

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 17

BY: PIERCE

AS INTRODUCED

AN ACT RELATING TO SCHOOLS; PROVIDING SHORT TITLE;
ENACTING THE OKLAHOMA SCHOOL CHOICE ACT; STATING
PURPOSES; DEFINING TERMS; STATING SCHEDULE OF
EFFECTIVENESS FOR CERTAIN PROVISIONS; PERMITTING
EXERCISE OF CERTAIN PARENTAL CHOICE; PROVIDING
REASONS FOR DENIAL OF PARENTAL CHOICE; REQUIRING
CERTAIN NOTICE; REQUIRING STATE BOARD OF EDUCATION
TO PROMULGATE CERTAIN RULES AND REGULATIONS;
DIRECTING GRANTING OF CERTAIN TRANSFERS;
PROHIBITING REQUIREMENT OF CERTAIN TRANSFER
PERMISSION; REQUIRING PROMULGATION OF CERTAIN
POLICIES BY PUBLIC SCHOOL DISTRICTS; ESTABLISHING
CERTAIN PROCEDURES AND RESPONSIBILITIES; PERMITTING
CERTAIN REAPPLICATION; PROVIDING FOR CERTAIN
CONTINUED ENROLLMENT; REQUIRING CERTAIN PAYMENT OF
STATE AID FUNDS TO CERTAIN PRIVATE SCHOOLS;
ESTABLISHING CERTAIN RESTRICTIONS FOR PAYMENT OF
SAID FUNDS; PROVIDING FOR RESOLUTION OF CERTAIN
DISPUTES; MAKING CERTAIN CLAIMS RECOVERABLE
PURSUANT TO LAW; REQUIRING CERTAIN REPORTS AND
REPORTING PROCEDURES; REQUIRING PUBLICATION OF

CERTAIN LISTS AND STATEMENTS; CREATING OKLAHOMA
SCHOOL CHOICE COORDINATION COUNCIL; PROVIDING FOR
APPOINTMENTS, NUMBER OF MEMBERS, OFFICERS, DUTIES,
AND STAFFING; AUTHORIZING CERTAIN TRAVEL
REIMBURSEMENT; AND PROVIDING FOR CODIFICATION.

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 8-301 of Title 70, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma School
Choice Act."

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 8-302 of Title 70, unless there
is created a duplication in numbering, reads as follows:

The purposes of this act are to:

1. Allow parents to enroll students in the school of their
choice;
2. Afford parents of lesser means who believe private education
is best for their children the opportunity of securing such
education for them; and
3. Stimulate reform and improvement of education by the
encouragement of competition among and between the public and
private schools.

SECTION 3. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 8-303 of Title 70, unless there
is created a duplication in numbering, reads as follows:

The system of public schools required by Section 5 of Article I
of the Oklahoma Constitution shall consist of the system of free
public schools established pursuant to Section 1 of Article XIII of

the Oklahoma Constitution and the private schools of this state receiving funds pursuant to this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-304 of Title 70, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Choice transfer" means a regular or emergency transfer granted pursuant to this act;
2. "Eligible private school student" means a student for whom:
 - a. notification of acceptance by and intent to enroll at a private school in a grade within the range kindergarten through twelve (K-12) has been provided to the State Department of Education on or before June 30 preceding the school year of such enrollment or within thirty (30) days of the child's or youth's becoming a resident of this state, and
 - b. dependency has been claimed on the Oklahoma Individual Income Tax Return or the U.S. Individual Income Tax Return of the parent for the preceding year and said return, as modified by the latest corrected return, if any, shows a taxable income of not more than One Hundred Thousand Dollars (\$100,000.00);
3. "Parent" means the parent, custodial parent, or guardian of a student;
4. "Private school" means any school, whether religious or otherwise, which offers instruction in a grade or grades of the range K-12 and which is:
 - a. not regulated by the Oklahoma Board of Private Vocational Schools, and
 - b. not a dependent, independent, or area public school established pursuant to Title 70 of the Oklahoma Statutes;

5. "School age" means a child or youth who is at least five (5) but not more than twenty-one (21) years of age on September 1 and who has not received a high school diploma or Certificate of Attendance and Completion;

6. "School day" means a period of time of not less than six (6) hours within a twenty-four-hour period during which developmentally appropriate kindergarten activities or elementary or secondary instruction and co-curricular school activities are conducted; and

7. "Student" means a child or youth of school age who is enrolled in or entitled to be enrolled in a public school in this state.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-305 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. This section shall become effective according to a student's public school grade placement or eligibility for such placement as follows:

1. Kindergarten through grade three, beginning with the 1995-96 school year;

2. Grades four through six, beginning with the 1996-97 school year;

3. Grades seven and eight, beginning with the 1997-98 school year; and

4. Grades nine through twelve, beginning with the 1998-99 school year.

B. A parent intending to enroll a student in the public school district of residence shall have the opportunity to choose the public school building assignment and have the student assigned thereto; provided, the district may reject the parent's choice of assignment for the following reasons only:

1. Lack of availability of suitable accommodations at the building in the grade the student is eligible to pursue;

2. Contrary requirements of desegregation orders or plans filed and approved in response thereto; or

3. Failure of the parent to timely file notice of choice on or before June 15 for the following school year.

C. Each public school district offering instruction for a given grade at more than one site shall continually post notice at the main administrative office of the district of the provisions of this section and the procedures by which parents may indicate their choice. Students for whom parents have not indicated choice in timely fashion shall be assigned according to the discretion of district authorities.

D. The State Board of Education shall promulgate regulations to ensure uniform determination of the suitability of accommodations and uniformity of choice procedures pursuant to this section.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-306 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. This section shall become effective according to a student's public school grade placement or eligibility for such placement as follows:

1. Kindergarten through grade three, beginning with the 1995-96 school year;

2. Grades four through six, beginning with the 1996-97 school year;

3. Grades seven and eight, beginning with the 1997-98 school year; and

4. Grades nine through twelve, beginning with the 1998-99 school year.

B. A parent desiring to enroll a student in a public school district other than the district of residence shall be entitled to do so by choice transfer subject to the conditions and procedures set forth in this act and may choose the school assignment within

the district to which the student is transferred, subject to the provisions of Section 5 of this act, as if the student were a resident of the district.

C. The State Superintendent of Public Instruction shall grant choice transfers as required to facilitate the purposes of this act. Permission of the district of residence shall not be required for any choice transfer.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-307 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. This section shall become effective according to a student's public school grade placement or eligibility for such placement as follows:

1. Kindergarten through grade three, beginning with the 1995-96 school year;

2. Grades four through six, beginning with the 1996-97 school year;

3. Grades seven and eight, beginning with the 1997-98 school year; and

4. Grades nine through twelve, beginning with the 1998-99 school year.

B. A public school district may reject an application for a choice transfer for the following reasons only:

1. Lack of availability of suitable accommodations in the grade the student is eligible to pursue;

2. Contrary requirements of desegregation orders or plans filed and approved in response thereto; or

3. Failure of the parent to timely file the choice transfer application on or before June 15 for the following school year.

C. The board of education of each public school district shall promulgate policies relating to processing of applications for choice transfer. Priority of acceptance shall be on a first-come,

first-served basis except that independent districts shall reserve space for, and shall accept transfers for, all students within the transportation area for whom the grade the student is entitled to pursue will not be offered by the district of residence. Policies shall be made available at the main administrative office of the district and a copy shall be provided free of charge to every student or parent who requests one, regardless of place of residence.

D. The State Superintendent of Public Instruction shall provide a choice transfer application form to every parent who requests same for transfer of a student to a public school district other than the district of residence. Forms shall be controlled so that a parent is not enabled to process more than one application at a time. Timely presentation of the choice transfer application form to the district to which transfer is desired shall be the responsibility of the parent.

E. The district to which a choice transfer application form is presented shall provide the parent a receipt indicating the date that the application has been received and shall act upon the application within two (2) weeks.

1. If the district approves the choice transfer, the district shall certify on the form that the approval is made according to law and shall, within said two (2) weeks, send the form to the State Superintendent, who, within one (1) week thereafter, shall notify the receiving district, the district of residence, and the parent that the choice transfer has been approved and that State Aid for the coming school year will be calculated accordingly.

2. If the district rejects the choice transfer, the district shall, within said two (2) weeks, return the application form to the parent, together with a written statement indicating the reason for denial and certifying that the action has been taken according to

law and to published district policy, and shall send a copy of the denial statement to the State Superintendent of Public Instruction.

F. A parent to whom an application form has been returned may, if time permits, submit the form to another public school district. Denial of a choice transfer shall be effective only for the district and school year for which choice transfer application has been made: a parent may make subsequent application to the same district or any other district for any subsequent school year.

G. A student approved for choice transfer shall be entitled to continued enrollment in the approving district in all subsequent years in which the grade the student is entitled to pursue is offered.

H. The State Board of Education shall promulgate regulations to ensure uniform determination of the suitability of accommodations and uniformity of choice transfer procedures pursuant to this section.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-308 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. This section shall become effective according to a student's public school grade placement or eligibility for such placement as follows:

1. Kindergarten through grade three, beginning with the 1995-96 school year;

2. Grades four through six, beginning with the 1996-97 school year;

3. Grades seven and eight, beginning with the 1997-98 school year; and

4. Grades nine through twelve, beginning with the 1998-99 school year.

B. A parent shall have the right to enroll a student in a private school and, if the private school meets the requirements of

this act and the student is an eligible private school student, to have funds paid to the private school for such education according to this act.

C. For every school day that an eligible private school student is certified to have received schooling at a private school meeting the requirements of this act, the State Department of Education shall pay to said school from funds appropriated for State Aid a payment per day of attendance. Said daily rate shall be determined by dividing the State and Local Per Pupil Revenue for the second preceding school year by the product of the weighted average daily membership (ADM) times one hundred eighty (180). For this purpose, State and Local Per Pupil Revenue shall be the total revenues of all the dependent and independent school districts excluding federal revenues, insurance loss payments, reimbursements, recovery of overpayments and refunds, unused reserves, prior expenditures recovered, prior year surpluses, and transfer fees received. Payments shall not be paid for any one student for more than one hundred eighty (180) days in any fiscal year or for more than one (1) school day in any twenty-four-hour period. Payments shall not be made for any student after said student, having enrolled in a private school and returned to a public school in the same school year, is enrolled in the same or another private school within that same school year. Payments shall be made monthly within two (2) weeks after the private school has certified to the State Superintendent of Public Instruction that the schooling has been provided. The State Board of Education shall promulgate regulations for the provision of necessary documents whereby acceptance by, enrollment in, and schooling of eligible private school students at private schools is determined, paid for, and audited for the purposes of this act. The State Board shall have the authority to require that private schools seeking or receiving State Aid make use

of such data management systems and reporting procedures as the State Board deems appropriate.

D. Nothing herein shall be construed as either requiring or prohibiting provision of services to students enrolled at a private school by the public schools, area vocational-technical schools, or institutions of The Oklahoma State System of Higher Education. Such services may be provided on a contract or tuition basis.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-309 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. This section shall become effective according to a student's public school grade placement or eligibility for such placement as follows:

1. Kindergarten through grade three, beginning with the 1995-96 school year;

2. Grades four through six, beginning with the 1996-97 school year;

3. Grades seven and eight, beginning with the 1997-98 school year; and

4. Grades nine through twelve, beginning with the 1998-99 school year.

B. For every school day for which an eligible private school student's State Aid is paid to a private school pursuant to Section 8 of this act, the State Board of Education shall:

1. Include the day's attendance as an unweighted day's membership in the calculation of the average daily membership (ADM) of the student's district of residence; and

2. Deduct from the State Aid for which the student's district of residence is otherwise eligible the amount of State Aid paid to the private school for the student. In the event that State Aid for the district of residence is insufficient to permit the deduction required herein, the State Board shall withhold the available amount

and make a claim against the district for the remainder. Said claim shall be recoverable pursuant to Section 362 et seq. of Title 62 of the Oklahoma Statutes.

C. Disputes regarding the determination of district of residence shall be resolved by the State Superintendent of Public Instruction or the Superintendent's designee, according to procedures established by the State Board of Education.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-310 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. This section shall become effective according to a student's public school grade placement or eligibility for such placement as follows:

1. Kindergarten through grade three, beginning with the 1995-96 school year;

2. Grades four through six, beginning with the 1996-97 school year;

3. Grades seven and eight, beginning with the 1997-98 school year; and

4. Grades nine through twelve, beginning with the 1998-99 school year.

B. The State Board of Education shall not make payments of State Aid to a private school for the purposes of this act unless the school furnishes documentation to the State Board sufficient to establish that the school agrees to:

1. Provide students a curriculum designed to prepare them to achieve satisfactory scores on criterion-referenced tests of the Oklahoma School Testing Program Act, Section 1210.505 et seq. of Title 70 of the Oklahoma Statutes;

2. Permit and provide for the testing of all students pursuant to the Oklahoma School Testing Program Act, to provide data required pursuant to Oklahoma Statutes in whatever format is specified by the

State Board, and to comply with all other requirements of said act and program and regulations of the State Board pertaining thereto;

3. Comply with the Oklahoma Open Records Act, Section 24A.1 of Title 51 of the Oklahoma Statutes; and

4. Comply with the requirements of Section 9-101 et seq. of Title 70 of the Oklahoma Statutes and with regulations of the State Board of Education relating thereto in regard to the transportation of students.

C. Data for private schools receiving State Aid shall be included in the reports of the Oklahoma School Testing Program and the Oklahoma Educational Indicators Program.

D. The State Board of Education shall maintain a list of private schools receiving State Aid and shall assist the public in obtaining names, addresses, and telephone numbers of the schools. The State Board shall include with every copy of such list a warning that payment of state funds to a private school does not constitute any guarantee of the adequacy or quality of the private school or represent any obligation regarding the placement of a student if the student, subsequent to private school enrollment, is subsequently enrolled in a public school.

E. Pursuant to due process of law, the State Board of Education shall withhold payments to private schools that fail or cease to comply with any of the requirements or agreements of subsection B of this section and shall remove the schools from the list of private schools receiving State Aid.

F. Receipt of state funds by a private school shall not, of itself, constitute accreditation of the school by this state. Private schools that are not accredited by this state shall include a statement to that effect in all materials and other presentations used for soliciting student enrollment.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-311 of Title 70, unless there is created a duplication in numbering, reads as follows:

Nothing in this act shall be construed as subjecting private schools to regulation by the State Superintendent of Public Instruction, State Board of Education, or State Department of Education for any purposes other than giving effect to this act.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-312 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma School Choice Coordination Council. The purposes of the Council shall be to:

1. Discuss with the State Board of Education and with other interested parties the coordination of core curriculum requirements of the public and private schools;

2. Recommend to the State Board of Education such modifications of rules and regulations relating to curricular requirements and to criterion-referenced testing requirements of the public schools as will facilitate movement of students among and between public and private schools in this state; and

3. Make studies, findings, and recommendations to appropriate public bodies regarding any matters relevant to the purposes of this act.

B. The Oklahoma School Choice Coordination Council shall consist of nine (9) members, as follows: the Secretary of Education of this state; four persons, appointed by the Governor, who are administrators or teachers in the private schools of this state; and four persons, appointed by the Governor, who are or have been parents of students enrolled in the private schools of this state. Appointed members shall serve at the pleasure of the Governor but for a maximum of four (4) years. The Council annually shall elect a chairperson and vice-chairperson from among the appointed members.

The appointed members shall be reimbursed for actual travel expenses pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. Said reimbursement shall be paid by the Office of the Governor. Staff assistance to the Council shall be provided by the Secretary of Education.

43-1-006

WHT