

1 **SENATE FLOOR VERSION**

2 February 20, 2024

3 SENATE BILL NO. 1910

By: Treat

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5  
6 An Act relating to students with disabilities;  
7 amending 70 O.S. 2021, Section 13-103, which relates  
8 to providing education for students with  
9 disabilities; updating statutory language; directing  
10 each school district board of education to adopt  
11 certain policy regarding transfer students with  
12 disabilities by certain date; requiring the policy  
13 and certain capacity to be published and reported to  
14 the State Department of Education; modifying process  
15 for determining whether to accept certain student  
16 transfer; establishing process to appeal denial of a  
17 transfer student with disabilities; providing for  
18 promulgation of rules; requiring school district  
19 boards of education to annually submit the number of  
20 certain transfer requests approved and denied;  
21 requiring the State Department of Education to  
22 publish certain data on its website and make it  
23 available to certain agency; directing the Office of  
24 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:

Section 13-103. A. Any school district in the state may  
provide suitable facilities and employ qualified teachers and

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

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

12 2. The school district board of education shall:

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

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

20 C. If a ~~child~~ student with disabilities is transferred to a  
21 school district other than the district of residence of the ~~child~~  
22 student pursuant to the Education Open Transfer Act the following  
23 provisions shall apply:

24

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

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

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

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

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

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

1 may address the Board. The State Board of Education shall  
2 promulgate rules to establish the appeals process authorized by this  
3 subsection which shall align with rules promulgated pursuant to  
4 Section 8-101.2 of this title.

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

20 ~~D.~~ F. Beginning with the 2008-2009 school year, a transfer  
21 granted for a ~~child~~ student with disabilities pursuant to paragraph  
22 4 of Section 13-101 of this title for three (3) consecutive years to  
23 the same school district shall automatically be renewed each year.  
24 The district in which the ~~child~~ student resides shall continue to

1 pay tuition as provided for in paragraph 4 of Section 13-101 of this  
2 title.

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

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

21 SECTION 2. This act shall become effective July 1, 2024.

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

3 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION  
4 February 20, 2024 - DO PASS  
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