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February 2, 2021

SENATE BILL NO. 68

By: Simpson

An Act relating to students; amending 70 O.S. 2011, Section 8-103.1, as amended by Section 2, Chapter 285, O.S.L. 2013 (70 O.S. Supp. 2020, Section 8-103.1), which relates to the transfer of students not residing in a district; directing a student to be considered a resident of a district if his or her parent or legal guardian is on certain active duty and subject to certain transfer; directing a school district to accept certain application by electronic means; requiring a parent or legal guardian to provide certain proof within certain time period; providing for addresses to be used as certain proof; providing definitions; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 8-103.1, as amended by Section 2, Chapter 285, O.S.L. 2013 (70 O.S. Supp. 2020, Section 8-103.1), is amended to read as follows:

Section 8-103.1. A. A local school district board of education which receives a request for a transfer for a student who does not reside in the school district may refuse the transfer in accordance with the provisions of the open transfer policy adopted by the local school district board of education and subject to the provisions of ~~subsection~~ subsections B and C of this section. Each local board of

1 education shall adopt an open transfer policy for the school
2 district which specifies its criteria and standards for approval of
3 transfers of students who do not reside in the district. The policy
4 shall include, but shall not be limited to, provisions relating to
5 the availability of programs, staff, or space as criteria for
6 approval or denial of transfers. A school district may include in
7 the policy as the basis for denial of a transfer, the reasons
8 outlined in Section 24-101.3 of this title.

9 In considering requests for students to transfer into a school
10 district, the board of education shall consider the requests on a
11 first-come, first-serve basis. A school district shall not accept
12 or deny a transfer based on ethnicity, national origin, gender,
13 income level, disabling condition, proficiency in the English
14 language, measure of achievement, aptitude, or athletic ability.

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

18 B. A local school district board of education shall adopt a
19 policy for the school district regarding the transfer of students
20 who are the dependent children of a member of the active uniformed
21 military services of the United States on full-time active duty
22 status and for whom Oklahoma is the home of record and students who
23 are the dependent children of a member of the military reserve on
24

1 active duty orders and for whom Oklahoma is the home of record. The
2 policy shall provide for the approval of the transfer if:

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

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

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

15 C. 1. A student shall be considered in compliance with the
16 residency provisions of Section 1-113 of this title if he or she is
17 a student whose parent or legal guardian is transferred or is
18 pending transfer to a military installation within the state while
19 on active military duty pursuant to an official military order.

20 2. A school district shall accept applications by electronic
21 means for enrollment including enrollment in a specific school or
22 program within the school district and course registration for
23 students described in paragraph 1 of this subsection.
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1 3. The parent or legal guardian of a student described in
2 paragraph 1 of this subsection shall provide proof of residence in
3 the school district within ten (10) days after the published arrival
4 date provided on official documentation. A parent or legal guardian
5 may use the following addresses as proof of residence:

6 a. a temporary on-base billeting facility,

7 b. a purchased or leased home or apartment, or

8 c. federal government or public-private venture off-base
9 military housing.

10 D. For purposes of this section:

11 1. "Active military duty" means full-time military duty status
12 in the active uniformed service of the United States including
13 members of the National Guard and Military Reserve on active duty
14 orders; and

15 2. "Military installation" means a base, camp, post, station,
16 yard, center, homeport facility for any ship or other installation
17 under the jurisdiction of the Department of Defense or the United
18 States Coast Guard.

19 SECTION 2. This act shall become effective July 1, 2021.

20 SECTION 3. It being immediately necessary for the preservation
21 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
4 February 2, 2021 - DO PASS
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