimbursement by the
14 school district due to insufficiency of funds as provided in Section
15 193 of Title 62 of the Oklahoma Statutes, then the school district's
16 assessed valuation for the school year that such ad valorem
17 reimbursement is calculated in the State Aid Formula shall be
18 adjusted accordingly.

19 ~~G. 1. Notwithstanding the provisions of Section 18-112.2 of~~
20 ~~this title, a school district shall have its State Aid reduced by an~~
21 ~~amount equal to the amount of carryover in the general fund of the~~
22 ~~district as of June 30 of the preceding fiscal year, that is in~~
23 ~~excess of the following standards for two (2) consecutive years:~~

24 ~~Total Amount of~~ ~~Amount of~~

1	General Fund Collections,	General Fund
2	Excluding Previous Year	Balance
3	Cash Surplus as of June 30	Allowable
4	Less than \$1,000,000	48%
5	\$1,000,000 — \$2,999,999	42%
6	\$3,000,000 — \$3,999,999	36%
7	\$4,000,000 — \$4,999,999	30%
8	\$5,000,000 — \$5,999,999	24%
9	\$6,000,000 — \$7,999,999	22%
10	\$8,000,000 — \$9,999,999	19%
11	\$10,000,000 or more	17%

12 ~~2. By February 1 the State Department of Education shall send~~
 13 ~~by certified mail, with return receipt requested, to each school~~
 14 ~~district superintendent, auditor, and regional accreditation officer~~
 15 ~~a notice of and calculation sheet reflecting the general fund~~
 16 ~~balance penalty to be assessed against that school district.~~

17 ~~Calculation of the general fund balance penalty shall not include~~
 18 ~~federal revenue. Within thirty (30) days of receipt of this written~~
 19 ~~notice the school district shall submit to the Department a written~~
 20 ~~reply either accepting or protesting the penalty to be assessed~~
 21 ~~against the district. If protesting, the school district shall~~
 22 ~~submit with its reply the reasons for rejecting the calculations and~~
 23 ~~documentation supporting those reasons. The Department shall review~~
 24 ~~all school district penalty protest documentation and notify each~~

1 ~~district by March 15 of its finding and the final penalty to be~~
2 ~~assessed to each district. General fund balance penalties shall be~~
3 ~~assessed to all school districts by April 1.~~

4 ~~3. Any school district which receives proceeds from a tax~~
5 ~~settlement or a Federal Emergency Management Agency settlement~~
6 ~~during the last two (2) months of the preceding fiscal year shall be~~
7 ~~exempt from the penalties assessed in this subsection, if the~~
8 ~~penalty would occur solely as a result of receiving funds from the~~
9 ~~tax settlement.~~

10 ~~4. Any school district which receives an increase in State Aid~~
11 ~~because of a change in Foundation and/or Salary Incentive Aid~~
12 ~~factors during the last two (2) months of the preceding fiscal year~~
13 ~~shall be exempt from the penalties assessed in this subsection, if~~
14 ~~the penalty would occur solely as a result of receiving funds from~~
15 ~~the increase in State Aid.~~

16 ~~5. If a school district does not receive Foundation and/or~~
17 ~~Salary Incentive Aid during the preceding fiscal year, the State~~
18 ~~Board of Education may waive the penalty assessed in this subsection~~
19 ~~if the penalty would result in a loss of more than forty percent~~
20 ~~(40%) of the remaining State Aid to be allocated to the school~~
21 ~~district between April 1 and the remainder of the school year and if~~
22 ~~the Board determines the penalty will cause the school district not~~
23 ~~to meet remaining financial obligations.~~

24

1 ~~6. Any school district which receives gross production revenue~~
2 ~~apportionment during the 2002-2003 school year or in any subsequent~~
3 ~~school year that is greater than the gross production revenue~~
4 ~~apportionment of the preceding school year shall be exempt from the~~
5 ~~penalty assessed in this subsection, if the penalty would occur~~
6 ~~solely as a result of the gross production revenue apportionment, as~~
7 ~~determined by the State Board of Education.~~

8 ~~7. Beginning July 1, 2003, school districts that participate in~~
9 ~~consolidation or annexation pursuant to the provisions of the~~
10 ~~Oklahoma School Consolidation and Annexation Act shall be exempt~~
11 ~~from the penalty assessed in this subsection for the school year in~~
12 ~~which the consolidation or annexation occurs and for the next three~~
13 ~~(3) fiscal years.~~

14 ~~8. Any school district which receives proceeds from a sales tax~~
15 ~~levied by a municipality pursuant to Section 22-159 of Title 11 of~~
16 ~~the Oklahoma Statutes or proceeds from a sales tax levied by a~~
17 ~~county pursuant to Section 1370 of Title 68 of the Oklahoma Statutes~~
18 ~~during the 2003-2004 school year or the 2004-2005 school year shall~~
19 ~~be exempt from the penalties assessed in this subsection, if the~~
20 ~~penalty would occur solely as a result of receiving funds from the~~
21 ~~sales tax levy.~~

22 ~~9. Any school district which has an amount of carryover in the~~
23 ~~general fund of the district in excess of the limits established in~~
24 ~~paragraph 1 of this subsection during the fiscal years beginning~~

1 ~~July 1, 2020, July 1, 2021, July 1, 2022, and July 1, 2023, shall~~
2 ~~not be assessed a general fund balance penalty as provided for in~~
3 ~~this subsection.~~

4 ~~10. For purposes of calculating the general fund balance~~
5 ~~penalty, the terms "carryover" and "general fund balance" shall not~~
6 ~~include federal revenue.~~

7 H. In order to provide startup funds for the implementation of
8 early childhood programs, State Aid may be advanced to school
9 districts that initially start early childhood instruction at a
10 school site. School districts that desire such advanced funding
11 shall make application to the State Department of Education no later
12 than September 15 of each year and advanced funding shall be awarded
13 to the approved districts no later than October 30. The advanced
14 funding shall not exceed the per pupil amount of State Aid as
15 calculated in subsection D of this section per anticipated Head
16 Start eligible student. The total amount of advanced funding shall
17 be proportionately reduced from the monthly payments of the
18 district's State Aid payments during the last six (6) months of the
19 same fiscal year.

20 ~~H.~~ H. 1. Beginning July 1, 1996, the Oklahoma Tax Commission,
21 notwithstanding any provision of law to the contrary, shall report
22 monthly to the State Department of Education the monthly
23 apportionment of the following information:

24 a. the assessed valuation of property,

- b. motor vehicle collections,
- c. R.E.A. tax collected, and
- d. gross productions tax collected.

2. Beginning July 1, 1997, the State Auditor and Inspector's Office, notwithstanding any provision of law to the contrary, shall report monthly to the State Department of Education the monthly apportionment of the proceeds of the county levy.

3. Beginning July 1, 1996, the Commissioners of the Land Office, notwithstanding any provision of law to the contrary, shall report monthly to the State Department of Education the monthly apportionment of state apportionment.

4. Beginning July 1, 1997, the county treasurers' offices, notwithstanding any provision of law to the contrary, shall report monthly to the State Department of Education the ad valorem tax protest amounts for each county.

5. The information reported by the Tax Commission, the State Auditor and Inspector's Office, the county treasurers' offices, and the Commissioners of the Land Office, pursuant to this subsection shall be reported by a school district on forms developed by the State Department of Education.

SECTION 8. REPEALER 70 O.S. 2021, Section 18-200.1, as amended by Section 1, Chapter 488, O.S.L. 2021, is hereby repealed.

SECTION 9. This act shall become effective July 1, 2024.

1 SECTION 10. It being immediately necessary for the preservation
2 of the public peace, health, or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5 Passed the Senate the 11th day of March, 2024.

6

7

Presiding Officer of the Senate

8

9 Passed the House of Representatives the ____ day of _____,
10 2024.

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Presiding Officer of the House
of Representatives

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