

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3915 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Chad Caldwell _____

Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

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

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3915

By: Caldwell (Chad)

7 PROPOSED COMMITTEE SUBSTITUTE

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

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

24 SECTION 1. AMENDATORY 70 O.S. 2021, 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 other places as the board of education of the
district may deem advisable. When a school district cannot provide

1 special educational facilities and qualified teachers, a child may
2 be transferred pursuant to the provisions of paragraph 4 of Section
3 13-101 of this title.

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

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

- 15 a. include the school district's total grade level
16 capacity at the school site within the district
17 offering the appropriate special education program, or
- 18 b. list the school district's capacity including, but not
19 limited to, the number of special education programs
20 and a definition of each type of program; the special
21 education services offered by the school district such
22 as speech language therapy, occupational therapy,
23 physical therapy, and other services; the special
24 education staffing caseloads per program; the school

1 district's special education class size capacity as
2 identified by the Oklahoma Special Education Policies
3 and Procedures per local education agency's (LEA's)
4 special education program; and the school district's
5 grade level capacity at the school site within the
6 district offering the appropriate special education
7 program if the student's individualized education
8 program (IEP) requires placement in the general
9 education classroom during all or part of the
10 instructional day;

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

15 3. Upon approval of the transfer, the receiving district shall
16 claim the child in the average daily membership for state and
17 federal funding purposes and shall assume all responsibility for
18 education of the child by providing a free appropriate public
19 education (FAPE), including reevaluations of and amendments to the
20 student's IEP. For state funding purposes, the State Department of
21 Education shall include the appropriate grade level weight and all
22 category weights to which the pupil is assigned pursuant to the
23 provisions of Section 18-201.1 of this title when calculating State
24 Aid pursuant to the provisions of Section 18-200.1 of this title,

1 regardless of whether the receiving district provides education to
2 the student using traditional in-class means or via online
3 instruction. When applicable, the receiving district may apply to
4 the Oklahoma Special Education Assistance Fund for assistance in
5 meeting any extraordinary costs incurred;

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

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

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

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

1 special instruction within the regular school building. The
2 provisions for services and transfers as provided for in this
3 section shall be made with consideration of the least restrictive
4 environment and IEP requirements under the Individuals with
5 Disabilities Education Act (IDEA).

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

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

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