

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 3386

By: McCall and Caldwell (Chad)
of the House

4 and

5 Treat of the Senate

6

7

8 An Act relating to schools; requiring school
9 districts to approve intra-district transfer of
10 students; providing an exception if school site has
11 reached capacity; directing selection of intra-
12 district transfer students if capacity is exceeded;
13 authorizing board of education to determine capacity;
14 allowing intra-district transfer student to continue
15 attendance; authorizing denial of continued intra-
16 district transfer; permitting intra-district transfer
17 for certain children residing in a home; directing
18 board to adopt policy for student capacity; setting
19 deadline for adoption of policy; including
20 preferential treatment for certain students in
21 policy; authorizing inclusion of certain reasons for
22 intra-district transfer denial; directing posting of
23 policy on district website; requiring determination
24 of intra-district capacity to be made by the first
day of certain months; directing publication on
school district website; directing submission of
certain report to the State Department of Education;
providing for codification; providing an effective
date; and declaring an emergency.

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21 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
22 entire bill and insert

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23 "An Act relating to schools; requiring approval of
24 intra-district transfer of students at any time in
the year; providing an exception if school site has

1 reached certain capacity; providing for selection of
2 intra-district transfer students if capacity is
3 insufficient; directing school district boards of
4 education to determine certain capacity; allowing
5 intra-district transfer student to continue with
6 certain approval; allowing denial of continued intra-
7 district transfer for certain reasons; providing for
8 intra-district transfer of certain students if
9 certain school district policy provides certain
10 preference; requiring boards of education to adopt
11 policy for capacity in each grade level for each
12 school site by certain date; prohibiting more than
13 two transfers per school year; providing exception;
14 providing for contents of policy; directing posting
15 of policy on district website; requiring
16 determination of intra-district capacity by the first
17 day of certain months; directing publication on
18 school district website; directing submission of
19 certain report to the State Department of Education;
20 amending 70 O.S. 2021, Section 13-103, which relates
21 to providing education for students with
22 disabilities; updating statutory language;
23 establishing process to appeal denial of a transfer
24 student with disabilities; providing for promulgation
of rules; requiring school district boards of
education to annually submit the number of certain
transfer requests approved and denied; requiring the
State Department of Education to publish certain data
on its website and make it available to certain
agency; directing the Office of Educational Quality
and Accountability to annually select certain
percentage of districts for certain audit; directing
school districts to comply with certain recommended
changes; allowing certain audit to be conducted in
certain conjunction; providing for codification; and
declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 8-114 of Title 70, unless there
is created a duplication in numbering, reads as follows:

1 A. Except as provided in subsection B of this section,
2 beginning July 1, 2024, the transfer of a student from one school
3 site to another school site within the school district where the
4 student resides shall be approved at any time in the year, unless
5 the grade level of the receiving school site has reached capacity.
6 If the capacity of a grade level is insufficient to enroll all
7 eligible students, the school district shall select intra-district
8 transfer students based on the preferences outlined in paragraph 1
9 of subsection B of this section and then in the order in which the
10 intra-district transfer applications were received. The school
11 district board of education shall determine the capacity of a school
12 site based on its policy adopted pursuant to subsection B of this
13 section. A student may be granted a one-year intra-district
14 transfer and may automatically continue to attend the school site
15 where the student transferred each school year with the approval of
16 the school district. At the end of each school year, a school
17 district may deny continued intra-district transfer of the student
18 for the reasons outlined in paragraphs 2 and 3 of subsection B of
19 this section.

20 1. Any sibling of a student who transfers intra-district may
21 attend the school site to which the student transferred if the
22 school district policy gives preference to sibling transfers
23 regardless of capacity and the sibling of the transferred student
24

1 does not meet a basis for denial as outlined in paragraphs 2 and 3
2 of subsection B of this section.

3 2. The child of a school district employee who resides in the
4 school district but wishes to attend a different school site within
5 the school district where the student resides may be granted an
6 intra-district transfer if the school district policy gives
7 preference to the transfer of children of school district employees
8 and the student does not meet a basis for denial as outlined in
9 paragraphs 2 and 3 of subsection B of this section.

10 3. A student who changes residence within a school district and
11 who wishes to attend the same school site may be granted an intra-
12 district transfer if the school district policy gives preference to
13 such transfers and the student does not meet a basis for denial as
14 outlined in paragraphs 2 and 3 of subsection B of this section.

15 4. Any child in the custody of the Department of Human Services
16 and living in foster care who resides in the home of another student
17 who transfers intra-district may attend the school site to which the
18 student transferred.

19 Except for a child in the custody of the Department of Human
20 Services in foster care, an intra-district transfer student shall
21 not transfer more than two times per school year to other school
22 sites within the school district where the student resides, provided
23 that the student may always reenroll at any time in his or her
24 school site of residence.

1 B. Each school district board of education shall adopt a policy
2 to determine the number of intra-district transfer students the
3 school district has the capacity to accept in each grade level for
4 each school site within a school district no later than July 1,
5 2024. The policy shall be publicly posted on the school district
6 website. The policy:

7 1. Shall include an enrollment preference and reserve capacity
8 for:

- 9 a. students who reside in the school site boundary,
- 10 b. students who attended the school site the prior school
11 year,
- 12 c. siblings of students who are already enrolled at the
13 school site,
- 14 d. children of school district employees who wish to
15 attend a different school site within the school
16 district, and
- 17 e. students who change residence within a school district
18 and who wish to attend the same school site;

19 2. May include the acts and reasons outlined in Section 24-
20 101.3 of Title 70 of the Oklahoma Statutes as a basis for denial of
21 an intra-district transfer; and

22 3. May include a history of absences as a basis for denial of
23 an intra-district transfer. For the purposes of this section,
24 "history of absences" means ten or more absences in one semester

1 that are not excused for the reasons provided in subsection B of
2 Section 10-105 of Title 70 of the Oklahoma Statutes or due to
3 illness.

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

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

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

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

20 SECTION 2. AMENDATORY 70 O.S. 2021, Section 13-103, is
21 amended to read as follows:

22 Section 13-103. A. Any school district in the state may
23 provide suitable facilities and employ qualified teachers and
24 therapists for ~~children~~ students with disabilities, either in

1 schools, classrooms, or in other places as the board of education of
2 the district may deem advisable. When a school district cannot
3 provide special educational facilities and qualified teachers, a
4 ~~child~~ student may be transferred pursuant to the provisions of
5 paragraph 4 of Section 13-101 of this title.

6 B. If a ~~child~~ student with disabilities is transferred to a
7 school district other than the district of residence of the ~~child~~
8 student pursuant to the Education Open Transfer Act the following
9 provisions shall apply:

10 1. The receiving district shall establish availability of the
11 appropriate program, staff, and services prior to approval of the
12 transfer;

13 2. Prior to the approval of the transfer of a ~~child~~ student on
14 an individualized education program (IEP), a joint IEP conference
15 shall be required between the district of residence and the
16 receiving district; and

17 3. Upon approval of the transfer, the receiving district shall
18 claim the ~~child~~ student in the average daily membership for state
19 and federal funding purposes and shall assume all responsibility for
20 education of the ~~child~~ student. For state funding purposes, the
21 State Department of Education shall include the appropriate grade
22 level weight and all category weights to which the ~~pupil~~ student is
23 assigned pursuant to the provisions of Section 18-201.1 of this
24 title when calculating State Aid pursuant to the provisions of

1 Section 18-200.1 of this title, regardless of whether the receiving
2 district provides education to the student using traditional in-
3 class means or via online instruction. When applicable, the
4 receiving district may apply to the Oklahoma Special Education
5 Assistance Fund for assistance in meeting any extraordinary costs
6 incurred.

7 C. If a request to transfer a student with disabilities to a
8 school district other than the district of residence of the student
9 pursuant to the Education Open Transfer Act is denied, the following
10 provisions shall apply:

11 1. The parent or legal guardian of a student with disabilities
12 or an adult student with disabilities who is age eighteen (18) or
13 older but under the age of twenty-two (22) may appeal the denial
14 within ten (10) days of notification of the denial to the receiving
15 school district board of education. The receiving school district
16 board of education shall consider the appeal at its next regularly
17 scheduled board meeting; and

18 2. If the receiving school district board of education denies
19 the appeal, the parent or legal guardian of the student with
20 disabilities or an adult student with disabilities who is age
21 eighteen (18) or older but under the age of twenty-two (22) may
22 appeal the denial within ten (10) days of notification of the appeal
23 denial to the State Board of Education. The parent or legal
24 guardian of the student with disabilities or the adult student with

1 disabilities shall submit to the State Board of Education and the
2 superintendent of the receiving school district a notice of appeal
3 on a form prescribed by the State Board of Education. The appeal
4 shall be considered by the State Board of Education at its next
5 regularly scheduled meeting, where the parent or legal guardian of
6 the student with disabilities or the adult student with disabilities
7 and a representative from the receiving school district may address
8 the Board. The State Board of Education shall promulgate rules to
9 establish the appeals process authorized by this subsection which
10 shall align with rules promulgated pursuant to Section 8-101.2 of
11 this title.

12 ~~E.~~ D. Transfers authorized by this section shall be made under
13 rules adopted by the State Board of Education. When a ~~child~~ student
14 with disabilities or pregnant ~~child~~ student is unable to attend any
15 school or class in the district of residency, the board of education
16 of the district may provide for home instruction for the ~~child~~
17 student. The State Board of Education is further authorized to
18 cooperate with any school district in the state to make it possible
19 for a ~~child~~ student with disabilities to attend the regular school
20 by making special provisions for the transportation of the ~~child~~
21 student, or for special equipment, devices, books, supplies or other
22 facilities, or for special instruction within the regular school
23 building. The provisions for services and transfers as provided for
24 in this section shall be made with consideration of the least

1 restrictive environment and IEP requirements under the Individuals
2 with Disabilities Education Act (IDEA).

3 ~~D.~~ E. Beginning with the 2008-2009 school year, a transfer
4 granted for a ~~child~~ student with disabilities pursuant to paragraph
5 4 of Section 13-101 of this title for three (3) consecutive years to
6 the same school district shall automatically be renewed each year.
7 The district in which the ~~child~~ student resides shall continue to
8 pay tuition as provided for in paragraph 4 of Section 13-101 of this
9 title.

10 F. Each school district board of education shall annually
11 submit to the State Department of Education the number of transfer
12 requests for students with disabilities approved and denied and
13 whether each denial was based on availability of programs, staff, or
14 services. The State Department of Education shall publish the data
15 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 of students with disabilities. If the
21 Office finds inaccurate reporting, the school district shall comply
22 with the changes recommended in the audit. Nothing shall prohibit
23 the Office from conducting the audit required by this subsection in
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1 conjunction with the audit required by subsection G of Section 8-
2 101.2 of this title.

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

7 Passed the Senate the 25th day of April, 2024.

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10 Presiding Officer of the Senate

11 Passed the House of Representatives the ____ day of _____,
12 2024.

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15 Presiding Officer of the House
16 of Representatives
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20 may attend the school site to which the student transferred, if the
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22 regardless of capacity, and the sibling of the transferred student
23 does not meet a basis for denial as outlined in paragraphs 2 and 3
24 of subsection B of this section. Any child in the custody of the

1 Department of Human Services and living in foster care who resides
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22 2. Report to the State Department of Education the number of
23 intra-district transfer students for each grade level for each
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1 school site within the school district which the district has the
2 capacity to accept.

3 SECTION 5. This act shall become effective July 1, 2024.

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

8 Passed the House of Representatives the 13th day of March, 2024.

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Presiding Officer of the House
of Representatives

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13 Passed the Senate the ____ day of _____, 2024.

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Presiding Officer of the Senate

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