

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3386

By: McCall

AS INTRODUCED

An Act relating to schools; requiring school districts to approve intra-district transfer of students; providing an exception if school site has reached capacity; directing selection of intra-district transfer students if capacity is exceeded; authorizing board of education to determine capacity; allowing intra-district transfer student to continue attendance; authorizing denial of continued intra-district transfer; permitting intra-district transfer for certain children residing in a home; directing board to adopt policy for student capacity; setting deadline for adoption of policy; including preferential treatment for certain students in policy; authorizing inclusion of certain reasons for intra-district transfer denial; directing posting of policy on district website; requiring determination 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.

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

1 site to another school site within the school district where the
2 student resides shall be approved at any time in the year, unless
3 the grade level of the receiving school site has reached capacity.
4 If the capacity of a grade level is insufficient to enroll all
5 eligible students, the school district shall select intra-district
6 transfer students based on the preferences outlined in paragraph 1
7 of subsection B of this section and then in the order in which the
8 intra-district transfer applications were received. The school
9 district board of education shall determine the capacity of a school
10 site based on its policy adopted pursuant to subsection B of this
11 section. A student may be granted a one-year intra-district
12 transfer and may automatically continue to attend the school site
13 where the student transferred each school year with the approval of
14 the school district. At the end of each school year, a school
15 district may deny continued intra-district transfer of the student
16 for the reasons outlined in paragraphs 2 and 3 of subsection B of
17 this section. Any sibling of a student who transfers intra-district
18 may attend the school site to which the student transferred, if the
19 school district policy gives preference to sibling transfers
20 regardless of capacity, and the sibling of the transferred student
21 does not meet a basis for denial as outlined in paragraphs 2 and 3
22 of subsection B of this section. Any child in the custody of the
23 Department of Human Services and living in foster care who resides
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1 in the home of another student who transfers intra-district, may
2 attend the school site to which the student transferred.

3 B. Each school district board of education shall adopt a policy
4 to determine the number of intra-district transfer students the
5 school district has the capacity to accept in each grade level for
6 each school site within a school district no later than July 1,
7 2024. The policy shall be publicly posted on the school district
8 website. The policy:

9 1. Shall include an enrollment preference and reserve capacity
10 for:

- 11 a. students who reside in the school site boundary,
- 12 b. students who attended the school site the prior school
13 year, and
- 14 c. siblings of students who are already enrolled at the
15 school site;

16 2. May include the acts and reasons outlined in Section 24-
17 101.3 of Title 70 of the Oklahoma Statutes as a basis for denial of
18 an intra-district transfer; and

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

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

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

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

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

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

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

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