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THE STATE SENATE
Tuesday, February 23, 1999

Senate Bill No. 797
As Amended

SENATE BILL NO. 797 - By: WILCOXSON of the Senate and DANK of the House.

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; requiring school districts to estimate number of openings available to transfer students; providing for application process; requiring determination of acceptance; establishing priorities; providing for emergency transfers; defining term; construing act; prohibiting certain denial of enrollment permission; 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 transportation stipend in certain circumstances**; 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:

1 Except as otherwise provided in this act, the parent or guardian
2 of an Oklahoma resident school child may choose, without regard for
3 school district of residence, the school district in which the child
4 or ward shall attend school.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 8-203 of Title 70, unless there
7 is created a duplication in numbering, reads as follows:

8 If a school child's parent or guardian makes no choice of a
9 school district as provided in this act, the child shall attend
10 school in the school district where the child is a resident or as
11 otherwise provided by law.

12 SECTION 4. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 8-204 of Title 70, unless there
14 is created a duplication in numbering, reads as follows:

15 A. Every district board of education shall announce its best
16 estimate of the number of openings available to nonresident transfer
17 students for the upcoming school year at the regular January board
18 meeting.

19 B. On or before February 1 of each school year, a parent or
20 guardian of a school child in this state may make application to a
21 school district in which the child or ward is not a resident for
22 permission to enroll the child or ward in that district's school as
23 a transfer student for the next school year. The application shall

1 be on a form promulgated by the State Board of Education and made
2 available to parents through all public schools in this state.

3 C. Each application shall be stamped with the date received by
4 the school district so that those students accepted as transfer
5 students will be accepted in the order in which they applied based
6 on criteria for accepting transfers adopted by the district to which
7 application is made. Each applicant shall be assigned a sequential
8 transfer number to ensure that applicants are considered on a first-
9 come, first-serve basis.

10 D. Districts **may** deny transfers pursuant to this act which,
11 together with resident district enrollment or other transfers or
12 both, would cause the number of students in any class to exceed the
13 limits set forth in Section 18-113.1 et seq. of Title 70 of the
14 Oklahoma Statutes.

15 E. If the application for permission to enroll is approved, the
16 school district shall simultaneously assign the child to a school
17 within the district.

18 F. A student who had been approved for a transfer one year
19 shall have priority for being accepted as a transfer in the
20 following year.

21 SECTION 5. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 8-205 of Title 70, unless there
23 is created a duplication in numbering, reads as follows:

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

5 B. For purposes of this section, an "emergency" means the
6 destruction or partial destruction of a school building, the
7 inability to furnish the grade of study the student is entitled to
8 pursue, the inability to offer a subject a student desires to
9 pursue, dissolution of school district, or the total failure of
10 transportation facilities previously had or contemplated.

11 SECTION 6. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 8-206 of Title 70, unless there
13 is created a duplication in numbering, reads as follows:

14 Nothing in this act shall be construed as preventing the
15 enrollment of any child in a school district to which the child
16 moves during the course of the school year.

17 SECTION 7. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 8-207 of Title 70, unless there
19 is created a duplication in numbering, reads as follows:

20 A. Permission to enroll pursuant to the Parental School Choice
21 Act shall not be denied because of race, religion, national origin,
22 sex, handicap, or socio-economic condition of the family.

1 B. Permission to enroll pursuant to the Parental School Choice
2 Act may be denied by the district to which application is made by
3 reason of the school district's lack of physical capacity or
4 educational materials.

5 C. Permission to enroll pursuant to the Parental School Choice
6 Act may be denied by the school board of the school district of the
7 subject child's residence when the school district of which the
8 child is a resident is subject to a court-ordered desegregation plan
9 unless the grade which the child is entitled to pursue is not
10 offered in the child's resident school district. The State Board of
11 Education shall annually provide to all school districts a list of
12 school districts subject to court-ordered desegregation plans.

13 D. If permission to enroll is denied, the denying district
14 shall state its reasons for refusal in writing and shall deliver the
15 written statement to the applying parent or guardian.

16 **SECTION 8. NEW LAW A new section of law to be codified**
17 **in the Oklahoma Statutes as Section 8-208 of Title 70, unless there**
18 **is created a duplication in numbering, reads as follows:**

19 **A. The school district which accepts a nonresident child for**
20 **enrollment shall provide transportation for that child from the**
21 **receiving district line to the child's assigned school. The school**
22 **district shall establish points along its boundaries where transfer**
23 **students in need of transportation will assemble.**

1 B. The school district in which the child is a resident shall
2 provide transportation to its district boundary for a child who
3 transfers to another district pursuant to this act. A district
4 which transports a student pursuant to this act shall receive for
5 that student an additional sixty-one one-hundredths (.61)
6 transportation factor as calculated for that district in the Average
7 Daily Haul (ADH).

8 C. If the resident district or receiving district determines
9 that transportation of a transferred student would be an undue
10 burden, either district that declines to furnish transportation
11 shall pay a transportation stipend to the student's parent or
12 guardian to provide such transportation. To determine the amount of
13 the transportation stipend, the number of miles driven is to be
14 multiplied by the standard mileage rate allowed as prescribed by the
15 Internal Revenue Code of 1986, as amended, or rules, procedures or
16 other action by the Internal Revenue Service, for use in determining
17 the standard mileage rate allowed.

18 SECTION 9. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 8-209 of Title 70, unless there
20 is created a duplication in numbering, reads as follows:

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

1 SECTION 10. This act shall become effective July 1, 1999.

2 SECTION 11. It being immediately necessary for the preservation
3 of the public peace, health and safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval.

6 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 2-8-99 - DO PASS,
7 As Amended and Coauthored.