An Act

ENROLLED HOUSE
BILL NO. 2314

By: Hilbert and Caldwell (Chad) of the House

and

Pugh of the Senate

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

SUBJECT: School transportation

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

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

Section 3-141. A. Transportation shall be provided by the 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.

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

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

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

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

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

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

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

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

Section 9-105. A. The State Board of Education shall determine and fix definite boundaries of the area in which each school district shall provide transportation for each school. When an elementary school district is surrounded by an independent school district, the independent school district ~~must~~ shall be designated

as the transportation area for the high school students in the elementary school district.

B. The State Board of Education is authorized to establish definite routes in each transportation area, and it shall be the further duty of said Board to make rules and regulations as to the manner in which said area and routes may be established or changed. ~~Except as otherwise provided in this section, state funds payable to a district shall be withheld for a failure or refusal to confine its transportation to the area and routes designated by the State Board of Education or to comply with the rules and regulations of the State Board of Education. State funds payable to a school district shall not be withheld in the following circumstances:~~

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

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

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

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

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

Passed the House of Representatives the 8th day of March, 2023.

Presiding Officer of the House

of Representatives

Passed the Senate the 25th day of April, 2023.

Brent Howard

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 26th

day of April, 20 23, at 2:36 o'clock p. M.

By: Summer Curry

Approved by the Governor of the State of Oklahoma this 2nd

day of May, 20 23, at 11:33 o'clock a. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 2nd

day of May, 20 23, at 1:01 o'clock p M.

By: Brian Bingman