

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1351

By: Bryant

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 1991, Sections 8-102, as amended by Section 34, Chapter 239, O.S.L. 1993 and 8-103, as last amended by Section 2, Chapter 232, O.S.L. 1994 (70 O.S. Supp. 1996, Sections 8-102 and 8-103), which relate to student transfers; modifying certain transfer criteria; deleting certain notification requirements; deleting certain restrictions on transfers; deleting certain transfer criteria for changes of residence; deleting certain transfer procedures; creating the Open 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 criterion and policy; requiring enrollment determination and notification; providing for emergency transfers; prohibiting certain application of deadlines; prohibiting certain denial of enrollment permission; directing certain denial of enrollment; authorizing certain denial of enrollment; requiring provision of certain statement; prohibiting certain extramural participation; requiring provision of certain transportation; authorizing provision of

certain transportation; providing for codification;  
and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 8-102, as amended by Section 34, Chapter 239, O.S.L. 1993 (70 O.S. Supp. 1996, Section 8-102), is amended to read as follows:

Section 8-102. A. The superintendent of the receiving school district shall grant an application for transfer of a child from the district in which the child resides if such transfer has been approved ~~by the boards of education of both the resident and receiving districts~~ as provided for in ~~Section 8-103 of this title.~~ ~~A student granted a transfer may continue to attend the school to which he transferred unless the receiving district subsequently disapproves the transfer. Notice of such disapproval shall be given on or before April 10th, provided the student shall be entitled to continue attending the school until the end of the school year~~ Sections 3 through 11 of this act. Any brother or sister of such student may attend ~~such~~ the school with the approval of the receiving district ~~only~~, provided that this provision shall not apply to:

1. Emergency transfers;
2. Students transferred for the purpose of attending classes in special education;
3. Graduating seniors in counties having a population of four hundred fifty thousand (450,000) or above who were previously legally enrolled in the school district to which ~~such~~ the student wishes to transfer;

4. Students who have transferred to the district for an early childhood education program; or

5. Students with catastrophic medical problems.

Provided, however, if the grade ~~such~~ the child is entitled to pursue is not offered in the district where ~~such~~ the child resides, the transfer must be approved.

B. A child may be transferred by the State Board of Education to a school district in another state, if the board of education of the school district in which the child resides determines that the best interests of the child will be best served by ~~such~~ the transfer and ~~if applicable, such a determination shall also be made by the board of education of the independent school district in whose transportation area the child resides for transfers from an elementary school district where the grade such child is entitled to pursue is not offered.~~

~~C. No child shall be transferred under the provisions of this section to a school district other than the one designated in the application for transfer of such child.~~

~~D. When a child has been transferred and later changes residence to another school district in the State of Oklahoma, the child shall be entitled to attend school in the district to which he shall have previously been transferred during the school year for which the transfer was made; and if such change of residence is to the district to which the child was transferred, upon affidavit of the parent, custodial parent, or guardian of the child, or of the school board of the transferring district, disclosing removal of residence from the transferring district, a transfer previously made may be canceled, and the appropriation made therefor relieved of such encumbrance to the extent not earned. Provided, that if any child changes residence from a district offering the grade which such child is entitled to pursue, to another district during the school year for which he was transferred, he shall be entitled to~~

~~attend school in either the receiving district or the district of prior residence for the remainder of the current year. Provided, further, that when the transfer of a child has been finally approved or becomes final under the provisions of Section 8-103 of this title, such child shall not be entitled to attend school in the district from which he was transferred, even though he continues to live therein during the school year for which the transfer was made, except in case of a cancellation of the transfer.~~

SECTION 2. AMENDATORY 70 O.S. 1991, Section 8-103, as last amended by Section 2, Chapter 232, O.S.L. 1994 (70 O.S. Supp. 1996, Section 8-103), is amended to read as follows:

Section 8-103. A. ~~In order that any child may be transferred an application for transfer shall be approved by the board of education of both the resident and receiving school district as provided for in this section. An application form specified by the State Board of Education must be completed by the parents, custodial parent or guardian of the child. The application shall be obtained from and filed with the superintendent of the receiving school district for transfers to school districts in the State of Oklahoma and with the State Board of Education for transfers to school districts in another state. Applications shall be filed no later than February 1 of the school year preceding the school year for which the transfer is desired. The board of education of the receiving school district shall approve or deny the application for transfer, and if approved, the superintendent of the receiving school district shall notify, in writing, not later than March 1, the clerk of the board of education of the resident school district of the board's decision on the application for transfer. On or before April 10, the board of education of the resident school district shall approve or deny the application for transfer and shall notify, in writing, the superintendent of the receiving district whether the transfer application was approved or denied.~~

~~If the resident school district denies the transfer application it shall send written notice of the denial to the receiving school district by certified mail. If the resident school district fails to notify the receiving school district by the due date, the application shall be deemed approved by the receiving school district. The superintendent of the receiving school district shall, not later than May 1, send written notice to the clerk of the board of education of the resident school district and the parents or guardian of the child confirming whether or not the transfer has been granted for each application submitted.~~

~~B.~~ On or before August 1, it shall be the duty of the superintendent of the receiving school district to file with the State Board of Education a statement showing the names of the students granted transfers to the school district, the resident school district of the transferred students and their respective grade level.

~~C.~~ B. The parent or guardian of a child making application for transfer may appeal the decision of the board of education of ~~either the resident or the~~ receiving school district regarding the transfer of the child to the district court of the county where the child resides.

SECTION 3. 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 3 through 11 of this act shall be known and may be cited as the "Open Choice Act".

SECTION 4. 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 Open 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 his child or ward shall attend school.

SECTION 5. 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 a school child makes no choice of a school district as provided in the Open Choice Act, the child shall attend school in the school district where the child is a resident or as otherwise provided by law.

SECTION 6. 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. Beginning after January 1, 1998, or before February 1 of each school year, a parent or guardian of a school child may make application to a school district in which the child or ward is not a resident for permission to enroll the child or ward in the schools of that district as a transfer student. 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 adopted transfer criteria.

C. Districts shall deny transfers pursuant to the Open 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 or 18-113.3 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 or not the child or ward has 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 7. 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 set forth in Section 6 of the Open Choice Act, an emergency transfer, as defined in Section 8-104 of Title 70 of the Oklahoma Statutes, from the resident school district of the child to another school district may be made at any time.

SECTION 8. 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 in the Open 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 9. 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 Open Choice Act shall not be denied on account of race, religion, national origin, sex or physical handicap.

B. Permission to enroll pursuant to this act may be denied by the district to which application is made for reason of the lack of physical capacity or educational materials of the school district.

C. Permission to enroll pursuant to this act may be denied by the board of education of the resident school district of the child when the resident school district 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. The State Board of

Education shall annually provide to all school districts a list of those 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 applying parent or guardian.

SECTION 10. 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 Open 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 11. 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 the district line of the resident school district 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 this act. The school district in which the child is a resident may, in its discretion, transport the child to the district line.

SECTION 12. This act shall become effective November 1, 1997.

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