

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3414

By: Fincher

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6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Sections 8-101.2, as amended by Section 2, Chapter
9 363, O.S.L. 2015 and 8-104, as amended by Section 1,
10 Chapter 85, O.S.L. 2013 (70 O.S. Supp. 2019, Sections
11 8-101.2 and 8-104), which relate to the Education
12 Open Transfer Act; providing exemption to certain
13 transfer limit; specifying conditions that shall be
14 considered a transfer; replacing the emergency
15 transfer application process; providing time period
16 to approve and order transfers; authorizing approval
17 of transfers at any time if certain conditions are
18 met; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 8-101.2, as
amended by Section 2, Chapter 363, O.S.L. 2015 (70 O.S. Supp. 2019,
Section 8-101.2), is amended to read as follows:

Section 8-101.2 A. On and after January 1, 2000, the transfer
of a student from the district in which the student resides to
another school district furnishing instruction in the grade the
student is entitled to pursue shall be granted if the transfer has
the approval of the board of education of the receiving district. A

1 student granted a transfer may continue to attend the school to
2 which the student transferred with the approval of the receiving
3 district only. Any brother or sister of a student granted a
4 transfer and any child in the custody of the Department of Human
5 Services in foster care who is living in the home of a student
6 granted a transfer may attend the school to which the student
7 transferred with the approval of the receiving district only.
8 Except for a child in the custody of the Department of Human
9 Services in foster care, no student shall be permitted to transfer
10 more than once in any school year unless the student's current
11 district superintendent and the receiving district superintendent
12 both concurrently agree that the transfer is appropriate for the
13 student.

14 If the grade a student is entitled to pursue is not offered in
15 the district where the student resides, the transfer shall be
16 automatically approved.

17 B. When a student has been transferred and later changes
18 residence to another school district in the State of Oklahoma, the
19 student shall be entitled to continue to attend school in the
20 district to which the student was transferred. If a change of
21 residence is to the district to which the student was transferred,
22 upon affidavit of the parent of the student, that district shall
23 become the resident district. If a student changes residence to
24 another district during the school year which is not the same

1 district the student transferred to, the student shall be entitled
2 to attend school in either the receiving district or the new
3 district of residence for the remainder of the current year.

4 C. ~~Any student transfer approved for any reason prior to~~
5 ~~January 1, 2000, shall continue to be valid and shall not be subject~~
6 ~~to the Education Open Transfer Act unless the parent having custody~~
7 ~~chooses otherwise.~~ For purposes of this section, a transfer occurs
8 if a student who is a resident within the boundaries of more than
9 one school district, including charter school districts, and is
10 enrolled in one of the resident school districts enrolls in one of
11 the other school districts in which he or she is a resident;
12 provided that, any enrollment prior to September 15 of the school
13 year shall not be considered a transfer.

14 SECTION 2. AMENDATORY 70 O.S. 2011, Section 8-104, as
15 amended by Section 1, Chapter 85, O.S.L. 2013 (70 O.S. Supp. 2019,
16 Section 8-104), is amended to read as follows:

17 Section 8-104. A. In addition to the transfer process provided
18 in Section 8-103 of this title, students may be transferred on an
19 emergency basis if the following criteria are met:-

20 A 1. The parent makes a written application for an emergency
21 transfer designating the district to which the transfer is desired
22 ~~shall be made by the parent and filed~~ files the application with the
23 superintendent of the receiving school district.; ~~On an adequate~~
24 ~~showing of emergency the superintendent of the receiving school~~

~~district may make and order a transfer, subject to approval by the
State Board of Education. An emergency shall include only:~~

~~1. The destruction or partial destruction of a school building;~~

~~2. The inability to offer the subject a pupil desires to
pursue, if the pupil becomes a legal resident of a school district
after February 1 of the school year immediately prior to the school
year for which the pupil is seeking the transfer;~~

~~3. A catastrophic medical problem of a student, which for
purposes of this section shall mean an acute or chronic serious
illness, disease, disorder or injury which has a permanently
detrimental effect on the body's system or renders the risk
unusually hazardous;~~

~~4. The total failure of transportation facilities;~~

~~5. The concurrence of both the sending and receiving school
districts;~~

~~6. The unavailability of remote or on-site Internet-based
instruction by course title in the district of residence for a
student identified as in need of drop-out recovery or alternative
education services, provided such student was enrolled at any time
in a public school in this state during the previous three (3)
school years;~~

~~7. The unavailability of a specialized deaf education program
for a student who is deaf or hearing impaired; or~~

1 ~~8. When a student has been the victim of harassment,~~
2 ~~intimidation and bullying as defined in Section 24-100.3 of this~~
3 ~~title, upon verification by the receiving school district that the~~
4 ~~student has been the victim of harassment, intimidation or bullying~~
5 ~~and that the sending school district was notified of the incident or~~
6 ~~incidents prior to the filing of the application for transfer.~~

7 2. The parent files with the superintendent of the sending
8 school district a written notice of the application for emergency
9 transfer as required in paragraph 1 of this subsection; provided
10 that, the written notice by the parent shall not be required if the
11 sending school district superintendent or designee waives the
12 written notice requirement in writing to the receiving school
13 district superintendent or designee; and

14 3. The parent provides to the receiving school district
15 superintendent evidence of the date the written notice was filed
16 with the sending school district as required in paragraph 2 of this
17 subsection.

18 B. Except as otherwise provided in subsection C of this
19 subsection, the superintendent of the receiving school district may
20 approve and order a transfer on or after the following days,
21 whichever day occurs earliest:

22 1. Two (2) full school days from the date the parent submits
23 the written notice to the sending school district as required in
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1 paragraph 2 of subsection A of this section, excluding the school
2 day or calendar day the written notice was submitted, or

3 2. Five (5) calendar days from the date the parent submits the
4 written notice to the sending school district as required in
5 paragraph 2 of subsection A of this section, excluding weekends and
6 state holidays.

7 C. If the sending district superintendent or designee waives
8 the written notice requirement in writing to the receiving school
9 district superintendent or designee, the superintendent of the
10 receiving district may approve and order the transfer at any time.

11 D. An emergency transfer previously made may be canceled, with
12 the concurrence of the board of the receiving district and the
13 parent.

14 SECTION 3. This act shall become effective November 1, 2020.

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