

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 839

By: Pugh

4
5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2021,
8 Sections 8-101.2, as amended by Section 1, Chapter
9 193, O.S.L. 2022, and 8-103 (70 O.S. Supp. 2022,
10 Section 8-101.2), which relate to the Education Open
11 Transfer Act; modifying beginning date for certain
12 implementation; removing language allowing a transfer
13 at any time; directing transfer applications to be
14 submitted in accordance with certain provisions;
15 modifying transfer frequency; modifying date by which
16 certain capacity must be established; directing
17 transfer applications be submitted between certain
18 dates; modifying date by which certain statement must
19 be filed; and providing an effective date.

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

21 SECTION 1. AMENDATORY 70 O.S. 2021, Section 8-101.2, as
22 amended by Section 1, Chapter 193, O.S.L. 2022 (70 O.S. Supp. 2022,
23 Section 8-101.2), is amended to read as follows:

24 Section 8-101.2. A. Except as provided in subsection B of this
25 section, ~~on and after January 1, 2022~~ beginning June 1, 2024, the
26 transfer of a student from the district in which the student resides
27 to another school district furnishing instruction in the grade the
28 student is entitled to pursue shall be granted ~~at any time in the~~

1 ~~year~~ unless the number of transfers exceeds the capacity of a grade
2 level for each school site within a school district. Transfer
3 applications shall be submitted in accordance with the provisions of
4 Section 8-103 of this title. If the capacity of a grade level for
5 each school site within a school district is insufficient to enroll
6 all eligible students, the school district shall select transfer
7 students in the order in which the district received the student
8 transfer applications. The capacity of a school district shall be
9 determined by the school district board of education based on its
10 policy adopted pursuant to subsection B of this section. A student
11 may be granted a one-year transfer and may automatically continue to
12 attend the school each school year to which the student transferred
13 with the approval of the receiving district. At the end of each
14 school year, a school district may deny continued transfer of the
15 student for the reasons outlined in paragraphs 1 and 2 of subsection
16 B of this section. Any brother or sister of a student who transfers
17 may attend the school district to which the student transferred, if
18 the school district policy gives preference to sibling transfers
19 regardless of capacity, and the brother or sister of the transferred
20 student does not meet a basis for denial as outlined in paragraphs 1
21 and 2 of subsection B of this section. Any child in the custody of
22 the Department of Human Services in foster care who is living in the
23 home of a student who transfers may attend the school district to
24 which the student transferred. Except for a child in the custody of

1 the Department of Human Services in foster care, a transfer student
2 shall not transfer more than ~~two (2) times~~ one time per school year
3 to one or more school districts in which the student does not
4 reside, provided that the student may always reenroll at any time in
5 his or her school district of residence. At the discretion of the
6 receiving district, a student who has attended a school district as
7 a resident student for at least three (3) years prior to becoming
8 eligible to apply as a transfer student may be allowed to transfer
9 to the school district regardless of capacity.

10 If the grade a student is entitled to pursue is not offered in
11 the district where the student resides, the transfer shall be
12 automatically approved.

13 B. Each school district board of education shall adopt a policy
14 to determine the number of transfer students the school district has
15 the capacity to accept in each grade level for each school site
16 within a school district no later than January 1, 2022. The policy
17 may include:

18 1. The acts and reasons outlined in Section 24-101.3 of this
19 title as a basis for denial of a transfer; and

20 2. A history of absences as a basis for denial of a transfer.

21 For the purposes of this section, "history of absences" means ten or
22 more absences in one semester that are not excused for the reasons
23 provided for in subsection B of Section 10-105 of this title or due
24 to illness.

1 The policy shall be publicly posted on the school district
2 website.

3 C. ~~By the first day of January, April, July and October~~ June 1,
4 2024, and each June 1 thereafter, the school district board of
5 education shall establish the number of transfer students the school
6 district has the capacity to accept in each grade level for each
7 school site within a school district.

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

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

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

20 E. If a transfer request is denied by the school district, the
21 parent of the student may appeal the denial within ten (10) days of
22 notification of the denial to the receiving school district board of
23 education. The receiving school district board of education shall
24 consider the appeal at its next regularly scheduled board meeting.

1 If the receiving school district board of education denies the
2 appeal, the parent of the student may appeal the denial within ten
3 (10) days of notification of the appeal denial to the State Board of
4 Education. The parent shall submit to the State Board of Education
5 and the superintendent of the receiving school a notice of appeal on
6 a form prescribed by the State Board of Education. The appeal shall
7 be considered by the State Board of Education at its next regularly
8 scheduled meeting, where the parent and a representative from the
9 receiving school district may address the Board. The State Board of
10 Education shall promulgate rules to establish the appeals process
11 authorized by this subsection.

12 F. Each school district board of education shall submit to the
13 State Department of Education the number of student transfers
14 approved and denied and whether each denial was based on capacity,
15 acts and reasons outlined in Section 24-101.3 of this title or a
16 history of absences as provided for in paragraph 2 of subsection B
17 of this section. The State Department of Education shall publish
18 the data on its website and make the data available to the Office of
19 Educational Quality and Accountability.

20 G. Each year, the Office of Educational Quality and
21 Accountability shall randomly select ten percent (10%) of the school
22 districts in the state and conduct an audit of each district's
23 approved and denied transfers based on the provisions of the
24 policies adopted by the respective school district board of

1 education. If the Office finds inaccurate reporting of capacity
2 levels by a school district, the Office shall set the capacity for
3 the school district.

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

6 Section 8-103. A. In order that any student may be
7 transferred, an application form specified by the State Board of
8 Education must be completed by the parents of the student. For
9 purposes of the Education Open Transfer Act, the term "parent" means
10 the parent of the student or person having custody of the student as
11 provided for in paragraph 1 of subsection A of Section 1-113 of this
12 title. The application shall be filed with the superintendent of
13 the receiving school district for transfers to school districts in
14 this state and with the State Board of Education for transfers to
15 school districts in another state. Transfer applications shall be
16 filed with the superintendent of the receiving school district
17 between July 1, 2024, and each July 1 thereafter, and July 15, 2024,
18 and each July 15 thereafter.

19 B. ~~On or before the first day of January, April, July and~~
20 ~~October~~ By June 1, 2024, and by June 1 each year thereafter, it
21 shall be the duty of the superintendent of the receiving school
22 district to file with the State Board of Education and each resident
23 district a statement showing the names of the students granted
24

1 transfers to the school district, the resident school district of
2 the transferred students, and their respective grade level.

3 C. For students who are deaf or hearing-impaired who wish to
4 transfer to a school district with a specialized deaf education
5 program, applications may be filed at any time during the school
6 year. The student may transfer to the receiving school district at
7 any time during the school year.

8 D. The school district shall enroll transfer students in the
9 order in which they submit their applications. If the number of
10 student transfer applications exceeds the capacity of a receiving
11 school district, as determined by subsection A of Section 8-101.2 of
12 this title, the district shall select transfer students in the order
13 in which the district received the student transfer applications.

14 E. If a transfer application is denied based on the receiving
15 school district's open transfer policy adopted pursuant to
16 subsection B of Section 8-101.2 of this title, the parent of the
17 student may appeal the decision as provided for in subsection E of
18 Section 8-101.2 of this title.

19 SECTION 3. This act shall become effective November 1, 2023.
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