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1st Session of the 60th Legislature (2025)

HOUSE BILL 1088

By: Lowe (Dick) of the House

and

**Sacchieri** of the Senate

## AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2021, Sections 8-101 and 8-101.2, as amended by Section 1, Chapter 193, O.S.L. 2022 (70 O.S. Supp. 2024, Section 8-101.2), which relate to transfer students; allowing certain students to transfer to adjacent school district; directing automatic approval of transfer; excepting certain capacity requirements for transfer to adjacent school district; mandating student comply with certain transfer requirements if receiving district is not adjacent to district of residence; deleting automatic transfer to any school district for certain students; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 8-101, is amended to read as follows:

Section 8-101. A. Any student residing in a school district that does not offer the grade which the student is entitled to pursue shall be allowed to transfer to a school district ~~inside or~~

1 ~~outside of the transportation area in which~~ is adjacent to the  
2 school district where the student resides ~~which~~ and offers the grade  
3 the student is entitled to pursue. The district to which the  
4 student transfers shall be referred to as the receiving district.

5 B. A student shall be limited to one transfer pursuant to  
6 subsection A of this section, which shall be automatically approved  
7 and not subject to capacity requirements provided in Section 8-101.2  
8 of this title. Thereafter, a student may apply for any other kind  
9 of transfer for which the student is eligible as provided for in the  
10 Education Open Transfer Act.

11 C. Any student residing in a school district that does not  
12 offer the grade which the student is entitled to pursue and who  
13 chooses not to attend a school district which is adjacent to the  
14 school district where the student resides pursuant to subsection A  
15 of this section, shall follow the requirements of subsection 8-101.2  
16 of this title to request a transfer to another school district which  
17 offers the grade the student is entitled to pursue.

18 SECTION 2. AMENDATORY 70 O.S. 2021, Section 8-101.2, as  
19 amended by Section 1, Chapter 193, O.S.L. 2022 (70 O.S. Supp. 2024,  
20 Section 8-101.2), is amended to read as follows:

21 Section 8-101.2. A. Except as provided in subsection B of this  
22 section, on and after January 1, 2022, the transfer of a student  
23 from the district in which the student resides to another school  
24 district furnishing instruction in the grade the student is entitled

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

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

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

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

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

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

20 For the purposes of this section, "history of absences" means ten or  
21 more absences in one semester that are not excused for the reasons  
22 provided for in subsection B of Section 10-105 of this title or due  
23 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, the  
4 school district board of education shall establish the number of  
5 transfer students the school district has the capacity to accept in  
6 each grade level for each school site within a school district.

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

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

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

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

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

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

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

1 levels by a school district, the Office shall set the capacity for  
2 the school district.

3 SECTION 3. This act shall become effective November 1, 2025.  
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5 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION OVERSIGHT, dated  
6 02/26/2025 - DO PASS, As Coauthored.  
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