

1 ENGROSSED HOUSE
2 BILL NO. 3386

By: McCall and Caldwell (Chad)
of the House

3 and

4 Treat of the Senate

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6
7 An Act relating to schools; requiring school
8 districts to approve intra-district transfer of
9 students; providing an exception if school site has
10 reached capacity; directing selection of intra-
11 district transfer students if capacity is exceeded;
12 authorizing board of education to determine capacity;
13 allowing intra-district transfer student to continue
14 attendance; authorizing denial of continued intra-
15 district transfer; permitting intra-district transfer
16 for certain children residing in a home; directing
17 board to adopt policy for student capacity; setting
18 deadline for adoption of policy; including
19 preferential treatment for certain students in
20 policy; authorizing inclusion of certain reasons for
21 intra-district transfer denial; directing posting of
22 policy on district website; requiring determination
23 of intra-district capacity to be made by the first
24 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.

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 8-114 of Title 70, unless there
24 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. Any sibling of a student who transfers intra-district
20 may attend the school site to which the student transferred, if the
21 school district policy gives preference to sibling transfers
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
2 in the home of another student who transfers intra-district, may
3 attend the school site to which the student transferred. Except for
4 a child in the custody of the Department of Human Services in foster
5 care, an intra-district transfer student shall not transfer more
6 than two times per school year to other school sites within the
7 school district where the student resides, provided that the student
8 may always reenroll at any time in his or her school site of
9 residence.

10 B. Each school district board of education shall adopt a policy
11 to determine the number of intra-district transfer students the
12 school district has the capacity to accept in each grade level for
13 each school site within a school district no later than July 1,
14 2024. The policy shall be publicly posted on the school district
15 website. The policy:

16 1. Shall include an enrollment preference and reserve capacity
17 for:

- 18 a. students who reside in the school site boundary,
 - 19 b. students who attended the school site the prior school
20 year, and
 - 21 c. siblings of students who are already enrolled at the
22 school site;
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1 2. May include the acts and reasons outlined in Section 24-
2 101.3 of Title 70 of the Oklahoma Statutes as a basis for denial of
3 an intra-district transfer; and

4 3. May include a history of absences as a basis for denial of
5 an intra-district transfer. For the purposes of this section,
6 "history of absences" means ten or more absences in one semester
7 that are not excused for the reasons provided in subsection B of
8 Section 10-105 of Title 70 of the Oklahoma Statutes or due to
9 illness.

10 C. By the first day of January, April, July, and October of
11 each year, the school district board of education shall establish
12 the number of intra-district transfer students the school district
13 has the capacity to accept in each grade level for each school site
14 within the district.

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

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

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 2. This act shall become effective July 1, 2024.

4 SECTION 3. 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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