

THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2008

House Bill No. 2518

HOUSE BILL NO. 2518 - By: SHERRER AND SHUMATE of the House and BURRAGE of the Senate.

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

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

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

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

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

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

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

6 3. Upon approval of the transfer, the receiving district shall claim the child in the
7 average daily membership for state and federal funding purposes and shall assume all
8 responsibility for education of the child. When applicable, the receiving district may
9 apply to the Oklahoma Special Education Assistance Fund for assistance in meeting any
10 extraordinary costs incurred.

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

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

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 02-12-08 - DO
10 PASS, As Coauthored.