

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1472

By: Quinn

AS INTRODUCED

An Act relating to student transfers; amending 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), which relates to transfers from resident school districts; removing language regarding the approval of a transfer by a receiving district; allowing a transfer at any point unless the number of transfers exceeds certain capacity; providing for the measure of capacity; requiring certain capacity to be published on the State Department of Education's website; providing for selection of students through certain lottery if certain capacity is insufficient; removing language regarding a student whose residence changes after a transfer; removing outdated language; amending 70 O.S. 2011, Section 8-103, as amended by Section 1, Chapter 184, O.S.L. 2013 (70 O.S. Supp. 2019, Section 8-103), which relates to transfer procedures; removing language regarding the timeline for the transfer procedures; requiring certain statement to be filed monthly; removing language regarding approval of transfers; 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 criteria for certain transfers; prohibiting a school district from refusing a transfer unless certain capacity is exceeded; requiring certain capacity to be published on the State Department of Education's website; providing for selection of students through certain lottery if certain capacity is insufficient; removing language directing school district boards of education to adopt certain transfer policy; modifying provisions relating to the transfer of students who are the dependent children of certain military members; requiring certain dependent children be

1 admitted to a school district regardless of certain
2 capacity; removing certain qualification for certain
3 transfer; providing an effective date; and declaring
4 an emergency.

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

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

9 Section 8-101.2. A. On and after January 1, ~~2000~~ 2021, the
10 transfer of a student from the district in which the student resides
11 to another school district furnishing instruction in the grade the
12 student is entitled to pursue shall be granted ~~if the transfer has~~
13 ~~the approval of the board of education of the receiving district at~~
14 any point in the year unless the number of transfers exceeds the
15 capacity of a program, class, grade level or building. The capacity
16 of a district shall be measured by the State Department of Education
17 not less than once in a five-year period and shall be published on
18 the State Department of Education's website no later than December 1
19 every year. If the capacity of a program, class, grade level or
20 building is insufficient to enroll all eligible students, the
21 district shall select students through a lottery selection process.
22 The lottery selection shall be held publicly with notice given in
23 accordance with the Oklahoma Open Meeting Act. The lottery
24 selection shall be conducted not less than once annually. A student

1 ~~granted a transfer~~ who transfers may continue to attend the school
2 district to which the student transferred ~~with the approval of the~~
3 ~~receiving district only. Any brother or sister of a student granted~~
4 ~~a 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.~~

11 ~~If the grade a student is entitled to pursue is not offered in~~
12 ~~the district where the student resides, the transfer shall be~~
13 ~~automatically approved.~~

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

1 ~~C. Any student transfer approved for any reason prior to~~
2 ~~January 1, 2000, shall continue to be valid and shall not be subject~~
3 ~~to the Education Open Transfer Act unless the parent having custody~~
4 ~~chooses otherwise.~~

5 SECTION 2. AMENDATORY 70 O.S. 2011, Section 8-103, as
6 amended by Section 1, Chapter 184, O.S.L. 2013 (70 O.S. Supp. 2019,
7 Section 8-103), is amended to read as follows:

8 Section 8-103. A. In order that any student may be
9 transferred, an application form specified by the State Board of
10 Education must be completed by the parents of the student. For
11 purposes of the Education Open Transfer Act, the term "parent" means
12 the parent of the student or person having custody of the student as
13 provided for in paragraph 1 of subsection A of Section 1-113 of this
14 title. The application shall be ~~obtained from~~ and filed with the
15 superintendent of the receiving school district for transfers to
16 school districts in ~~the State of Oklahoma~~ this state and with the
17 State Board of Education for transfers to school districts in
18 another state. ~~Except as otherwise provided for in this section,~~
19 ~~applications shall be filed no later than May 31 of the school year~~
20 ~~preceding the school year for which the transfer is desired. By May~~
21 ~~31 of the same school year, the receiving school district shall~~
22 ~~notify the resident school district that an application for transfer~~
23 ~~has been filed by a student enrolled in the resident school~~
24 ~~district. The board of education of the receiving school district~~

1 ~~shall approve or deny the application for transfer not later than~~
2 ~~July 15 of the same year and shall notify the parents of the student~~
3 ~~of the decision. By August 1 of the same year, the parents of the~~
4 ~~student shall notify the receiving school district that the student~~
5 ~~will be enrolling in that school district. Failure of parents to~~
6 ~~notify the district as required may result in loss of the student's~~
7 ~~right to enroll in the district for that year.~~

8 B. On or before September 1 and again on the first day of each
9 month thereafter, it shall be the duty of the superintendent of the
10 receiving school district to file with the State Board of Education
11 and each resident district a statement showing the names of the
12 students granted transfers to the school district, the resident
13 school district of the transferred students and their respective
14 grade level.

15 C. ~~The receiving school district of a student transferred~~
16 ~~pursuant to the provisions of this act shall notify the resident~~
17 ~~school district and parents of the student of a cancellation of the~~
18 ~~transfer. Such notice shall be made by July 15 prior to the school~~
19 ~~year for which the cancellation is applicable.~~

20 D. For students who are deaf or hearing impaired who wish to
21 transfer to a school district with a specialized deaf education
22 program, applications may be filed at any time during the school
23 year. ~~Upon approval of the receiving school district, the~~ The
24

1 student may transfer to the receiving school district at any time
2 during the school year.

3 SECTION 3. AMENDATORY 70 O.S. 2011, Section 8-103.1, as
4 amended by Section 2, Chapter 285, O.S.L. 2013 (70 O.S. Supp. 2019,
5 Section 8-103.1), is amended to read as follows:

6 Section 8-103.1. A. A local school district board of education
7 which receives a request for a transfer for a student who does not
8 reside in the school district ~~may~~ shall not refuse the transfer ~~in~~
9 ~~accordance with the provisions of the open transfer policy adopted~~
10 ~~by the local school district board of education and subject to the~~
11 ~~provisions of subsection B of this section. Each local board of~~
12 ~~education shall adopt an open transfer policy for the school~~
13 ~~district which specifies its criteria and standards for approval of~~
14 ~~transfers of students who do not reside in the district. The policy~~
15 ~~shall include, but shall not be limited to, provisions relating to~~
16 ~~the availability of programs, staff, or space as criteria for~~
17 ~~approval or denial of transfers. A school district may include in~~
18 ~~the policy as the basis for denial of a transfer, the reasons~~
19 ~~outlined in Section 24-101.3 of this title.~~

20 ~~In considering requests for students to transfer into a school~~
21 ~~district, the board of education shall consider the requests on a~~
22 ~~first-come, first-serve basis~~ unless the number of transfers exceeds
23 the capacity of a program, class, grade level or building. The
24 capacity of a district shall be measured by the State Department of

1 Education not less than once in a five-year period and shall be
2 published on the State Department of Education's website no later
3 than December 1 every year. If capacity of a program, class, grade
4 level or building is insufficient to enroll all eligible students,
5 the district shall select students through a lottery selection
6 process, as provided for in Section 8-101.2 of this title. A school
7 district shall not accept or deny a transfer based on ethnicity,
8 national origin, gender, income level, disabling condition,
9 proficiency in the English language, measure of achievement,
10 aptitude, or athletic ability.

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

14 ~~B. A local school district board of education shall adopt a~~
15 ~~policy for the school district regarding the transfer of students~~
16 Students who are the dependent children of a member of the active
17 uniformed military services of the United States on full-time active
18 duty status ~~and for whom Oklahoma is the home of record~~ and students
19 who are the dependent children of a member of the military reserve
20 on active duty orders ~~and for whom Oklahoma is the home of record~~
21 shall be admitted to the school district of their choice regardless
22 of the school district's capacity. ~~The policy shall provide for the~~
23 ~~approval of the transfer~~ Students shall meet the criteria of this
24 subsection if:

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

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

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

13 SECTION 4. This act shall become effective July 1, 2020.

14 SECTION 5. It being immediately necessary for the preservation
15 of the public peace, health or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

18
19 57-2-3247

EB

1/15/2020 5:02:45 PM
20
21
22
23
24
25