

SHORT TITLE: Schools; creating Parental School Choice Act;  
permitting choice of school attendance; codification; effective  
date; emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1313

By: Wright

AS INTRODUCED

An Act relating to schools; creating the Parental School Choice Act; providing short title; permitting certain choice of school attendance; requiring children attend school in resident district when no choice is made; providing for application process; requiring determination of acceptance and notification; providing for emergency transfers; defining term; construing act; prohibiting certain denial of enrollment permission; directing certain denial of enrollment; authorizing certain denial of enrollment; requiring statement of reason for denial; authorizing provision of certain transportation; providing for modification of transportation factor for certain school districts; requiring State Board of Education to provide reimbursement for certain transportation; authorizing the State Board of Education to promulgate certain rules; providing for inapplicability of certain transfer statutes; providing for codification; providing an effective date; and declaring an 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 the 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 a school child in this state 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 that district's school 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 the district to which an application was made.

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" means 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 by reason of the school district's lack of physical capacity or educational materials.

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 subject to 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 subject to 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. The school district which accepts a nonresident child for enrollment may offer to 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 assemble 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. A district which transports a student pursuant to this act shall receive for that student an additional sixty-one one-hundredths (.61) transportation factor as calculated for that district in the Average Daily Haul (ADH).

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 such 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 be less than ten cents (\$.10) per mile. The Board is authorized to promulgate rules relating to such reimbursement generally and is specifically authorized to broaden the definition of the term "guardian" as it applies to qualification for reimbursement.

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:

The provisions of Section 8-101 et seq. of Title 70 of the Oklahoma Statutes shall not apply to transfers of students pursuant to this act.

SECTION 10. This act shall become effective July 1, 1998.

SECTION 11. 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.

46-2-2556

PHB