

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1910

By: Treat

AS INTRODUCED

An Act relating to students with disabilities; amending 70 O.S. 2021, Section 13-103, which relates to providing education for students with disabilities; updating statutory language; directing each school district board of education to adopt certain policy regarding transfer students with disabilities by certain date; requiring the policy and certain capacity to be published and reported to the State Department of Education; modifying process for determining whether to accept certain student transfer; establishing process to appeal denial of a transfer student with disabilities; providing for promulgation of rules; requiring school district boards of education to annually submit the number of certain transfer requests approved and denied; requiring the State Department of Education to publish certain data on its website and make it available to certain agency; directing the Office of Educational Quality and Accountability to annually select certain percentage of districts for certain audit; directing the Office to set certain capacity if certain finding is made; allowing certain audit to be conducted in certain conjunction; 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. 2021, Section 13-103, is amended to read as follows:

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

9 B. 1. Each school district board of education shall adopt a
10 policy to determine the number of transfer students with
11 disabilities the school district has the capacity to accept based on
12 the availability of appropriate programs, staff, and services no
13 later than January 1, 2025, and each January 1 thereafter.

14 2. The school district board of education shall:

15 a. publish the policy and the number of transfer students
16 with disabilities the school district has the capacity
17 to accept in a prominent place on the school
18 district's website, and

19 b. report to the State Department of Education the number
20 of transfer students with disabilities the school
21 district has the capacity to accept.

22 C. If a ~~child~~ student with disabilities is transferred to a
23 school district other than the district of residence of the ~~child~~

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

3 1. The receiving district shall ~~establish availability of the~~
4 ~~appropriate program, staff, and services~~ determine whether the
5 district has the capacity to accept the student transfer under the
6 policy adopted pursuant to subsection B of this section prior to
7 approval of the transfer;

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

12 3. Upon approval of the transfer, the receiving district shall
13 claim the ~~child~~ student in the average daily membership for state
14 and federal funding purposes and shall assume all responsibility for
15 education of the ~~child~~ student. For state funding purposes, the
16 State Department of Education shall include the appropriate grade
17 level weight and all category weights to which the ~~pupil~~ student is
18 assigned pursuant to the provisions of Section 18-201.1 of this
19 title when calculating State Aid pursuant to the provisions of
20 Section 18-200.1 of this title, regardless of whether the receiving
21 district provides education to the student using traditional in-
22 class means or via online instruction. When applicable, the
23 receiving district may apply to the Oklahoma Special Education
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1 Assistance Fund for assistance in meeting any extraordinary costs
2 incurred.

3 D. If a request to transfer a student with disabilities to a
4 school district other than the district of residence of the student
5 pursuant to the Education Open Transfer Act is denied, the following
6 provisions shall apply:

7 1. The parent or legal guardian of a student with disabilities
8 or an adult student with disabilities who is age eighteen (18) or
9 older but under the age of twenty-two (22) may appeal the denial
10 within ten (10) days of notification of the denial to the receiving
11 school district board of education. The receiving school district
12 board of education shall consider the appeal at its next regularly
13 scheduled board meeting; and

14 2. If the receiving school district board of education denies
15 the appeal, the parent or legal guardian of the student with
16 disabilities or an adult student with disabilities who is age
17 eighteen (18) or older but under the age of twenty-two (22) may
18 appeal the denial within ten (10) days of notification of the appeal
19 denial to the State Board of Education. The parent or legal
20 guardian of the student with disabilities or the adult student with
21 disabilities shall submit to the State Board of Education and the
22 superintendent of the receiving school district a notice of appeal
23 on a form prescribed by the State Board of Education. The appeal
24 shall be considered by the State Board of Education at its next

1 regularly scheduled meeting, where the parent or legal guardian of
2 the student with disabilities or the adult student with disabilities
3 may address the Board. The State Board of Education shall
4 promulgate rules to establish the appeals process authorized by this
5 subsection which shall align with rules promulgated pursuant to
6 Section 8-101.2 of this title.

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

22 ~~D.~~ F. Beginning with the 2008-2009 school year, a transfer
23 granted for a ~~child~~ student with disabilities pursuant to paragraph
24 4 of Section 13-101 of this title for three (3) consecutive years to

1 the same school district shall automatically be renewed each year.
2 The district in which the ~~child~~ student resides shall continue to
3 pay tuition as provided for in paragraph 4 of Section 13-101 of this
4 title.

5 G. Each school district board of education shall annually
6 submit to the State Department of Education the number of transfer
7 requests for students with disabilities approved and denied and
8 whether each denial was based on availability of programs, staff, or
9 services. The State Department of Education shall publish the data
10 on its website and make the data available to the Office of
11 Educational Quality and Accountability.

12 H. Each year, the Office of Educational Quality and
13 Accountability shall randomly select ten percent (10%) of the school
14 districts in the state and conduct an audit of each district's
15 approved and denied transfers based on the provisions of each school
16 district board of education's policy adopted pursuant to subsection
17 B of this section. If the Office finds inaccurate reporting of
18 capacity levels by a school district, the school district shall
19 comply with the changes recommended in the audit. Nothing shall
20 prohibit the Office from conducting the audit required by this
21 subsection in conjunction with the audit required by subsection G of
22 Section 8-101.2 of this title.

23 SECTION 2. This act shall become effective July 1, 2024.
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1 SECTION 3. It being immediately necessary for the preservation
2 of the public peace, health, or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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