

SHORT TITLE: Schools; removing requirement that resident school district approve student transfer. Effective date. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1255

By: Hendrick

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 1991, Section 8-103, as last amended by Section 2, Chapter 232, O.S.L. 1994 (70 O.S. Supp. 1997, Section 8-103), which relates to student transfer application procedure; removing requirement of approval by resident district for student transfer; requiring completion of certain application; requiring certain disclosure by district boards of education at certain meeting; requiring notification of approval of transfer applications to certain persons; deleting procedures for resident district student transfer decisions; prohibiting certain transfers; prohibiting certain bases for denial of student transfer; allowing denial of student transfer because of lack of space; 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 8-103, as last amended by Section 2, Chapter 232, O.S.L. 1994 (70 O.S. Supp. 1997, 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 parents, custodial parent or guardian of the child must complete an application form specified by the State Board of Education. 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. Every district board of education shall announce its best estimate of the number of openings available to non-resident transfer students for the upcoming school year at the regular January board meeting. 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 and the parent or guardian of the child of the board's decision on the application for transfer. ~~On or before April 10, the board of education of the resident school district shall 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. 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~~ receiving school district regarding the transfer of the child to the district court of the county where the child resides.

D. School districts shall not be allowed to receive student transfers that would cause the district to exceed the statutory limits on class size.

E. A district board of education shall not deny any application because of race, religion, national origin, gender, physical handicap, or socio-economic condition of the family.

F. A district board of education may deny in writing an application because of lack of space or education materials.

G. A district board of education shall deny the application when the school district of which the child is a resident is subject to a court-ordered desegregation plan unless the grade which the child is entitled to pursue is not offered in the child's resident school district. The State Board of Education shall annually provide to all school districts a list of school districts subject to court-ordered desegregation plans.

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.

46-2-2246

PHB