

SHORT TITLE: Schools; modifying statutory reference; emergency.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 1113

By: Williams (Penny)

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 1991, Section 13-114.3, as last amended by Section 12, Chapter 116, O.S.L. 1993 (70 O.S. Supp. 1993, Section 13-114.3), which relates to the Oklahoma Special Education Assistance Fund; updating statutory reference; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 13-114.3, as last amended by Section 12, Chapter 116, O.S.L. 1993 (70 O.S. Supp. 1993, Section 13-114.3), is amended to read as follows:

Section 13-114.3 A. A local school district may be eligible to receive monies from the Oklahoma Special Education Assistance Fund to defray costs of serving children who resided at Hisson Memorial Center prior to December 1, 1991, and subsequently established residency in the school district if any such children were served by the district during the 1991-92 school year including extended school year during summer 1992 or the 1992-93 school year including extended school year during summer 1993. Contingent upon available funds in the Oklahoma Special Education Assistance Fund, the district shall receive funds in the amount of the actual costs of serving each child less the district per capita and any other funding received for providing services to the child from another state agency upon timely submission of a claim for such amount, accompanied by verification of residency of each child by the school attendance officer and verification from the Department of Human Services that each child formerly resided at Hisson Memorial Center. Claims for the 1991-92 school year

must be submitted on or before June 30, 1992. On or before September 1, 1992, the State Department of Education shall pay valid, timely submitted claims for the 1991-92 school year from the Oklahoma Special Education Assistance Fund. Claims for the 1992-93 school year shall be filed and paid quarterly, with the final claim filed no later than June 1, 1993, and paid no later than June 30, 1993, from the Oklahoma Special Education Assistance Fund.

B. If funds remain in the Oklahoma Special Education Assistance Fund after satisfaction of all valid claims submitted pursuant to subsection A of this section, a local school district may be eligible to receive monies from the Oklahoma Special Education Assistance Fund if a child with disabilities who is being served in that school district:

1. Has been placed in a foster care home, group home, residential hospital, shelter or independent living facility located in that school district by a state agency and a resident school district for the child cannot be determined;

2. Has been previously institutionalized and is eligible to receive funding for the children with multiple disabilities or trainable mental retardation and the Special Education Summer Program as defined in Section 18-109.5 of this title; or

3. Requires services pursuant to an individualized education program (IEP) pursuant to the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, 20 U.S.C.A., Section 1400 et seq., which result in extraordinary costs to the local school district and the child's parents, guardian, or person having the legal care and custody of the child holds legal residence in the district. The State Board of Education shall promulgate rules to define extraordinary costs, taking into consideration the funding generated by the weighted calculations relating to students with special needs as provided in paragraph 2 of subsection B of Section 18-201 of this title.

C. The State Board of Education is authorized to promulgate rules as necessary to establish whether a home district for a

child can be determined and the process by which such determination is made.

SECTION 2. 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.

44-2-1898

MJM