

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2518

By: Sherrer

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5  
6 AS INTRODUCED

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

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

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

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

24 B. If a child with disabilities is transferred to a school  
district other than the district of residence of the child pursuant

1 to the Education Open Transfer Act the following provisions shall  
2 apply:

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

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

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

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

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

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

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

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

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