

ENGROSSED SENATE  
BILL NO. 52

By: Wright and Campbell of the  
Senate

and

Ferguson of the House

[ schools - Parental School Choice Act - codification  
- effective date -  
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:

This act shall be known and may be cited as the "Parental School  
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 this act, the parent or guardian  
of an Oklahoma resident school child may choose, without regard for  
school district of residence, the school district in which his or  
her child or ward 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 a school child's parent or guardian makes no choice of a  
school district as provided in this 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 school child may make application to a school district in which his or her child or ward is not a resident for permission to enroll his or her child or ward in that district's schools as a transfer student for the next school year. The application shall be on a form promulgated by the State Board of Education and made available to parents 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 criteria for accepting transfers adopted by the district to which application is made.

C. Districts shall deny transfers pursuant to this 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.

D. On or before March 1 of each school year, the school district shall inform the applicant whether the child or ward has been granted a transfer to enroll in that district's schools.

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:

A. Notwithstanding the deadline for a transfer application made pursuant to Section 4 of this act, an emergency transfer from a child's resident school district to another school district may be made at any time.

B. For purposes of this section, an emergency shall mean the destruction or partial destruction of a school building, the inability to furnish the grade of study the student is entitled to pursue, the inability to offer a subject a student desires to pursue, dissolution of school district, or the total failure of transportation facilities previously had or contemplated.

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:

Nothing in this act shall be construed as preventing 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 School Choice Act shall not be denied because of race, religion, national origin, sex, physical handicap, or socio-economic condition of the family.

B. Permission to enroll pursuant to the Parental School Choice Act may be denied by the 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 transfers, or other good cause.

C. Permission to enroll pursuant to the Parental School Choice Act may be denied by the school board of the school district of the subject child's residence when the school district of which the child is a resident is under a court-ordered desegregation plan unless the grade which the child is entitled to pursue is not

offered in the child's resident school district. The State Board of Education shall annually provide to all school districts a list of school districts under court-ordered desegregation plans.

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 applying parent or guardian.

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 School 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 the student's enrollment unless the student's 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 may provide transportation for that child from its district line to the child's assigned school. The school district may establish points along its boundaries where transfer students shall collect for transportation.

B. Except as provided in subsection C of this section, 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 this act; however, the school district in which the child is a resident may, in its discretion, transport the child to its district boundary.

C. For a child transferred pursuant to this act who meets criteria established by the State Board of Education that are

commensurate with established eligibility criteria for participation in the National School Lunch Act of 1946, 42 U.S.C., Section 1751 et seq. as amended, and who is not transported to the district boundary pursuant to subsection B of this section, the district of residence shall reimburse a parent or guardian who provides transportation from the child's place of residence to a district boundary pick-up point designated by the receiving district, and for return from said point to the place of residence, for each day the child's parent or guardian provides such transportation, not to exceed one hundred eighty (180) days in a school year. The number of miles reimbursed shall not exceed twenty (20) miles per day one way. Reimbursement shall be at a rate set by the State Board of Education which shall not exceed ten cents (\$0.10) per mile. The Board is authorized to promulgate rules relating to said reimbursement generally and is specifically authorized to broaden the definition of the term "guardian" as it applies to qualification for reimbursement.

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:

The provisions of Sections 8-102 et seq. of Title 70 of the Oklahoma Statutes shall not apply to transfers of students pursuant to this act.

SECTION 11. This act shall become effective July 1, 1995.

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.

Passed the Senate the 13th day of March, 1995.

President of the Senate

Passed the House of Representatives the \_\_\_\_ day of  
\_\_\_\_\_, 1995.

Speaker of the House of  
Representatives