

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 HOUSE BILL 3915

By: Caldwell (Chad)

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6 AS INTRODUCED

7 An Act relating to student transfers; amending 70  
8 O.S. 2021, Section 13-103, which relates to transfers  
9 for students with disabilities; directing boards of  
10 education to adopt policies to determine capacity to  
11 accept transfer students with disabilities; listing  
12 criteria for consideration in establishing capacity;  
13 establishing a process for appeal if transfer is  
14 denied; directing board to submit certain information  
15 about transfer approvals and denials; requiring Board  
16 to share certain data; mandating Office of  
17 Educational Quality and Accountability to perform a  
18 random audit of transfers; directing Office to set  
19 capacity if certain inaccuracy is found; and  
20 providing an effective date.

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

22 SECTION 1. AMENDATORY 70 O.S. 2021, Section 13-103, is  
23 amended to read as follows:

24 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 other places as the board of education of the

1 district may deem advisable. When a school district cannot provide  
2 special educational facilities and qualified teachers, a child may  
3 be transferred pursuant to the provisions of paragraph 4 of Section  
4 13-101 of this title.

5 B. If a child with disabilities is transferred to a school  
6 district other than the district of residence of the child pursuant  
7 to the Education Open Transfer Act, the following provisions shall  
8 apply:

9 1. The receiving district shall establish availability of the  
10 appropriate program, staff caseloads, and services prior to approval  
11 of the transfer. Each school district board of education shall  
12 adopt a policy to determine the number of transfer students with  
13 disabilities the school district has the capacity to accept based on  
14 program, staff caseloads, and services no later than January 1,  
15 2025;

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. For state funding purposes, the State  
24 Department of Education shall include the appropriate grade level  
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1 weight and all category weights to which the pupil is assigned  
2 pursuant to the provisions of Section 18-201.1 of this title when  
3 calculating State Aid pursuant to the provisions of Section 18-200.1  
4 of this title, regardless of whether the receiving district provides  
5 education to the student using traditional in-class means or via  
6 online instruction. When applicable, the receiving district may  
7 apply to the Oklahoma Special Education Assistance Fund for  
8 assistance in meeting any extraordinary costs incurred;

9 4. If a transfer request is denied by the school district, the  
10 parent or guardian of the student with a disability or the adult  
11 student, eighteen (18) through twenty-two (22) years of age, with a  
12 disability may appeal the denial within ten (10) days of  
13 notification of the denial to the receiving school district board of  
14 education. The receiving school board shall consider the appeal at  
15 its next regularly scheduled school board meeting. If the receiving  
16 school district board of education denies the appeal, the parent,  
17 guardian, or adult student may appeal the denial within ten (10)  
18 days of notification of the denied appeal to the State Board of  
19 Education. The parent, guardian, or adult student shall submit to  
20 the State Board of Education and the superintendent of the receiving  
21 school district a notice of appeal on a form prescribed by the  
22 Board. The appeal shall be considered by the Board at its next  
23 regularly scheduled meeting, where the parent, guardian, or adult  
24 student and a representative from the receiving school district may  
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1 address the Board. The Board shall promulgate rules for the appeals  
2 process that align with the Education Open Transfer Act;

3 5. Each school district board of education shall submit to the  
4 State Department of Education the number of students with  
5 disabilities transfers approved and denied by the district and  
6 whether each denial was based on program, staff caseload, or  
7 services capacity. The Department shall make the data available to  
8 the Office of Educational Quality and Accountability; and

9 6. The Office of Educational Quality and Accountability shall  
10 randomly select ten percent (10%) of the school districts in the  
11 state and conduct an audit of each district's approved and denied  
12 transfers of students with disabilities based on the provisions of  
13 the policies adopted by the respective school district board of  
14 education. If the Office finds inaccurate reporting of capacity  
15 levels set by a school district, the Office shall set the capacity  
16 for the school district.

17 C. Transfers authorized by this section shall be made under  
18 rules adopted by the State Board of Education. When a child with  
19 disabilities or pregnant child is unable to attend any school or  
20 class in the district of residency, the board of education of the  
21 district may provide for home instruction for the child. The State  
22 Board of Education is further authorized to cooperate with any  
23 school district in the state to make it possible for a child with  
24 disabilities to attend the regular school by making special  
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1 provisions for the transportation of the child, or for special  
2 equipment, devices, books, supplies or other facilities, or for  
3 special instruction within the regular school building. The  
4 provisions for services and transfers as provided for in this  
5 section shall be made with consideration of the least restrictive  
6 environment and IEP requirements under the Individuals with  
7 Disabilities Education Act (IDEA).

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

14 SECTION 2. This act shall become effective November 1, 2024.

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