

THE STATE SENATE
Wednesday, March 31, 2004

Committee Substitute for
ENGROSSED
House Bill No. 1855

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1855 - By:
PETERSON (Ron), FERGUSON and ADKINS of the House and RILEY of the
Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 8-101, which relates to the right to transfer; updating statutory language; limiting number of certain types of transfers; allowing students to apply for further transfers pursuant to the Education Open Transfer Act; removing obsolete language; amending 70 O.S. 2001, Section 8-104, as amended by Section 3, Chapter 453, O.S.L. 2002 (70 O.S. Supp. 2003, Section 8-104), which relates to emergency transfers; authorizing additional grounds for emergency transfers; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 8-101, is amended to read as follows:

Section 8-101. Any ~~child~~ student residing in a school district that does not offer the grade which ~~such child~~ the student is entitled to pursue shall be ~~entitled~~ allowed to ~~be transferred~~ transfer to ~~any~~ a school district inside or outside of the transportation area in which ~~such~~ the student resides which offers the grade ~~which he~~ the student is entitled to pursue, ~~hereinafter~~ ". The district to which the student transfers shall be referred to as the receiving district". ~~Nothing in this section shall be construed~~

1 ~~as preventing the approval of~~ A student shall be limited to one
2 transfer pursuant to this section. ~~Thereafter,~~ a student may apply
3 for any other kind of transfer for which ~~such~~ the student is
4 eligible as ~~elsewhere~~ provided ~~by law~~ for in the Education Open
5 Transfer Act.

6 ~~The due and outstanding obligation of any school district to pay~~
7 ~~any transfer fee required by this section for the attendance of a~~
8 ~~student in the year prior to the effective date of this act is~~
9 ~~hereby canceled.~~

10 SECTION 2. AMENDATORY 70 O.S. 2001, Section 8-104, as
11 amended by Section 3, Chapter 453, O.S.L. 2002 (70 O.S. Supp. 2003,
12 Section 8-104), is amended to read as follows:

13 Section 8-104. In addition to the transfer process provided in
14 Section 8-103 of this title, students may be transferred on an
15 emergency basis. A written application for an emergency transfer
16 designating the district to which the transfer is desired shall be
17 made by the parent and filed with the superintendent of the
18 receiving school district. On an adequate showing of emergency the
19 superintendent of the receiving school district may make and order a
20 transfer, subject to approval by the State Board of Education. An
21 emergency shall include only:

22 1. The destruction or partial destruction of a school building;

1 2. The inability to offer the subject a pupil desires to
2 pursue, if the pupil becomes a legal resident of a school district
3 after February 1 of the school year immediately prior to the school
4 year for which the pupil is seeking the transfer;

5 3. A catastrophic medical problem of a student, which for
6 purposes of this section shall mean an acute or chronic serious
7 illness, disease, disorder or injury which has a permanently
8 detrimental effect on the body's system or renders the risk
9 unusually hazardous;

10 4. The total failure of transportation facilities;

11 5. The concurrence of both the sending and receiving school
12 districts; ~~or~~

13 6. The unavailability of remote or on-site Internet-based
14 instruction by course title in the district of residence for a
15 student identified as in need of drop-out recovery or alternative
16 education services, provided such student was enrolled at any time
17 in a public school in this state during the previous three (3)
18 school years; or

19 7. The unavailability of a specialized deaf education program
20 for a student who is deaf or hearing impaired.

21 An emergency transfer previously made may be canceled, with the
22 concurrence of the board of the receiving district and the parent.

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

5 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 3-29-04 - DO
6 PASS, As Amended.