

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3038 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Brad Boles

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 3038

By: Boles

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2021, Sections 8-101.2 and 8-113, which relate to student transfers; authorizing automatic transfers for certain students; permitting school district to give preference for sibling transfers; directing certain school district to grant preference for children of employees; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 8-101.2, is amended to read as follows:

Section 8-101.2 A. Except as provided in subsection B of this section, on and after January 1, 2022, 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 at any time in the year unless the number of transfers exceeds the capacity of a grade level for each school site within a school district. If the capacity of a grade level for each school site within a school district is insufficient to enroll

1 all eligible students, the school district shall select transfer
2 students in the order in which the district received the student
3 transfer applications. The capacity of a school district shall be
4 determined by the school district board of education based on its
5 policy adopted pursuant to subsection B of this section. A student
6 may be granted a one-year transfer and may automatically continue to
7 attend the school each school year to which the student transferred
8 with the approval of the receiving district. At the end of each
9 school year, a school district may deny continued transfer of the
10 student for the reasons outlined in paragraphs 1 and 2 of subsection
11 B of this section. Any brother or sister of a student who transfers
12 may attend the school district to which the student transferred ~~as~~
13 ~~long as the school district has capacity,~~ if the school district
14 policy gives preference to sibling transfers regardless of capacity,
15 and the brother or sister of the transferred student does not meet a
16 basis for denial as outlined in paragraphs 1 and 2 of subsection B
17 of this section. Any child in the custody of the Department of
18 Human Services in foster care who is living in the home of a student
19 who transfers may attend the school district to which the student
20 transferred. Except for a child in the custody of the Department of
21 Human Services in foster care, a transfer student shall not transfer
22 more than two (2) times per school year to one or more school
23 districts in which the student does not reside, provided that the
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1 student may always reenroll at any time in his or her school
2 district of residence.

3 If the grade a student is entitled to pursue is not offered in
4 the district where the student resides, the transfer shall be
5 automatically approved.

6 B. Each school district board of education shall adopt a policy
7 to determine the number of transfer students the school district has
8 the capacity to accept in each grade level for each school site
9 within a school district no later than January 1, 2022. The policy
10 may include:

11 1. The acts and reasons outlined in Section 24-101.3 of this
12 title as a basis for denial of a transfer; and

13 2. A history of absences as a basis for denial of a transfer.
14 For the purposes of this section, "history of absences" means ten or
15 more absences in one semester that are not excused for the reasons
16 provided for in subsection B of Section 10-105 of this title or due
17 to illness.

18 The policy shall be publicly posted on the school district
19 website.

20 C. By the first day of January, April, July and October, the
21 school district board of education shall establish the number of
22 transfer students the school district has the capacity to accept in
23 each grade level for each school site within a school district.

1 D. After establishing the number of transfer students the
2 school district has the capacity to accept in each grade level for
3 each school site within a school district, the board of education
4 shall:

5 1. Publish in a prominent place on the school district website
6 the number of transfer students for each grade level for each school
7 site within a school district which the school district has the
8 capacity to accept; and

9 2. Report to the State Department of Education the number of
10 transfer students for each grade level for each school site within a
11 school district which the school district has the capacity to
12 accept.

13 E. If a transfer request is denied by the school district, the
14 parent of the student may appeal the denial within ten (10) days of
15 notification of the denial to the receiving school district board of
16 education. The receiving school district board of education shall
17 consider the appeal at its next regularly scheduled board meeting.
18 If the receiving school district board of education denies the
19 appeal, the parent of the student may appeal the denial within ten
20 (10) days of notification of the appeal denial to the State Board of
21 Education. The parent shall submit to the State Board of Education
22 and the superintendent of the receiving school a notice of appeal on
23 a form prescribed by the State Board of Education. The appeal shall
24 be considered by the State Board of Education at its next regularly

1 scheduled meeting, where the parent and a representative from the
2 receiving school district may address the Board. The State Board of
3 Education shall promulgate rules to establish the appeals process
4 authorized by this subsection.

5 F. Each school district board of education shall submit to the
6 State Department of Education the number of student transfers
7 approved and denied and whether each denial was based on capacity,
8 acts and reasons outlined in Section 24-101.3 of this title or a
9 history of absences as provided for in paragraph 2 of subsection B
10 of this section. The State Department of Education shall publish
11 the data on its website and make the data available to the Office of
12 Educational Quality and Accountability.

13 G. Each year, the Office of Educational Quality and
14 Accountability shall randomly select ten percent (10%) of the school
15 districts in the state and conduct an audit of each district's
16 approved and denied transfers based on the provisions of the
17 policies adopted by the respective school district board of
18 education. If the Office finds inaccurate reporting of capacity
19 levels by a school district, the Office shall set the capacity for
20 the school district.

21 SECTION 2. AMENDATORY 70 O.S. 2021, Section 8-113, is
22 amended to read as follows:

23 Section 8-113. A student shall be allowed to transfer to a
24 school district in which the parent or legal guardian of the student

1 is employed as a teacher, as defined in Section 1-116 of this title
2 by the district, if the school district policy on student transfers
3 grants preference for children of employees, regardless of school
4 district capacity.

5 SECTION 3. It being immediately necessary for the preservation
6 of the public peace, health or safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

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10 58-2-10377 EK 02/08/22
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