

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3038

By: Boles and **Ranson** of the
House

and

Pemberton of the Senate

11 COMMITTEE SUBSTITUTE

12 An Act relating to schools; amending 70 O.S. 2021,
13 Sections 8-101.2 and 8-113, which relate to student
14 transfers; authorizing automatic transfers for
15 certain students; permitting school district to give
16 preference for sibling transfers; allowing certain
17 student to transfer regardless of capacity; directing
18 certain school district to grant preference for
19 children of employees; and declaring an emergency.

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

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

21 Section 8-101.2 A. Except as provided in subsection B of this
22 section, on and after January 1, 2022, the transfer of a student
23 from the district in which the student resides to another school
24 district furnishing instruction in the grade the student is entitled

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

1 Human Services in foster care, a transfer student shall not transfer
2 more than two (2) times per school year to one or more school
3 districts in which the student does not reside, provided that the
4 student may always reenroll at any time in his or her school
5 district of residence. At the discretion of the receiving district,
6 a student who has attended a school district as a resident student
7 for at least three (3) years prior to becoming eligible to apply as
8 a transfer student may be allowed to transfer to the school district
9 regardless of capacity.

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

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

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

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

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

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

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

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

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

19 E. If a transfer request is denied by the school district, the
20 parent of the student may appeal the denial within ten (10) days of
21 notification of the denial to the receiving school district board of
22 education. The receiving school district board of education shall
23 consider the appeal at its next regularly scheduled board meeting.
24 If the receiving school district board of education denies the

1 appeal, the parent of the student may appeal the denial within ten
2 (10) days of notification of the appeal denial to the State Board of
3 Education. The parent shall submit to the State Board of Education
4 and the superintendent of the receiving school a notice of appeal on
5 a form prescribed by the State Board of Education. The appeal shall
6 be considered by the State Board of Education at its next regularly
7 scheduled meeting, where the parent and a representative from the
8 receiving school district may address the Board. The State Board of
9 Education shall promulgate rules to establish the appeals process
10 authorized by this subsection.

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

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

1 levels by a school district, the Office shall set the capacity for
2 the school district.

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

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

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

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16 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/16/2022
17 - DO PASS, As Amended and Coauthored.
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