

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1522

By: Lowe (Dick)

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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. 2024, Section 8-  
10 101.2), which relates to the Education Open Transfer  
11 Act; modifying criteria for appeals process; and  
12 declaring an emergency.

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

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

17 Section 8-101.2. A. Except as provided in subsection B of this  
18 section, on and after January 1, 2022, the transfer of a student  
19 from the district in which the student resides to another school  
20 district furnishing instruction in the grade the student is entitled  
21 to pursue shall be granted at any time in the year unless the number  
22 of transfers exceeds the capacity of a grade level for each school  
23 site within a school district. If the capacity of a grade level for  
24 each school site within a school district is insufficient to enroll  
all eligible students, the school district shall select transfer

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

1 student for at least three (3) years prior to becoming eligible to  
2 apply as a transfer student may be allowed to transfer to the school  
3 district regardless of capacity.

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

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

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

14 2. A history of absences as a basis for denial of a transfer.  
15 For the purposes of this section, "history of absences" means ten or  
16 more absences in one semester that are not excused for the reasons  
17 provided for in subsection B of Section 10-105 of this title or due  
18 to illness.

19 The policy shall be publicly posted on the school district  
20 website.

21 C. By the first day of January, April, July and October, the  
22 school district board of education shall establish the number of  
23 transfer students the school district has the capacity to accept in  
24 each grade level for each school site within a school district.

1 D. After establishing the number of transfer students the  
2 school district has the capacity to accept in each grade level for  
3 each school site within a school district, the board of education  
4 shall:

5 1. Publish in a prominent place on the school district website  
6 the number of transfer students for each grade level for each school  
7 site within a school district which the school district has the  
8 capacity to accept; and

9 2. Report to the State Department of Education the number of  
10 transfer students for each grade level for each school site within a  
11 school district which the school district has the capacity to  
12 accept.

13 E. If a transfer request is denied by the school district, the  
14 parent of the student may appeal the denial within ten (10) days of  
15 notification of the denial to the receiving school district board of  
16 education. The receiving school district board of education shall  
17 consider the appeal at its next regularly scheduled board meeting.  
18 If the receiving school district board of education denies the  
19 appeal, the parent of the student may appeal the denial within ten  
20 (10) days of notification of the appeal denial to the State Board of  
21 Education. The parent shall submit to the State Board of Education  
22 and the superintendent of the receiving school a notice of appeal on  
23 a form prescribed by the State Board of Education. The appeal shall  
24 be considered by the State Board of Education at its next regularly

1 scheduled meeting, where the parent and a representative from the  
2 receiving school district may address the Board. If the denial by  
3 the receiving school district board of education was in accordance  
4 with the policy adopted by the board as provided in subsection B of  
5 this section, the appeal shall be denied. The State Board of  
6 Education shall promulgate rules to establish the appeals process  
7 authorized by this subsection.

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

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

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1       SECTION 2. It being immediately necessary for the preservation  
2 of the public peace, health or safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

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