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THE STATE SENATE
Monday, April 7, 2008

Committee Substitute for
ENGROSSED
House Bill No. 2518

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 2518 - By:
Sherrer, Shumate and McDaniel (Jeannie) 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; 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.

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

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

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

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

10 D. Beginning with the 2008-2009 school year, a transfer granted
11 for a child with disabilities pursuant to paragraph 4 of Section 13-
12 101 of this title for three (3) consecutive years to the same school
13 district shall automatically be renewed each year. The district in
14 which the child resides shall continue to pay tuition as provided
15 for in paragraph 4 of Section 13-101 of this title.

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

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

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1 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 3-31-08 - DO
2 PASS, As Amended.