

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2314

By: Hilbert

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5
6 AS INTRODUCED

7 An Act relating to school transportation; amending 70
8 O.S. 2021, Section 3-141, which relates to
9 transporting charter school students; deleting
10 requirement limiting transportation to certain
11 boundaries; amending 70 O.S. 2021, Sections 9-101 and
12 9-105, which relate to student transportation;
13 removing restriction on where a receiving district
14 can provide transportation to student transfers;
15 deleting provision withholding state funding from
16 district not adhering to transportation boundaries;
17 authorizing transport of students living outside of
18 certain boundaries and routes; providing an effective
19 date; and declaring an emergency.

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

21 SECTION 1. AMENDATORY 70 O.S. 2021, Section 3-141, is
22 amended to read as follows:

23 Section 3-141. A. Transportation shall be provided by the
24 charter school in accordance with Sections 9-101 through 9-118 of
~~Title 70 of the Oklahoma Statutes and only within the transportation~~
~~boundaries of the school district in which the charter school is~~
~~located~~ this title.

1 B. A charter school shall provide the parent or guardian
2 information regarding transportation at the time the student enrolls
3 in the charter school.

4 SECTION 2. AMENDATORY 70 O.S. 2021, Section 9-101, is
5 amended to read as follows:

6 Section 9-101. A. Any school district may provide
7 transportation for any child who is participating in any
8 prekindergarten or early childhood program operated by the school
9 district or any child who is participating in any Head Start program
10 offered within the school district.

11 B. Upon a request for a student transfer pursuant to the
12 provisions of the Education Open Transfer Act, if the parent of the
13 student requests that the receiving district provide transportation
14 for the student, and if the receiving district grants the transfer,
15 then the receiving district may provide such transportation ~~only~~
16 ~~within the boundaries of the receiving school district. A receiving~~
17 ~~school district shall not cross school district boundaries to~~
18 ~~transport a kindergarten through eighth grade student transferred~~
19 ~~pursuant to the Education Open Transfer Act except as otherwise~~
20 ~~authorized in Section 9-105 of this title.~~

21 C. Any school district may provide transportation for each
22 student who should attend any public elementary or secondary school
23 when, and only when, transportation is necessary for accomplishment
24 of one of the following purposes:

1 1. To provide adequate educational facilities and opportunities
2 which otherwise would not be available, which shall include those
3 purposes provided in the Education Open Transfer Act; and

4 2. To transport students whose homes are more than a reasonable
5 walking distance, as defined by regulations of the State Board of
6 Education, from the school attended by such student. Provided, that
7 no state funds shall be paid for the transportation of a student
8 whose residence is within one and one-half (1 1/2) miles from the
9 school attended by such student.

10 SECTION 3. AMENDATORY 70 O.S. 2021, Section 9-105, is
11 amended to read as follows:

12 Section 9-105. A. The State Board of Education shall determine
13 and fix definite boundaries of the area in which each school
14 district shall provide transportation for each school. When an
15 elementary school district is surrounded by an independent school
16 district, the independent school district ~~must~~ shall be designated
17 as the transportation area for the high school students in the
18 elementary school district.

19 B. The State Board of Education is authorized to establish
20 definite routes in each transportation area, and it shall be the
21 further duty of said Board to make rules and regulations as to the
22 manner in which said area and routes may be established or changed.
23 ~~Except as otherwise provided in this section, state funds payable to~~
24 ~~a district shall be withheld for a failure or refusal to confine its~~

1 ~~transportation to the area and routes designated by the State Board~~
2 ~~of Education or to comply with the rules and regulations of the~~
3 ~~State Board of Education. State funds payable to a school district~~
4 ~~shall not be withheld in the following circumstances:~~

5 ~~1. When, based upon the mutual agreement of the two~~
6 ~~participating school districts, a school district offering special~~
7 ~~education classes extends its transportation program to include the~~
8 ~~transportation of students qualifying for special education in an~~
9 ~~adjacent school district which does not offer special education~~
10 ~~classes, for the purpose of offering its special education classes~~
11 ~~to said students; or~~

12 ~~2. When, by resolutions of the boards of education of two~~
13 ~~participating districts, the districts agree that one or both of the~~
14 ~~districts may extend its transportation program into the other~~
15 ~~participating district to provide transportation for students who~~
16 ~~reside in such other participating district and who, by agreement of~~
17 ~~the participating districts, are, or will be, attending school in~~
18 ~~the district that has agreed to furnish transportation for the~~
19 ~~students. A board of education may provide transportation to~~
20 ~~students living outside of the boundaries and routes established by~~
21 ~~the State Board of Education.~~

22 C. The State Board shall promulgate rules as are necessary to
23 implement the provisions of this section.

1 SECTION 4. This act shall become effective July 1, 2023.

2 SECTION 5. It being immediately necessary for the preservation
3 of the public peace, health or safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval.

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