

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1936

By: McCall

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6 AS INTRODUCED

7 An Act relating to schools; requiring school
8 districts to approve intra-district transfer of
9 students; providing an exception if school site has
10 reached capacity; directing selection of intra-
11 district transfer students if capacity is exceeded;
12 authorizing board of education to determine capacity;
13 allowing intra-district transfer student to continue
14 attendance; authorizing denial of continued intra-
15 district transfer; permitting intra-district transfer
16 for certain children living in a home; directing
17 board to adopt policy for student capacity; setting
18 deadline for adoption of policy; including
19 preferential treatment for certain students in
20 policy; authorizing inclusion of certain reasons for
21 intra-district transfer denial; directing posting of
22 policy on district website; requiring determination
23 of intra-district capacity to be made by the first
24 day of certain months; directing publication on
school district website; directing submission of
certain report to the State Department of Education;
providing for codification; providing an effective
date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 8-114 of Title 70, unless there
is created a duplication in numbering, reads as follows:

1 A. Except as provided in subsection B of this section,
2 beginning July 1, 2023, the transfer of a student from one school
3 site to another school site within the school district where the
4 student resides shall be approved at any time in the year, unless
5 the grade level of the receiving school site has reached capacity.
6 If the capacity of a grade level is insufficient to enroll all
7 eligible students, the school district shall select intra-district
8 transfer students based on the preferences outlined in paragraph 1
9 of subsection B of this section and then in the order in which the
10 intra-district transfer applications were received. The capacity of
11 a school site shall be determined by the school district board of
12 education based on its policy adopted pursuant to subsection B of
13 this section. A student may be granted a one-year intra-district
14 transfer and may automatically continue to attend the school each
15 school year to which the student transferred with the approval of
16 the school district. At the end of each school year, a school
17 district may deny continued intra-district transfer of the student
18 for the reasons outlined in paragraphs 2 and 3 of subsection B of
19 this section. Any sibling of a student who transfers intra-district
20 may attend the school site to which the student transferred, if the
21 school district policy gives preference to sibling transfers
22 regardless of capacity, and the sibling of the transferred student
23 does not meet a basis for denial as outlined in paragraphs 2 and 3
24 of subsection B of this section. Any child in the custody of the

1 Department of Human Services in foster care who is living in the
2 home of a student who transfers intra-district, may attend the
3 school site to which the student transferred.

4 B. Each school district board of education shall adopt a policy
5 to determine the number of intra-district transfer students the
6 school district has the capacity to accept in each grade level for
7 each school site within a school district no later than July 1,
8 2023. The policy shall be publicly posted on the school district
9 website. The policy:

10 1. Shall include an enrollment preference and reserve capacity
11 for:

- 12 a. students who reside in the school site boundary,
- 13 b. students who attended the school site the prior school
14 year, and
- 15 c. siblings of students who are already enrolled at the
16 school site;

17 2. May include the acts and reasons outlined in Section 24-
18 101.3 of Title 70 of the Oklahoma Statutes as a basis for denial of
19 an intra-district transfer; and

20 3. May include a history of absences as a basis for denial of
21 an intra-district transfer. For the purposes of this section,
22 "history of absences" means ten or more absences in one semester
23 that are not excused for the reasons provided in subsection B of
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1 Section 10-105 of Title 70 of the Oklahoma Statutes or due to
2 illness.

3 C. By the first day of January, April, July, and October of
4 each year, the school district board of education shall establish
5 the number of intra-district transfer students the school district
6 has the capacity to accept in each grade level for each school site
7 within the district.

8 D. After establishing the number of intra-district transfer
9 students the school district has the capacity to accept in each
10 grade level for each school site, the board of education shall:

11 1. Publish in a prominent place on the school district website
12 the number of intra-district transfer students for each grade level
13 for each school site within the school district which the district
14 has the capacity to accept; and

15 2. Report to the State Department of Education the number of
16 intra-district transfer students for each grade level for each
17 school site within the school district which the district has the
18 capacity to accept.

19 SECTION 2. This act shall become effective July 1, 2023.

20 SECTION 3. It being immediately necessary for the preservation
21 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.

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