



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 and the denial is not based on the policy of the receiving  
24 school district as provided in subsection B of this section, the

1 parent of the student may appeal the denial within ten (10) days of  
2 notification of the appeal denial to the State Board of Education.  
3 The parent shall submit to the State Board of Education and the  
4 superintendent of the receiving school a notice of appeal on a form  
5 prescribed by the State Board of Education. The appeal shall be  
6 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 2. This act shall become effective November 1, 2024.  
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5 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/13/2024  
6 - DO PASS, As Coauthored.  
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