

1 ENGROSSED HOUSE
2 BILL NO. 2518

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

3
4 and

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

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

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

17 Section 13-103. A. Any school district in the state may
18 provide suitable facilities and employ qualified teachers and
19 therapists for children with disabilities, either in schools,
20 classrooms, or in ~~such~~ other places as the board of education of the
21 district may deem advisable. When a school district cannot provide
22 special educational facilities and qualified teachers, a child may
23 be transferred pursuant to the provisions of paragraph 4 of Section
24 13-101 of this title.

1 B. If a child with disabilities is transferred to a school
2 district other than the district of residence of the child pursuant
3 to the Education Open Transfer Act the following provisions shall
4 apply:

5 1. The receiving district shall establish availability of the
6 appropriate program, staff, and services prior to approval of the
7 transfer;

8 2. Prior to the approval of the transfer of a child on an
9 individualized education program (IEP), a joint IEP conference shall
10 be required between the district of residence and the receiving
11 district; and

12 3. Upon approval of the transfer, the receiving district shall
13 claim the child in the average daily membership for state and
14 federal funding purposes and shall assume all responsibility for
15 education of the child. When applicable, the receiving district may
16 apply to the Oklahoma Special Education Assistance Fund for
17 assistance in meeting any extraordinary costs incurred.

18 C. Transfers authorized by this section shall be made under
19 ~~such rules as~~ adopted by the State Board of Education ~~may prescribe~~.
20 When a child with disabilities or pregnant child is unable to attend
21 any school or class in the district of residency, the board of
22 education of ~~said~~ the district may provide for home instruction for
23 ~~such~~ the child. The State Board of Education is further authorized
24 to cooperate with any school district ~~of~~ in the state to make it

1 possible for a child with disabilities to attend the regular school
2 by making special provisions for the transportation of ~~such~~ the
3 child, or for special equipment, devices, books, supplies or other
4 facilities, or for special instruction within the regular school
5 building. The provisions for services and transfers as provided ~~by~~
6 for in this section shall be made with consideration of the least
7 restrictive environment and IEP requirements under the Individuals
8 with Disabilities Education Act (IDEA), ~~P.L. No. 105-17.~~

9 D. Beginning with the 2008-2009 school year, a transfer granted
10 for a child with disabilities pursuant to paragraph 4 of Section 13-
11 101 of this title for three (3) consecutive years to the same school
12 district shall become a permanent open transfer and shall
13 automatically renew each year.

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

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

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1 Passed the House of Representatives the 19th day of February,
2 2008.

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5 Presiding Officer of the House of
6 Representatives

7 Passed the Senate the ____ day of _____, 2008.

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10 Presiding Officer of the Senate

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