

1 ENGROSSED HOUSE
2 BILL NO. 3048

By: Boles of the House

3 and

4 Garvin of the Senate

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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. 2023, Section 8-
10 101.2), which relates to the Education Open Transfer
11 Act; modifying criteria for appeals process; and
12 providing an effective date.

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. 2023,
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.

24 SECTION 2. This act shall become effective November 1, 2024.

1 Passed the House of Representatives the 11th day of March, 2024.

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4 Presiding Officer of the House
5 of Representatives

6 Passed the Senate the ___ day of _____, 2024.

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9 Presiding Officer of the Senate