

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. _____

By: Dickerson

AS INTRODUCED

An Act relating to schools; requiring approval of transfer applications from certain low-performing or high challenge schools; authorizing exemption from certain penalties; requiring approval of certain transfer applications; allowing continuation of transfer; requiring transportation in certain circumstances; authorizing reimbursement for certain transportation; providing for inapplicability of certain transfer statutes; providing for certain notification; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 666. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.543 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Any student who is required to attend a school site that has been identified as a low-performing school beyond the first year of such identification or as a high challenge school pursuant to Section 1210.541 of Title 70 of the Oklahoma Statutes shall be transferred as provided in this act upon application of the student's parent or guardian.

1. a. Upon application for transfer to another school site within the district of residence, the transfer shall be granted if the attendance area of the requested site is contiguous to the attendance area of the school from which transfer is requested or the student's parent or guardian's place of employment is located within the attendance area of the requested school site.

- b. Within fifteen (15) days of receipt of an application for transfer pursuant to this subsection, the district must transfer the student to the school site requested by the student's parent or guardian regardless of whether the student's placement will result in a violation of the class size requirements mandated in Section 18-113.1 of Title 70 of the Oklahoma Statutes. The district shall not be penalized for class size violations caused by the transfer.
- 2.
 - a. If the student's transfer pursuant to paragraph 1 of this subsection will result in a violation of class size requirements, or if there is no other school site in the district of residence that offers the grade the student is entitled to attend, the student shall be transferred to another district as provided in this subsection upon application filed with the district to which transfer is requested by the student's parent or guardian. Provided, the district must be contiguous to the district in which the student resides or the student's parent or guardian's place of employment is located within the district. Approval of the transfer by the district of residence is not required.
 - b. The receiving district shall approve the transfer at the next regularly scheduled school board meeting. The student shall be assigned to the school site that could accommodate the student without violation of class size requirements and is the site closest to the student's residence or the parent or guardian's place of employment.
 - c. If the receiving district finds that there is no school site in which the student can be placed without violating class size requirements, the student shall

be allowed to attend, at the option of the parent or guardian, the school site within the receiving district which is closest to the student's residence or the parent or guardian's place of employment. The receiving district shall not be penalized for exceeding class size limitations as a result of the student's enrollment.

3. No transfer pursuant to this act shall result in a student being placed at a school site which has been identified as low-performing or high challenge.

B. The transferred student shall be allowed to enroll in the receiving district for subsequent school years through the twelfth grade. A student who is transferred pursuant to this section may not transfer to another school or school district except upon application and approval as required in Section 8-101, et seq. of Title 70 of the Oklahoma Statutes.

C. If a school district provides transportation to students pursuant to Section 9-101 of Title 70 of the Oklahoma Statutes, transportation for the student transferred pursuant to this section shall be as follows:

1. Transportation shall be provided by the resident district for students who transfer to a school site within the district;

2. If the student transfers interdistrict, the school district of residence shall provide transportation for the student to its district boundary and shall cooperate with the receiving district to establish common points along the boundary where transfer students shall assemble for transportation;

3. A receiving district shall provide transportation for the transferred student from its district line to the student's assigned school;

4. If the board of education of either the resident district or receiving district determines that transportation of a transferred

student would be an undue burden, the district that declines to furnish transportation shall pay a transportation stipend to the child's parent or guardian to provide such transportation. Provided, either district that declines to furnish transportation pursuant to this act shall pay to the child's parent or guardian a transportation stipend to cover the number of miles from the student's home or school site, whichever is applicable, to the location on the district boundary where it has been agreed transfer students shall assemble for transportation. Reimbursement shall be at a rate set by the State Board of Education, but not less than ten cents (\$0.10) per mile, not to exceed twenty (20) miles per day one way, and not to exceed one hundred eighty (180) days in a school year; and

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

E. The district board of education shall notify each student and parent of their eligibility to apply for a transfer pursuant to this act upon the State Board of Education's determination that the school site which the child is required to attend:

1. Will continue to be identified as low-performing beyond the first year of such identification; or
2. Has been identified as high challenge.

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

SECTION 2. 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.

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