

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1185

BY: ISTOOK

AS INTRODUCED

AN ACT RELATING TO SCHOOLS; ENACTING THE PARENTAL CHOICE ACT; PROVIDING SHORT TITLE; PERMITTING CERTAIN CHOICE OF SCHOOL ATTENDANCE; REQUIRING CERTAIN CHILDREN ATTEND SCHOOL IN CERTAIN DISTRICT; PROVIDING APPLICATION PROCESS; REQUIRING CERTAIN PROCESS CRITERIA AND POLICY; REQUIRING DISTRICTS TO DENY CERTAIN TRANSFERS AND PERMIT OTHER TRANSFERS; REQUIRING NOTIFICATION AND ASSIGNMENT OF CHILDREN TO A SCHOOL; PROVIDING FOR EMERGENCY TRANSFERS; PROHIBITING CERTAIN APPLICATION OF DEADLINES; SPECIFYING REASONS THAT ENROLLMENT MAY AND MAY NOT BE DENIED; PROVIDING PROCEDURES RELATING TO DENIAL OF ENROLLMENT; PROHIBITING CERTAIN EXTRAMURAL ATHLETIC COMPETITION; REQUIRING PROVISION OF CERTAIN TRANSPORTATION; AUTHORIZING PROVISION OF CERTAIN TRANSPORTATION; PROVIDING THAT CERTAIN ATTENDANCE BE EXCLUDED FROM STATE AID FORMULA IN CERTAIN CIRCUMSTANCES; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-201 of Title 70, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 10 of this act shall be known and may be cited as the "Parental Choice Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-202 of Title 70, unless there is created a duplication in numbering, reads as follows:

Except as otherwise provided in the Parental Choice Act, the parent or guardian of an Oklahoma resident school child may choose, without regard for school district residence, the school district in which the child shall attend school.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-203 of Title 70, unless there is created a duplication in numbering, reads as follows:

If the parent or guardian of the Oklahoma resident school child makes no choice of a school district as provided in the Parental Choice Act, the child shall attend school in the school district where the child is a resident or as otherwise provided by law.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-204 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. On or before February 1 of each school year, a parent or guardian of an Oklahoma resident school child may make application to a school district in which the child is not a resident for permission to enroll the child in the schools of that district as a transfer student. The application shall be on a form provided by the State Board of Education and made available to parents or guardians through all public schools in this state.

B. Each application shall be stamped with the date received by the school district so that those students accepted as transfer

students will be accepted in the order in which they applied based on adopted transfer criteria.

C. Districts shall deny transfers pursuant to the Parental Choice Act which, together with resident district enrollment or other transfers or both, would cause the number of students in any class to exceed the limits set forth in Section 18-113.1 et seq. of Title 70 of the Oklahoma Statutes. However, a previously granted transfer pursuant to the Parental Choice Act shall not be denied or revoked should the transfer policy of a school district be changed, modified, or amended during the academic year that the student is enrolled.

D. On or before March 15 of each school year, the school district shall inform the applicant whether the child has or has not been granted a transfer to enroll in the schools of that district.

E. If the application for permission to enroll is approved, the school district shall simultaneously assign the child to a school within the district.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-205 of Title 70, unless there is created a duplication in numbering, reads as follows:

Notwithstanding the deadline for a transfer application made pursuant to Section 4 of this act, an emergency transfer, as defined in Section 8-104 of this title, from the resident school district of a child to another school district may be made at any time.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-206 of Title 70, unless there is created a duplication in numbering, reads as follows:

The deadlines specified in the Parental Choice Act shall not prevent the enrollment of any child in a school district to which the child moves during the course of the school year.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-207 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Permission to enroll pursuant to the Parental Choice Act shall not be denied on account of race, religion, national origin, sex or physical handicap.

B. Permission to enroll pursuant to the Parental Choice Act may be denied by the school district to which application is made for reason of the school district's lack of physical capacity or educational materials, previously adopted policy against acceptance of nonresident transfers, or other good cause.

C. Permission to enroll pursuant to the Parental Choice Act may be denied by the school board of the school district of residence of the child when the school district of which the child is a resident is subject to a court-ordered desegregation plan, or has been so subjected within the past six (6) years, unless the grade which the child is entitled to pursue is not offered in the resident school district of the child. The State Board of Education shall annually provide to all school districts a list of school districts subject to court-ordered desegregation plans within the past six (6) years.

D. If permission to enroll is denied, the denying district shall state its reasons for refusal in writing and shall deliver the written statement to the parent or guardian of the child.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-208 of Title 70, unless there is created a duplication in numbering, reads as follows:

A student who enrolls, pursuant to the Parental Choice Act, in a school district in which the student is not a resident shall not be eligible to participate in school-related extramural competition for a period of one (1) calendar year after enrollment unless the transfer is from a school district which does not offer the grade the student is entitled to pursue.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-209 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The school district which accepts a nonresident child for enrollment shall provide transportation for that child from its district line to the assigned school of the child. The school district may establish points along its boundaries where transfer students shall collect for transportation.

B. The school district in which the child is a resident shall not be required to provide transportation for a child who transfers to another district pursuant to the Parental Choice Act. The school district in which the child is a resident, in its discretion, may transport the child to its district line.

C. The school district which accepts a nonresident child for enrollment, in its discretion, may provide transportation for such child beyond the boundaries of the district into the district of residence of the child, if the school district where the child resides consents. Once given, such consent may not be withdrawn.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-210 of Title 70, unless there is created a duplication in numbering, reads as follows:

If a parent or guardian, pursuant to the Parental Choice Act, has chosen to enroll a child in a school district other than the district in which the child resides and in the school year following such transfer, enrolls the child in a different school district, hereafter the "subsequent transfer district", which is neither the school district of residence or the district to which the child was first transferred, the child shall not be counted in the average daily attendance of the subsequent transfer district for purposes of any mid-term adjustment in State Aid for the first school year the child attends the subsequent transfer district, pursuant to

subsection C of Section 18-109.2 of Title 70 of the Oklahoma Statutes.

SECTION 11. This act shall become effective July 1, 1991.

SECTION 12. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-5932

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