

# An Act

ENROLLED HOUSE  
BILL NO. 3038

By: Boles, Ranson, Sterling,  
and Stark of the House

and

Pemberton and Dossett  
(J.J.) of the Senate

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; allowing certain student to transfer regardless of capacity; directing certain school district to grant preference for children of employees; and declaring an emergency.

SUBJECT: Schools

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 all eligible students, the school district shall select transfer students in the order in which the district received the student transfer applications. The capacity of a school district shall be determined by the school district board of education based on its

policy adopted pursuant to subsection B of this section. A student may be granted a one-year transfer and may automatically continue to attend the school each school year to which the student transferred with the approval of the receiving district. At the end of each school year, a school district may deny continued transfer of the student for the reasons outlined in paragraphs 1 and 2 of subsection B of this section. Any brother or sister of a student who transfers may attend the school district to which the student transferred ~~as long as the school district has capacity,~~ if the school district policy gives preference to sibling transfers regardless of capacity, and the brother or sister of the transferred student does not meet a basis for denial as outlined in paragraphs 1 and 2 of subsection B of this section. Any child in the custody of the Department of Human Services in foster care who is living in the home of a student who transfers may attend the school district to which the student transferred. Except for a child in the custody of the Department of Human Services in foster care, a transfer student shall not transfer more than two (2) times per school year to one or more school districts in which the student does not reside, provided that the student may always reenroll at any time in his or her school district of residence. At the discretion of the receiving district, a student who has attended a school district as a resident student for at least three (3) years prior to becoming eligible to apply as a transfer student may be allowed to transfer to the school district regardless of capacity.

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

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

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

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

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

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

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

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

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

E. If a transfer request is denied by the school district, the parent of the student may appeal the denial within ten (10) days of notification of the denial to the receiving school district board of education. The receiving school district board of education shall consider the appeal at its next regularly scheduled board meeting. If the receiving school district board of education denies the appeal, the parent of the student may appeal the denial within ten (10) days of notification of the appeal denial to the State Board of Education. The parent shall submit to the State Board of Education and the superintendent of the receiving school a notice of appeal on a form prescribed by the State Board of Education. The appeal shall be considered by the State Board of Education at its next regularly scheduled meeting, where the parent and a representative from the receiving school district may address the Board. The State Board of Education shall promulgate rules to establish the appeals process authorized by this subsection.

F. Each school district board of education shall submit to the State Department of Education the number of student transfers approved and denied and whether each denial was based on capacity, acts and reasons outlined in Section 24-101.3 of this title or a history of absences as provided for in paragraph 2 of subsection B

of this section. The State Department of Education shall publish the data on its website and make the data available to the Office of Educational Quality and Accountability.

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

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

Section 8-113. A student shall be allowed to transfer to a school district in which the parent or legal guardian of the student is employed ~~as a teacher, as defined in Section 1-116 of this title~~ by the district, if the school district policy on student transfers grants preference for children of employees, regardless of school district capacity.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or 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 21st day of February,  
2022.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 28th day of April, 2022.

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_