

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1500

By: Fetgatter

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7 AS INTRODUCED

8 An Act relating to schools; amending 70 O.S. 2011,  
9 Sections 8-101.2, as amended by Section 2, Chapter  
10 363, O.S.L. 2015 and 8-104, as amended by Section 1,  
11 Chapter 85, O.S.L. 2013 (70 O.S. Supp. 2016, Sections  
12 8-101.2 and 8-104), which relate to transfer of  
13 students; modifying right of receiving district to  
14 revoke transfer; and providing an effective date.

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

16 SECTION 1. AMENDATORY 70 O.S. 2011, Section 8-101.2, as  
17 amended by Section 2, Chapter 363, O.S.L. 2015 (70 O.S. Supp. 2016,  
18 Section 8-101.2), is amended to read as follows:

19 Section 8-101.2 A. On and after January 1, 2000, the transfer  
20 of a student from the district in which the student resides to  
21 another school district furnishing instruction in the grade the  
22 student is entitled to pursue shall be granted if the transfer has  
23 the approval of the board of education of the receiving district. A  
24 student granted a transfer may continue to attend the school to  
which the student transferred ~~with the approval of the receiving~~

1 district only through the end of any school year for which a  
2 transfer has been approved. The receiving district shall not have  
3 the authority to revoke a transfer prior to the end of a school  
4 year. Any brother or sister of a student granted a transfer and any  
5 child in the custody of the Department of Human Services in foster  
6 care who is living in the home of a student granted a transfer may  
7 attend the school to which the student transferred with the approval  
8 of the receiving district only. Except for a child in the custody  
9 of the Department of Human Services in foster care, no student shall  
10 be permitted to transfer more than once in any school year.

11 If the grade a student is entitled to pursue is not offered in  
12 the district where the student resides, the transfer shall be  
13 automatically approved.

14 B. When a student has been transferred and later changes  
15 residence to another school district in the State of Oklahoma, the  
16 student shall be entitled to continue to attend school in the  
17 district to which the student was transferred. If a change of  
18 residence is to the district to which the student was transferred,  
19 upon affidavit of the parent of the student, that district shall  
20 become the resident district. If a student changes residence to  
21 another district during the school year which is not the same  
22 district the student transferred to, the student shall be entitled  
23 to attend school in either the receiving district or the new  
24 district of residence for the remainder of the current year.

1 C. Any student transfer approved for any reason prior to  
2 January 1, 2000, shall continue to be valid and shall not be subject  
3 to the Education Open Transfer Act unless the parent having custody  
4 chooses otherwise.

5 SECTION 2. AMENDATORY 70 O.S. 2011, Section 8-104, as  
6 amended by Section 1, Chapter 85, O.S.L. 2013 (70 O.S. Supp. 2016,  
7 Section 8-104), is amended to read as follows:

8 Section 8-104. A. In addition to the transfer process provided  
9 in Section 8-103 of this title, students may be transferred on an  
10 emergency basis. A written application for an emergency transfer  
11 designating the district to which the transfer is desired shall be  
12 made by the parent and filed with the superintendent of the  
13 receiving school district. On an adequate showing of emergency the  
14 superintendent of the receiving school district may make and order a  
15 transfer, subject to approval by the State Board of Education. An  
16 emergency shall include only:

17 1. The destruction or partial destruction of a school building;

18 2. The inability to offer the subject a pupil desires to  
19 pursue, if the pupil becomes a legal resident of a school district  
20 after February 1 of the school year immediately prior to the school  
21 year for which the pupil is seeking the transfer;

22 3. A catastrophic medical problem of a student, which for  
23 purposes of this section shall mean an acute or chronic serious  
24 illness, disease, disorder or injury which has a permanently

1 detrimental effect on the body's system or renders the risk  
2 unusually hazardous;

3 4. The total failure of transportation facilities;

4 5. The concurrence of both the sending and receiving school  
5 districts;

6 6. The unavailability of remote or on-site Internet-based  
7 instruction by course title in the district of residence for a  
8 student identified as in need of drop-out recovery or alternative  
9 education services, provided such student was enrolled at any time  
10 in a public school in this state during the previous three (3)  
11 school years;

12 7. The unavailability of a specialized deaf education program  
13 for a student who is deaf or hearing impaired; or

14 8. When a student has been the victim of harassment,  
15 intimidation and bullying as defined in Section 24-100.3 of this  
16 title, upon verification by the receiving school district that the  
17 student has been the victim of harassment, intimidation or bullying  
18 and that the sending school district was notified of the incident or  
19 incidents prior to the filing of the application for transfer.

20 B. An emergency transfer previously made may be canceled only  
21 at the end of the school year for which the transfer was approved,  
22 with the concurrence of the board of the receiving district and the  
23 parent.

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SECTION 3. This act shall become effective September 1, 2017.

56-1-5167 SD 01/08/17