

1 STATE OF OKLAHOMA

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

3 SENATE BILL 956

By: Jech

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2021,
8 Section 8-101.2, as amended by Section 1, Chapter
9 193, O.S.L. 2022 (70 O.S. Supp. 2022, Section 8-
10 101.2), which relates to the Education Open Transfer
11 Act; modifying time by which school district boards
12 of education are to establish certain capacity;
13 amending 70 O.S. 2021, Section 8-103, which relates
14 to transfer application process; modifying time by
15 which certain superintendent is to file certain
16 statement; and declaring an emergency.

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

18 SECTION 1. 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. 2022,
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
to pursue shall be granted at any time in the year unless the number
of transfers exceeds the capacity of a grade level for each school
site within a school district. If the capacity of a grade level for

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

1 school district of residence. At the discretion of the receiving
2 district, a student who has attended a school district as a resident
3 student for at least three (3) years prior to becoming eligible to
4 apply as a transfer student may be allowed to transfer to the school
5 district regardless of capacity.

6 If the grade a student is entitled to pursue is not offered in
7 the district where the student resides, the transfer shall be
8 automatically approved.

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

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

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

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

21 The policy shall be publicly posted on the school district
22 website.

23 ~~C. By the first day of January, April, July and October~~
24 Beginning July 1, 2023, and by July 1 each subsequent year, the

1 school district board of education shall establish the number of
2 transfer students the school district has the capacity to accept in
3 each grade level for each school site within a school district and
4 shall update the number as necessary throughout the school year.

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

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

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

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

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

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

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

1 SECTION 2. AMENDATORY 70 O.S. 2021, Section 8-103, is

2 amended to read as follows:

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

13 B. ~~On or before the first day of January, April, July and~~
14 ~~October~~ Beginning July 1, 2023, and by July 1 each subsequent year,
15 it shall be the duty of the superintendent of the receiving school
16 district to file with the State Board of Education and each resident
17 district a statement showing the names of the students granted
18 transfers to the school district, the resident school district of
19 the transferred students, and their respective grade level. The
20 statement shall be updated as necessary throughout the school year.

21 C. For students who are deaf or hearing-impaired who wish to
22 transfer to a school district with a specialized deaf education
23 program, applications may be filed at any time during the school
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1 year. The student may transfer to the receiving school district at
2 any time during the school year.

3 D. The school district shall enroll transfer students in the
4 order in which they submit their applications. If the number of
5 student transfer applications exceeds the capacity of a receiving
6 school district, as determined by subsection A of Section 8-101.2 of
7 this title, the district shall select transfer students in the order
8 in which the district received the student transfer applications.

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

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

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