

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3496

By: West (Tammy)

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2021, Sections 8-101 and 8-101.2, as amended by Section 1, Chapter 193, O.S.L. 2022 (70 O.S. Supp. 2023, Section 8-101.2), which relates to transfer students; allowing certain students to transfer to adjacent school district; directing automatic approval of transfer; excepting certain capacity requirements for transfer to adjacent school district; mandating student comply with certain transfer requirements if receiving district is not adjacent to district of residence; deleting automatic transfer to any school district for certain students; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 8-101, is amended to read as follows:

Section 8-101. A. Any student residing in a school district that does not offer the grade which the student is entitled to pursue shall be allowed to transfer to a school district ~~inside or outside of the transportation area in which~~ is adjacent to the school district where the student resides ~~which~~ and offers the grade

1 the student is entitled to pursue. The district to which the
2 student transfers shall be referred to as the receiving district.

3 B. A student shall be limited to one transfer pursuant to
4 subsection A of this section, which shall be automatically approved
5 and not subject to capacity requirements provided in Section 8-101.2
6 of this title. Thereafter, a student may apply for any other kind
7 of transfer for which the student is eligible as provided for in the
8 Education Open Transfer Act.

9 C. Any student residing in a school district that does not
10 offer the grade which the student is entitled to pursue and who
11 chooses not to attend a school district which is adjacent to the
12 school district where the student resides pursuant to subsection A
13 of this section, shall follow the requirements of subsection 8-101.2
14 of this title to request a transfer to another school district which
15 offers the grade the student is entitled to pursue.

16 SECTION 2. AMENDATORY 70 O.S. 2021, Section 8-101.2, as
17 amended by Section 1, Chapter 193, O.S.L. 2022 (70 O.S. Supp. 2023,
18 Section 8-101.2), is amended to read as follows:

19 Section 8-101.2 A. Except as provided in subsection B of this
20 section, on and after January 1, 2022, the transfer of a student
21 from the district in which the student resides to another school
22 district furnishing instruction in the grade the student is entitled
23 to pursue shall be granted at any time in the year unless the number
24 of transfers exceeds the capacity of a grade level for each school
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1 site within a school district. If the capacity of a grade level for
2 each school site within a school district is insufficient to enroll
3 all eligible students, the school district shall select transfer
4 students in the order in which the district received the student
5 transfer applications. The capacity of a school district shall be
6 determined by the school district board of education based on its
7 policy adopted pursuant to subsection B of this section. A student
8 may be granted a one-year transfer and may automatically continue to
9 attend the school each school year to which the student transferred
10 with the approval of the receiving district. At the end of each
11 school year, a school district may deny continued transfer of the
12 student for the reasons outlined in paragraphs 1 and 2 of subsection
13 B of this section. Any brother or sister of a student who transfers
14 may attend the school district to which the student transferred, if
15 the school district policy gives preference to sibling transfers
16 regardless of capacity, and the brother or sister of the transferred
17 student does not meet a basis for denial as outlined in paragraphs 1
18 and 2 of subsection B of this section. Any child in the custody of
19 the Department of Human Services in foster care who is living in the
20 home of a student who transfers may attend the school district to
21 which the student transferred. Except for a child in the custody of
22 the Department of Human Services in foster care, a transfer student
23 shall not transfer more than two (2) times per school year to one or
24 more school districts in which the student does not reside, provided

1 that the student may always reenroll at any time in his or her
2 school district of residence. At the discretion of the receiving
3 district, a student who has attended a school district as a resident
4 student for at least three (3) years prior to becoming eligible to
5 apply as a transfer student may be allowed to transfer to the school
6 district regardless of capacity.

7 ~~If the grade a student is entitled to pursue is not offered in~~
8 ~~the district where the student resides, the transfer shall be~~
9 ~~automatically approved.~~

10 B. Each school district board of education shall adopt a policy
11 to determine the number of transfer students the school district has
12 the capacity to accept in each grade level for each school site
13 within a school district no later than January 1, 2022. The policy
14 may include:

15 1. The acts and reasons outlined in Section 24-101.3 of this
16 title as a basis for denial of a transfer; and

17 2. A history of absences as a basis for denial of a transfer.

18 For the purposes of this section, "history of absences" means ten or
19 more absences in one semester that are not excused for the reasons
20 provided for in subsection B of Section 10-105 of this title or due
21 to illness.

22 The policy shall be publicly posted on the school district
23 website.

1 C. By the first day of January, April, July and October, the
2 school district board of education shall establish the number of
3 transfer students the school district has the capacity to accept in
4 each grade level for each school site within a school district.

5 D. After establishing the number of transfer students the
6 school district has the capacity to accept in each grade level for
7 each school site within a school district, the board of education
8 shall:

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

13 2. Report to the State Department of Education the number of
14 transfer students for each grade level for each school site within a
15 school district which the school district has the capacity to
16 accept.

17 E. If a transfer request is denied by the school district, the
18 parent of the student may appeal the denial within ten (10) days of
19 notification of the denial to the receiving school district board of
20 education. The receiving school district board of education shall
21 consider the appeal at its next regularly scheduled board meeting.
22 If the receiving school district board of education denies the
23 appeal, the parent of the student may appeal the denial within ten
24 (10) days of notification of the appeal denial to the State Board of
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1 Education. The parent shall submit to the State Board of Education
2 and the superintendent of the receiving school a notice of appeal on
3 a form prescribed by the State Board of Education. The appeal shall
4 be considered by the State Board of Education at its next regularly
5 scheduled meeting, where the parent and a representative from the
6 receiving school district may address the Board. The State Board of
7 Education shall promulgate rules to establish the appeals process
8 authorized by this subsection.

9 F. Each school district board of education shall submit to the
10 State Department of Education the number of student transfers
11 approved and denied and whether each denial was based on capacity,
12 acts and reasons outlined in Section 24-101.3 of this title or a
13 history of absences as provided for in paragraph 2 of subsection B
14 of this section. The State Department of Education shall publish
15 the data on its website and make the data available to the Office of
16 Educational Quality and Accountability.

17 G. Each year, the Office of Educational Quality and
18 Accountability shall randomly select ten percent (10%) of the school
19 districts in the state and conduct an audit of each district's
20 approved and denied transfers based on the provisions of the
21 policies adopted by the respective school district board of
22 education. If the Office finds inaccurate reporting of capacity
23 levels by a school district, the Office shall set the capacity for
24 the school district.

1 SECTION 3. This act shall become effective November 1, 2024.

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