

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 2518

By: Sherrer, Shumate and
McDaniel (Jeannie) of the
House

4
5 and

Burrage of the Senate
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7
8

9 An Act relating to schools; amending 70 O.S. 2001,
10 Section 13-103, which relates to transfers for
11 children with disabilities; clarifying statutory
12 language; making certain transfers granted for
13 certain period of time permanent; providing an
14 effective date; and declaring an emergency.

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16 AUTHORS: Add the following Senate Coauthors: Johnson
(Constance) and Rice

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18 AMENDMENT NO. 1. Page 1, strike the title, enacting clause
and entire bill and insert

19 "An Act relating to schools; amending 70 O.S. 2001,
20 Section 13-103, which relates to transfers for
21 children with disabilities; clarifying statutory
language; providing for automatic renewal of certain
transfers granted for certain period of time;
providing for continuation of certain tuition
payments; providing an effective date; and declaring
an emergency.

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

23 SECTION 1. AMENDATORY 70 O.S. 2001, Section 13-103, is
24 amended to read as follows:

1 Section 13-103. A. Any school district in the state may
2 provide suitable facilities and employ qualified teachers and
3 therapists for children with disabilities, either in schools,
4 classrooms, or in ~~such~~ other places as the board of education of the
5 district may deem advisable. When a school district cannot provide
6 special educational facilities and qualified teachers, a child may
7 be transferred pursuant to the provisions of paragraph 4 of Section
8 13-101 of this title.

9 B. If a child with disabilities is transferred to a school
10 district other than the district of residence of the child pursuant
11 to the Education Open Transfer Act the following provisions shall
12 apply:

13 1. The receiving district shall establish availability of the
14 appropriate program, staff, and services prior to approval of the
15 transfer;

16 2. Prior to the approval of the transfer of a child on an
17 individualized education program (IEP), a joint IEP conference shall
18 be required between the district of residence and the receiving
19 district; and

20 3. Upon approval of the transfer, the receiving district shall
21 claim the child in the average daily membership for state and
22 federal funding purposes and shall assume all responsibility for
23 education of the child. When applicable, the receiving district may
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1 apply to the Oklahoma Special Education Assistance Fund for
2 assistance in meeting any extraordinary costs incurred.

3 C. Transfers authorized by this section shall be made under
4 ~~such rules as~~ adopted by the State Board of Education ~~may prescribe.~~

5 When a child with disabilities or pregnant child is unable to attend
6 any school or class in the district of residency, the board of
7 education of ~~said~~ the district may provide for home instruction for
8 ~~such~~ the child. The State Board of Education is further authorized
9 to cooperate with any school district ~~of~~ in the state to make it
10 possible for a child with disabilities to attend the regular school
11 by making special provisions for the transportation of ~~such~~ the
12 child, or for special equipment, devices, books, supplies or other
13 facilities, or for special instruction within the regular school
14 building. The provisions for services and transfers as provided ~~by~~
15 for in this section shall be made with consideration of the least
16 restrictive environment and IEP requirements under the Individuals
17 with Disabilities Education Act (IDEA), ~~P.L. No. 105-17.~~

18 D. Beginning with the 2008-2009 school year, a transfer granted
19 for a child with disabilities pursuant to paragraph 4 of Section 13-
20 101 of this title for three (3) consecutive years to the same school
21 district shall automatically be renewed each year. The district in
22 which the child resides shall continue to pay tuition as provided
23 for in paragraph 4 of Section 13-101 of this title.

24 SECTION 2. This act shall become effective July 1, 2008.

