

By: Deutschendorf of the House  
and  
Lawler of the Senate

An Act relating to schools; amending 70 O.S. 2001, Sections 8-103, as amended by Section 12, Chapter 434, O.S.L. 2003 and 8-103.1 (70 O.S. Supp. 2004, Section 8-103), which relate to the Education Open Transfer Act; changing certain application procedure deadlines; providing for the automatic transfer of certain students; exempting students granted an automatic transfer from application requirement; prohibiting cancellation of transfers for certain reasons; 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. 2001, Section 8-103, as amended by Section 12, Chapter 434, O.S.L. 2003 (70 O.S. Supp. 2004, Section 8-103), is amended to read as follows:

Section 8-103. A. In order that any student may be transferred, an application form specified by the State Board of Education must be completed by the parents of the student. For purposes of the Education Open Transfer Act, the term "parent" means the parent of the student or person having custody of the student as provided for in paragraph 1 of subsection A of Section 1-113 of this title. 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~~ April 1 of the school year preceding the school year for which the transfer is desired. By ~~March~~ May 1 of the same school year, the receiving

school district shall notify the resident school district that an application for transfer has been filed by a student enrolled in the resident school district. The board of education of the receiving school district shall approve or deny the application for transfer not later than June 1 of the same year and shall notify the parents of the student of the decision. By July 1 of the same year, the parents of the student shall notify the receiving school district that the student will be enrolling in that school district. Failure of parents to notify the district as required may result in loss of the student's right to enroll in the district for that year.

B. On or before September 1, it shall be the duty of the superintendent of the receiving school district to file with the State Board of Education and each resident district 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 receiving school district of a student transferred pursuant to the provisions of this act shall notify the resident school district and parents of the student of a cancellation of the transfer. Such notice shall be made by June 1 prior to the school year for which the cancellation is applicable.

D. If a receiving school district denies an application for transfer filed by a student pursuant to this section and the school district then grants an emergency transfer to the student during the same calendar year the application for transfer was filed, the student shall automatically be granted a transfer pursuant to the provisions of the Education Open Transfer Act to the receiving school district for the next school year. A student granted an automatic transfer pursuant to this subsection shall not be required to submit an application as required in subsection A of this section.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 8-103.1, is amended to read as follows:

Section 8-103.1 A local school district board of education which receives a request for a transfer for a student who does not reside in the school district may refuse the transfer in accordance with the provisions of the open transfer policy adopted by the local school district board of education. Each local board of education shall adopt an open transfer policy for the school district which specifies its criteria and standards for approval of transfers of students who do not reside in the district. The policy shall include, but shall not be limited to, provisions relating to the availability of programs, staff, or space as criteria for approval or denial of transfers. A school district may include in the policy as the basis for denial of a transfer, the reasons outlined in Section 24-101.3 of ~~Title 70 of the Oklahoma Statutes~~ this title.

In considering requests for students to transfer into a school district, the board of education shall consider the requests on a first-come, first-serve basis. A school district shall not accept ~~or~~, deny, or cancel a transfer based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude, or athletic ability.

Notwithstanding the provisions of the Education Open Transfer Act, transfers of children with disabilities shall be granted as authorized in Section 13-103 of ~~Title 70 of the Oklahoma Statutes~~ this title.

SECTION 3. This act shall become effective July 1, 2005.

SECTION 4. 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.

Passed the House of Representatives the 22nd day of February,  
2005.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2005.

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Presiding Officer of the Senate