

1 **SENATE FLOOR VERSION**

2 April 5, 2022

3 ENGROSSED HOUSE
4 BILL NO. 3038

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

5 and

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

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

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

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

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

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

1 student may always reenroll at any time in his or her school
2 district of residence. At the discretion of the receiving district,
3 a student who has attended a school district as a resident student
4 for at least three (3) years prior to becoming eligible to apply as
5 a transfer student may be allowed to transfer to the school district
6 regardless of capacity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
14 April 5, 2022 - DO PASS
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