

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3675

By: Kannady

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2011, Section 8-103.1, as amended by Section 2, Chapter 285, O.S.L. 2013 (70 O.S. Supp. 2019, Section 8-103.1), which relates to transfer of student not residing in district; modifying requirements for the approval of certain military family students; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 8-103.1, as amended by Section 2, Chapter 285, O.S.L. 2013 (70 O.S. Supp. 2019, Section 8-103.1), is amended to read as follows:

Section 8-103.1 A. 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 and subject to the provisions of subsection B of this section. Each local board of education shall adopt an open transfer policy for the school district which

1 specifies its criteria and standards for approval of transfers of  
2 students who do not reside in the district. The policy shall  
3 include, but shall not be limited to, provisions relating to the  
4 availability of programs, staff, or space as criteria for approval  
5 or denial of transfers. A school district may include in the policy  
6 as the basis for denial of a transfer, the reasons outlined in  
7 Section 24-101.3 of this title.

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

14 Notwithstanding the provisions of the Education Open Transfer  
15 Act, transfers of children with disabilities shall be granted as  
16 authorized in Section 13-103 of this title.

17 B. A local school district board of education shall adopt a  
18 policy for the school district regarding the transfer of students  
19 who are the dependent children of a member of the active uniformed  
20 military services of the United States on full-time active duty  
21 status and for whom Oklahoma is the home of record and students who  
22 are the dependent children of a member of the military reserve on  
23 active duty orders and for whom Oklahoma is the home of record. The  
24 policy shall provide for the approval of the transfer to any school

1 in any school district in Oklahoma, regardless of where the student  
2 or parent is residing or living, if:

3 1. At least one parent of the student has a Department of  
4 Defense-issued identification card;

5 2. At least one parent can provide evidence that he or she will  
6 be on active duty status or active duty orders, meaning the parent  
7 will be temporarily transferred in compliance with official orders  
8 to another location in support of combat, contingency operation or a  
9 natural disaster requiring the use of orders for more than thirty  
10 (30) consecutive days; and

11 3. The student will be residing with a relative of the student  
12 who lives in ~~the receiving~~ any school district in the State of  
13 Oklahoma or who will be living in ~~the receiving~~ any school district  
14 in the State of Oklahoma within six (6) months of the filing of the  
15 application for transfer.

16 SECTION 2. This act shall become effective November 1, 2020.

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18 57-2-9033 AMM 10/03/19  
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