

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 3319_

By: Bastin

AS INTRODUCED

An Act relating to schools; creating the Education Choice Act; providing for transfer of students; allowing transfer of siblings; limiting number of transfers in a year; providing for automatic transfer in certain circumstances; providing for transfer when student changes residence; providing for validity of certain transfer; amending 70 O.S. 1991, Section 8-103, as last amended by Section 2, Chapter 232, O.S.L. 1994 (70 O.S. Supp. 1997, Section 8-103), which relates to student transfer procedures; deleting certain application and approval requirements; authorizing denial of transfer in certain circumstances; requiring approval of transfers for children with disabilities; prohibiting extramural competition for a certain period; amending 70 O.S. 1991, Sections 9-101 and 9-105, as amended by Section 7, Chapter 254, O.S.L. 1992 (70 O.S. Supp. 1997, Section 9-105), which relate to transportation of students; allowing receiving districts to provide transportation to transferred student; allowing expansion of a school district transportation area in certain circumstances; providing for payment of state funds when transporting transferred students;

repealing 70 O.S. 1991, Sections 8-102, as amended by Section 34, Chapter 239, O.S.L. 1993 and 8-104, as last amended by Section 3, Chapter 343, O.S.L. 1997 (70 O.S. Supp. 1997, Sections 8-102 and 8-104), which relate to transfers of students; providing for codification; and providing an effective date.

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 8-101.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 5 of this act shall be known and may be cited as the "Education Choice Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-101.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. On and after January 1, 1999, the State Department of Education shall grant an application for transfer of a pupil from the district in which the pupil resides to another school district furnishing instruction in the grade the pupil is entitled to pursue if the transfer has the approval of the board of education of the receiving district. A pupil granted a transfer may continue to attend the school to which he or she transferred with the approval of the receiving district only, and any brother or sister of such pupil may attend such school with the approval of the receiving district only. No pupil shall be permitted to transfer more than once in any school year.

If the grade a pupil is entitled to pursue is not offered in the district where the pupil resides, the transfer shall be automatically approved.

B. When a pupil has been transferred and later changes residence to another school district in the State of Oklahoma, the pupil shall be entitled to attend school in the district to which he or she shall have previously been transferred during the school year for which the transfer was made; and if a change of residence is to the district to which the pupil 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 pupil changes residence from a district offering the grade which such pupil is entitled to pursue, to another district during the school year for which he or she was transferred, the pupil shall be entitled to attend school in either the receiving district or the district of prior residence for the remainder of the current year. Upon the final approval of a transfer, the transferred pupil shall not be entitled to attend school in the district from which he or she was transferred, even though the pupil continues to reside within the district during the school year for which the transfer was made, except in case of a cancellation of the transfer. A pupil who has had a transfer granted shall be entitled to attend school in the district in which he or she resides in the next school year following the school year for which the transfer was made.

C. Any student transfer approved for any reason prior to the implementation of this act shall continue to be valid until this act is fully operational or until the parent, guardian, or person having custody chooses otherwise.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 8-103, as last amended by Section 2, Chapter 232, O.S.L. 1994 (70 O.S. Supp. 1997, Section 8-103), is amended to read as follows:

Section 8-103. A. In order that any ~~child~~ pupil 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~~ pupil. 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. 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 receiving school district regarding the transfer of the child to the district court of the county where the child resides.~~

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-103.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

Any local school district board of education which receives a request for a transfer to its school district for a pupil who does not reside in the school district may refuse the transfer in accordance with the provisions of the transfer policy of the local school district board of education.

In considering requests for pupils to transfer into a school district, the board of education shall consider the requests on a first-come, first-serve basis.

Notwithstanding the provisions of the Education Choice Act, transfers of children with disabilities shall be granted as authorized in Section 13-103 of Title 70 of the Oklahoma Statutes.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-103.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

A student who enrolls, pursuant to the Education 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 6. AMENDATORY 70 O.S. 1991, Section 9-101, is amended to read as follows:

Section 9-101. A. Any school district may provide transportation for any child who is participating in any prekindergarten or early childhood program operated by the school district or any child who is participating in any Head Start program offered within the school district.

B. Upon a request for a student transfer pursuant to the provisions of the Education Choice Act, if the parent or guardian of the student requests the receiving district to provide transportation for the student, and if the receiving district grants the transfer, then the receiving district may provide such transportation.

C. Any school district may provide transportation for each student who should attend any public elementary or secondary school when, and only when, transportation is necessary for accomplishment of one of the following purposes:

1. To provide adequate educational facilities and opportunities which otherwise would not be available, which shall include those purposes provided in the Education Choice Act;

2. To transport students whose homes are more than a reasonable walking distance, as defined by regulations of the State Board of Education, from the school attended by such student. Provided, that no state funds shall be paid for the transportation of a student whose residence is within one and one-half (1 1/2) miles from the school attended by such student.

SECTION 7. AMENDATORY 70 O.S. 1991, Section 9-105, as amended by Section 7, Chapter 254, O.S.L. 1992 (70 O.S. Supp. 1997, Section 9-105), is amended to read as follows:

Section 9-105. A. The State Board of Education shall determine and fix definite boundaries of the area in which each school district shall provide transportation for each school. When a student who resides in another school district has been granted a transfer pursuant to the provisions of the Education Choice Act and if the receiving school district agrees to provide transportation to such student, the receiving district may provide transportation upon the request of the parent and the transportation area of the school district may be expanded to encompass the residence of the student. When an elementary school district is surrounded by an independent school district, the independent school district must be designated as the transportation area for the high school students in the elementary school district.

B. The State Board of Education is authorized to establish definite routes in each transportation area, and it shall be the further duty of said Board to make rules and regulations as to the manner in which said area and routes may be established or changed and shall allow for the provisions of the Education Choice Act. Except as otherwise provided in this section, state funds payable to a district shall be withheld for a failure or refusal to confine its transportation to the area and routes designated by the State Board of Education or to comply with the rules and regulations of the State Board of Education. State funds payable to a school district shall not be withheld in the following circumstances:

1. When, based upon the mutual agreement of the two participating school districts, a school district offering special education classes extends its transportation program to include the transportation of students qualifying for special education in an adjacent school district which does not offer special education

classes, for the purpose of offering its special education classes to said students; ~~or~~

2. When, by resolutions of the boards of education of two participating districts, the districts agree that one or both of the districts may extend its transportation program into the other participating district to provide transportation for students who reside in such other participating district and who, by agreement of the participating districts, are, or will be, attending school in the district that has agreed to furnish transportation for the students; or

3. When, pursuant to the provisions of the Education Choice Act, transportation is provided to a transferred student by the receiving school district.

C. The State Board shall promulgate rules as are necessary to implement the provisions of this section.

SECTION 8. REPEALER 70 O.S. 1991, Sections 8-102, as amended by Section 34, Chapter 239, O.S.L. 1993 and 8-104, as last amended by Section 3, Chapter 343, O.S.L. 1997 (70 O.S. Supp. 1997, Sections 8-102 and 8-104), are hereby repealed.

SECTION 9. This act shall become effective November 1, 1998.

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