

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2558

By: Boyd (Betty)

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 1991, Sections 8-102, as amended by Section 34, Chapter 239, O.S.L. 1993 and 8-103, as last amended by Section 2, Chapter 232, O.S.L. 1994 (70 O.S. Supp. 1995, Sections 8-102 and 8-103), which relate to student transfers; modifying certain transfer criteria; deleting certain notification requirements; deleting certain restrictions on transfers; deleting certain transfer criteria for changes of residence; deleting certain transfer procedures; modifying required approval for a transfer; prohibiting certain denial of transfers; allowing certain reasons for denial of a transfer; authorizing certain denial of transfer by resident school district; requiring provision of certain list by the State Board of Education; prohibiting certain extramural participation; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 8-102, as amended by Section 34, Chapter 239, O.S.L. 1993 (70 O.S. Supp. 1995, Section 8-102), is amended to read as follows:

Section 8-102. A. The superintendent of the ~~receiving~~ resident school district shall grant an application for transfer of a child ~~from the district in which the child resides if such~~ the transfer of the child has been approved by the ~~boards~~ board of education of ~~both the resident and receiving districts~~ district as provided for in Section 8-103 of this title. ~~A student granted a transfer may continue to attend the school to which he transferred unless the receiving district subsequently disapproves the transfer. Notice of such disapproval shall be given on or before April 10th, provided the student shall be entitled to continue attending the school until the end of the school year.~~ Any brother or sister of such student may attend ~~such~~ the school with the approval of the receiving district ~~only~~, provided that this provision shall not apply to:

1. Emergency transfers;
2. Students transferred for the purpose of attending classes in special education;
3. Graduating seniors in counties having a population of four hundred fifty thousand (450,000) or above who were previously legally enrolled in the school district to which ~~such~~ the student wishes to transfer;
4. Students who have transferred to the district for an early childhood education program; or
5. Students with catastrophic medical problems.

Provided, however, if the grade ~~such~~ the child is entitled to pursue is not offered in the district where ~~such~~ the child resides, the transfer must be approved.

B. A child may be transferred by the State Board of Education to a school district in another state, if the board of education of the school district in which the child resides determines that the

~~best interests of the child will be best served by such transfer and if applicable, such a determination shall also be made by the board of education of the independent school district in whose transportation area the child resides for transfers from an elementary school district where the grade such child is entitled to pursue is not offered.~~

~~C. No child shall be transferred under the provisions of this section to a school district other than the one designated in the application for transfer of such child.~~

~~D. When a child has been transferred and later changes residence to another school district in the State of Oklahoma, the child shall be entitled to attend school in the district to which he shall have previously been transferred during the school year for which the transfer was made; and if such change of residence is to the district to which the child was transferred, upon affidavit of the parent, custodial parent, or guardian of the child, or of the school board of the transferring district, disclosing removal of residence from the transferring district, a transfer previously made may be canceled, and the appropriation made therefor relieved of such encumbrance to the extent not earned. Provided, that if any child changes residence from a district offering the grade which such child is entitled to pursue, to another district during the school year for which he was transferred, he shall be entitled to attend school in either the receiving district or the district of prior residence for the remainder of the current year. Provided, further, that when the transfer of a child has been finally approved or becomes final under the provisions of Section 8-103 of this title, such child shall not be entitled to attend school in the district from which he was transferred, even though he continues to live therein during the school year for which the transfer was made, except in case of a cancellation of the transfer.~~

SECTION 2. AMENDATORY 70 O.S. 1991, Section 8-103, as last amended by Section 2, Chapter 232, O.S.L. 1994 (70 O.S. Supp. 1995, Section 8-103), is amended to read as follows:

Section 8-103. A. In order that any child may be transferred an application for transfer shall be approved by the board of education of ~~both the resident and~~ receiving school district as provided for in this section. An application form specified by the State Board of Education must be completed by the parents, custodial parent or guardian of the child. The application shall be obtained from and filed with the superintendent of the receiving school district for transfers to school districts in the State of Oklahoma and with the State Board of Education for transfers to school districts in another state. Applications shall be filed no later than February 1 of the school year preceding the school year for which the transfer is desired. The board of education of the receiving school district shall approve or deny the application for transfer, and if approved, the superintendent of the receiving school district shall notify, in writing, not later than March 1, the clerk of the board of education of the resident school district of the board's decision on the application for transfer. ~~On~~ If the receiving district approves the application for transfer, on or before April 10, the board of education of the resident school district shall also approve or deny the application for transfer and shall notify, in writing, the superintendent of the receiving district whether the transfer application was approved or denied that the transfer shall become effective for the next school year. ~~If the resident school district denies the transfer application it shall send written notice of the denial to the receiving school district by certified mail. If the resident school district fails to notify the receiving school district by the due date, the application shall be deemed approved by the receiving school district.~~ The superintendent of the receiving school district

shall, not later than May 1, send written notice to the clerk of the board of education of the resident school district and the parents or guardian of the child confirming whether or not the transfer has been granted for each application submitted.

B. On or before August 1, it shall be the duty of the superintendent of the receiving school district to file with the State Board of Education a statement showing the names of the students granted transfers to the school district, the resident school district of the transferred students and their respective grade level.

C. The parent or guardian of a child making application for transfer may appeal the decision of the board of education of ~~either the resident or the~~ receiving school district regarding the transfer of the child to the district court of the county where the child resides.

D. Applications for transfers made pursuant to this section shall not be denied on account of race, religion, national origin, sex or physical handicap.

E. A receiving school district may deny an application for transfer for reason of the lack of physical capacity or education materials of the school district.

F. Permission to transfer pursuant to this section may be denied by the board of education of the resident school district only when the resident school district is subject to a court-ordered desegregation plan, or has been so subjected within the past six (6) years, unless the grade which the child is entitled to pursue is not offered in the resident school district. The State Board of Education shall annually provide to all school districts a list of those school districts subject to court-ordered desegregation plans within the past six (6) years.

G. A student who transfers, pursuant to this section, to a school district in which the student is not a resident shall not be

eligible to participate in school-related extramural competition for a period of one (1) calendar year after the transfer unless the transfer is from a school district which does not offer the grade the student is entitled to pursue.

SECTION 3. This act shall become effective November 1, 1996.

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