

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1088

By: Lowe (Dick)

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5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2021,  
8 Sections 8-101 and 8-101.2, as amended by Section 1,  
9 Chapter 193, O.S.L. 2022 (70 O.S. Supp. 2024, Section  
10 8-101.2), which relate to transfer students; allowing  
11 certain students to transfer to adjacent school  
12 district; directing automatic approval of transfer;  
13 excepting certain capacity requirements for transfer  
14 to adjacent school district; mandating student comply  
15 with certain transfer requirements if receiving  
16 district is not adjacent to district of residence;  
17 deleting automatic transfer to any school district  
18 for certain students; and providing an effective  
19 date.

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

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

23 Section 8-101. A. Any student residing in a school district  
24 that does not offer the grade which the student is entitled to  
25 pursue shall be allowed to transfer to a school district ~~inside or~~  
26 ~~outside of the transportation area in which~~ is adjacent to the  
27 school district where the student resides ~~which~~ and offers the grade

1 the student is entitled to pursue. The district to which the  
2 student transfers shall be referred to as the receiving district.

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

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

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

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

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

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

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

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

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

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

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

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

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.

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SECTION 3. This act shall become effective November 1, 2025.

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