

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2323

By: Claunch

AS INTRODUCED

An Act relating to education; amending 70 O.S. 1991, Section 8-102, as amended by Section 34, Chapter 239, O.S.L. 1993 (70 O.S. Supp. 1997, Section 8-102), which relates to student transfers; adding authorization for the transfer of students under certain circumstances; providing for application process for such transfers; providing an effective date; and declaring an emergency.

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. 1997, Section 8-102), is amended to read as follows:

Section 8-102. A. ~~The~~ Except as otherwise provided for in this section, the superintendent of the receiving school district shall grant an application for transfer of a child from the district in which the child resides if such transfer has been approved by the boards of education of both the resident and receiving districts 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 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 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 child is entitled to pursue is not offered in the district where such child resides, the transfer must be approved.

B. A child residing in a city which has one or more school districts located within the limits of the city may be transferred to any of the other school districts subject to approval of the board of education of the receiving school district only.

Applications for transfer shall be made on or before February 1 of each school year, by a parent or guardian of a child wishing a transfer. On or before March 1 of each school year, the school district shall inform the applicant whether the child has been granted a transfer.

C. 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.~~ D. 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.~~ E. 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, custodian 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. This act shall become effective July 1, 1998.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-2-8451

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