

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3654

By: Sterling

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6 AS INTRODUCED

7 An Act relating to student transfers; amending 70
8 O.S. 2021, Section 8-101.2, which relates to the
9 Education Open Transfer Act; deleting appeals of
10 transfer denials to the State Board of Education;
11 providing that appeal decision by receiving school
12 district board of education is final; barring
13 additional appeals; and providing an effective date.

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

15 SECTION 1. AMENDATORY 70 O.S. 2021, Section 8-101.2, is
16 amended to read as follows:

17 Section 8-101.2 A. Except as provided in subsection B of this
18 section, on and after January 1, 2022, the transfer of a student
19 from the district in which the student resides to another school
20 district furnishing instruction in the grade the student is entitled
21 to pursue shall be granted at any time in the year unless the number
22 of transfers exceeds the capacity of a grade level for each school
23 site within a school district. If the capacity of a grade level for
24 each school site within a school district is insufficient to enroll
all eligible students, the school district shall select transfer

1 students in the order in which the district received the student
2 transfer applications. The capacity of a school district shall be
3 determined by the school district board of education based on its
4 policy adopted pursuant to subsection B of this section. A student
5 may be granted a one-year transfer and may continue to attend the
6 school each school year to which the student transferred with the
7 approval of the receiving district. At the end of each school year,
8 a school district may deny continued transfer of the student for the
9 reasons outlined in paragraphs 1 and 2 of subsection B of this
10 section. Any brother or sister of a student who transfers may
11 attend the school district to which the student transferred as long
12 as the school district has capacity and the brother or sister of the
13 transferred student does not meet a basis for denial as outlined in
14 paragraphs 1 and 2 of subsection B of this section. Any child in
15 the custody of the Department of Human Services in foster care who
16 is living in the home of a student who transfers may attend the
17 school district to which the student transferred. Except for a
18 child in the custody of the Department of Human Services in foster
19 care, a transfer student shall not transfer more than two (2) times
20 per school year to one or more school districts in which the student
21 does not reside, provided that the student may always reenroll at
22 any time in his or her school district of residence.

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1 If the grade a student is entitled to pursue is not offered in
2 the district where the student resides, the transfer shall be
3 automatically approved.

4 B. Each school district board of education shall adopt a policy
5 to determine the number of transfer students the school district has
6 the capacity to accept in each grade level for each school site
7 within a school district no later than January 1, 2022. The policy
8 may include:

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

11 2. A history of absences as a basis for denial of a transfer.
12 For the purposes of this section, "history of absences" means ten or
13 more absences in one semester that are not excused for the reasons
14 provided for in subsection B of Section 10-105 of this title or due
15 to illness.

16 The policy shall be publicly posted on the school district
17 website.

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

22 D. After establishing the number of transfer students the
23 school district has the capacity to accept in each grade level for
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1 each school site within a school district, the board of education
2 shall:

3 1. Publish in a prominent place on the school district website
4 the number of transfer students for each grade level for each school
5 site within a school district which the school district has the
6 capacity to accept; and

7 2. Report to the State Department of Education the number of
8 transfer students for each grade level for each school site within a
9 school district which the school district has the capacity to
10 accept.

11 E. If a transfer request is denied by the school district, the
12 parent of the student may appeal the denial within ten (10) days of
13 notification of the denial to the receiving school district board of
14 education. The receiving school district board of education shall
15 consider the appeal at its next regularly scheduled board meeting.
16 ~~If the receiving school district board of education denies the~~
17 ~~appeal, the parent of the student may appeal the denial within ten~~
18 ~~(10) days of notification of the appeal denial to the State Board of~~
19 ~~Education. The parent shall submit to the State Board of Education~~
20 ~~and the superintendent of the receiving school a notice of appeal on~~
21 ~~a form prescribed by the State Board of Education. The appeal shall~~
22 ~~be considered by the State Board of Education at its next regularly~~
23 ~~scheduled meeting, where the parent and a representative from the~~
24 ~~receiving school district may address the Board. The State Board of~~

1 ~~Education shall promulgate rules to establish the appeals process~~
2 ~~authorized by this subsection.~~ The decision of the appeal by the
3 receiving school district board of education shall be final and no
4 further appeal shall be allowed.

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

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

21 SECTION 2. This act shall become effective November 1, 2022.

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