

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

No. 1

☐ COMMITTEE AMENDMENT

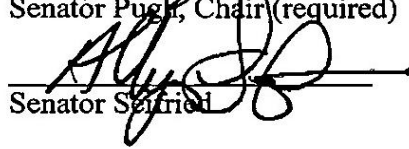
I move to amend House Bill No. 3386, by substituting the attached floor substitute (Request #3755) for the title, enacting clause, and entire body of the measure.

Submitted by:


Senator Treat

I hereby grant permission for the floor substitute to be adopted.


Senator Pugh, Chair (required)


Senator Seifried

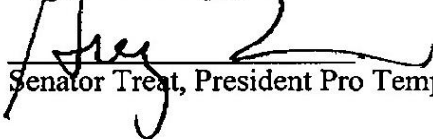

Senator Bergstrom

Senator Daniels

Senator Deevers

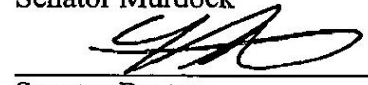
Senator Dossett


Senator Green


Senator Treat, President Pro Tempore


Senator Hicks

Senator Murdock


Senator Paxton

Senator Pemberton

Senator Rader


Senator Thompson (Kristen)

Senator McCortney, Majority Floor Leader

Note: Education committee majority requires seven (7) members' signatures.

Treat-EB-FS-HB3386

4/17/2024 2:25 PM

(Floor Amendments Only)

Date and Time Filed: 4-22-24

2:42pm 

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

FLOOR SUBSTITUTE
FOR ENGROSSED

HOUSE BILL NO. 3386

By: McCall and Caldwell (Chad)
of the House

and

Treat of the Senate

FLOOR SUBSTITUTE

An Act relating to schools; requiring approval of intra-district transfer of students at any time in the year; providing an exception if school site has reached certain capacity; providing for selection of intra-district transfer students if capacity is insufficient; directing school district boards of education to determine certain capacity; allowing intra-district transfer student to continue with certain approval; allowing denial of continued intra-district transfer for certain reasons; providing for intra-district transfer of certain students if certain school district policy provides certain preference; requiring boards of education to adopt policy for capacity in each grade level for each school site by certain date; prohibiting more than two transfers per school year; providing exception; providing for contents of policy; directing posting of policy on district website; requiring determination of intra-district capacity by the first day of certain months; directing publication on school district website; directing submission of certain report to the State Department of Education; amending 70 O.S. 2021, Section 13-103, which relates to providing education for students with disabilities; updating statutory language; establishing process to appeal denial of a transfer student with disabilities; providing for promulgation of rules; requiring school district boards of education to annually submit the number of certain

1 transfer requests approved and denied; requiring the
2 State Department of Education to publish certain data
3 on its website and make it available to certain
4 agency; directing the Office of Educational Quality
5 and Accountability to annually select certain
6 percentage of districts for certain audit; directing
7 school districts to comply with certain recommended
8 changes; allowing certain audit to be conducted in
9 certain conjunction; providing for codification; and
10 declaring an emergency.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
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:

A. Except as provided in subsection B of this section,
beginning July 1, 2024, the transfer of a student from one school
site to another school site within the school district where the
student resides shall be approved at any time in the year, unless
the grade level of the receiving school site has reached capacity.
If the capacity of a grade level is insufficient to enroll all
eligible students, the school district shall select intra-district
transfer students based on the preferences outlined in paragraph 1
of subsection B of this section and then in the order in which the
intra-district transfer applications were received. The school
district board of education shall determine the capacity of a school
site based on its policy adopted pursuant to subsection B of this
section. A student may be granted a one-year intra-district

1 transfer and may automatically continue to attend the school site
2 where the student transferred each school year with the approval of
3 the school district. At the end of each school year, a school
4 district may deny continued intra-district transfer of the student
5 for the reasons outlined in paragraphs 2 and 3 of subsection B of
6 this section.

7 1. Any sibling of a student who transfers intra-district may
8 attend the school site to which the student transferred if the
9 school district policy gives preference to sibling transfers
10 regardless of capacity and the sibling of the transferred student
11 does not meet a basis for denial as outlined in paragraphs 2 and 3
12 of subsection B of this section.

13 2. The child of a school district employee who resides in the
14 school district but wishes to attend a different school site within
15 the school district where the student resides may be granted an
16 intra-district transfer if the school district policy gives
17 preference to the transfer of children of school district employees
18 and the student does not meet a basis for denial as outlined in
19 paragraphs 2 and 3 of subsection B of this section.

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

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

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

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

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

- 19 a. students who reside in the school site boundary,
- 20 b. students who attended the school site the prior school
21 year,
- 22 c. siblings of students who are already enrolled at the
23 school site,

1 d. children of school district employees who wish to
2 attend a different school site within the school
3 district, and

4 e. students who change residence within a school district
5 and who wish to attend the same school site;

6 2. May include the acts and reasons outlined in Section 24-
7 101.3 of Title 70 of the Oklahoma Statutes as a basis for denial of
8 an intra-district transfer; and

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

15 C. By the first day of January, April, July, and October of
16 each year, the school district board of education shall establish
17 the number of intra-district transfer students the school district
18 has the capacity to accept in each grade level for each school site
19 within the district.

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

23 1. Publish in a prominent place on the school district website
24 the number of intra-district transfer students for each grade level

1 for each school site within the school district which the district
2 has the capacity to accept; and

3 2. Report to the State Department of Education the number of
4 intra-district transfer students for each grade level for each
5 school site within the school district which the district has the
6 capacity to accept.

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

9 Section 13-103. A. Any school district in the state may
10 provide suitable facilities and employ qualified teachers and
11 therapists for ~~children~~ students with disabilities, either in
12 schools, classrooms, or in other places as the board of education of
13 the district may deem advisable. When a school district cannot
14 provide special educational facilities and qualified teachers, a
15 ~~child~~ student may be transferred pursuant to the provisions of
16 paragraph 4 of Section 13-101 of this title.

17 B. If a ~~child~~ student with disabilities is transferred to a
18 school district other than the district of residence of the ~~child~~
19 student pursuant to the Education Open Transfer Act the following
20 provisions shall apply:

21 1. The receiving district shall establish availability of the
22 appropriate program, staff, and services prior to approval of the
23 transfer;

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

5 3. Upon approval of the transfer, the receiving district shall
6 claim the ~~child~~ student in the average daily membership for state
7 and federal funding purposes and shall assume all responsibility for
8 education of the ~~child~~ student. For state funding purposes, the
9 State Department of Education shall include the appropriate grade
10 level weight and all category weights to which the ~~pupil~~ student is
11 assigned pursuant to the provisions of Section 18-201.1 of this
12 title when calculating State Aid pursuant to the provisions of
13 Section 18-200.1 of this title, regardless of whether the receiving
14 district provides education to the student using traditional in-
15 class means or via online instruction. When applicable, the
16 receiving district may apply to the Oklahoma Special Education
17 Assistance Fund for assistance in meeting any extraordinary costs
18 incurred.

19 C. If a request to transfer a student with disabilities to a
20 school district other than the district of residence of the student
21 pursuant to the Education Open Transfer Act is denied, the following
22 provisions shall apply:

23 1. The parent or legal guardian of a student with disabilities
24 or an adult student with disabilities who is age eighteen (18) or

1 older but under the age of twenty-two (22) may appeal the denial
2 within ten (10) days of notification of the denial to the receiving
3 school district board of education. The receiving school district
4 board of education shall consider the appeal at its next regularly
5 scheduled board meeting; and

6 2. If the receiving school district board of education denies
7 the appeal, the parent or legal guardian of the student with
8 disabilities or an adult student with disabilities who is age
9 eighteen (18) or older but under the age of twenty-two (22) may
10 appeal the denial within ten (10) days of notification of the appeal
11 denial to the State Board of Education. The parent or legal
12 guardian of the student with disabilities or the adult student with
13 disabilities shall submit to the State Board of Education and the
14 superintendent of the receiving school district a notice of appeal
15 on a form prescribed by the State Board of Education. The appeal
16 shall be considered by the State Board of Education at its next
17 regularly scheduled meeting, where the parent or legal guardian of
18 the student with disabilities or the adult student with disabilities
19 and a representative from the receiving school district may address
20 the Board. The State Board of Education shall promulgate rules to
21 establish the appeals process authorized by this subsection which
22 shall align with rules promulgated pursuant to Section 8-101.2 of
23 this title.

1 ~~C.~~ D. Transfers authorized by this section shall be made under
2 rules adopted by the State Board of Education. When a ~~child~~ student
3 with disabilities or pregnant ~~child~~ student is unable to attend any
4 school or class in the district of residency, the board of education
5 of the district may provide for home instruction for the ~~child~~
6 student. The State Board of Education is further authorized to
7 cooperate with any school district in the state to make it possible
8 for a ~~child~~ student with disabilities to attend the regular school
9 by making special provisions for the transportation of the ~~child~~
10 student, or for special equipment, devices, books, supplies or other
11 facilities, or for special instruction within the regular school
12 building. The provisions for services and transfers as provided for
13 in this section shall be made with consideration of the least
14 restrictive environment and IEP requirements under the Individuals
15 with Disabilities Education Act (IDEA).

16 ~~D.~~ E. Beginning with the 2008-2009 school year, a transfer
17 granted for a ~~child~~ student with disabilities pursuant to paragraph
18 4 of Section 13-101 of this title for three (3) consecutive years to
19 the same school district shall automatically be renewed each year.
20 The district in which the ~~child~~ student resides shall continue to
21 pay tuition as provided for in paragraph 4 of Section 13-101 of this
22 title.

23 F. Each school district board of education shall annually
24 submit to the State Department of Education the number of transfer

1 requests for students with disabilities approved and denied and
2 whether each denial was based on availability of programs, staff, or
3 services. The State Department of Education shall publish the data
4 on its website and make the data available to the Office of
5 Educational Quality and Accountability.

6 G. Each year, the Office of Educational Quality and
7 Accountability shall randomly select ten percent (10%) of the school
8 districts in the state and conduct an audit of each district's
9 approved and denied transfers of students with disabilities. If the
10 Office finds inaccurate reporting, the school district shall comply
11 with the changes recommended in the audit. Nothing shall prohibit
12 the Office from conducting the audit required by this subsection in
13 conjunction with the audit required by subsection G of Section 8-
14 101.2 of this title.

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

19
20 59-2-3755 EB 4/22/2024 4:10:49 PM
21
22
23
24