

1 **SENATE FLOOR VERSION**

2 February 27, 2024

3 SENATE BILL NO. 1911

By: Treat

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5  
6 An Act relating to student transfers; amending 70  
7 O.S. 2021, Section 8-101.2, as amended by Section 1,  
8 Chapter 193, O.S.L. 2022 (70 O.S. Supp. 2023, Section  
9 8-101.2), which relates to transfers from resident  
10 school districts; requiring school district boards of  
11 education to electronically submit certain annual  
12 report; providing for contents of report; requiring a  
13 school district to comply with certain changes  
14 recommended in certain audit; requiring the Office of  
15 Educational Quality and Accountability to  
16 electronically submit certain annual report;  
17 providing for contents of report; directing the State  
18 Department of Education to review certain findings;  
19 providing for reduction in state funding upon finding  
20 of certain willful violation; providing an effective  
21 date; and declaring an emergency.

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

23 SECTION 1. AMENDATORY 70 O.S. 2021, Section 8-101.2, as  
24 amended by Section 1, Chapter 193, O.S.L. 2022 (70 O.S. Supp. 2023,  
Section 8-101.2), is amended to read as follows:

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

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

1 more school districts in which the student does not reside, provided  
2 that the student may always reenroll at any time in his or her  
3 school district of residence. At the discretion of the receiving  
4 district, a student who has attended a school district as a resident  
5 student for at least three (3) years prior to becoming eligible to  
6 apply as a transfer student may be allowed to transfer to the school  
7 district regardless of capacity.

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

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

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

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

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

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 electronically  
10 submit an annual report to the State Department of Education, the  
11 Governor, the President Pro Tempore of the Senate, the Speaker of  
12 the House of Representatives, and the chairs of the committees with  
13 responsibility over common education in both houses of the  
14 Legislature. The report shall include a copy of the student  
15 transfer policy adopted pursuant to subsection B of this section,  
16 the number of student transfer requests received and the resident  
17 district of the students requesting a transfer, and the number of  
18 student transfers approved and denied and whether each denial was  
19 based on capacity, acts and reasons outlined in Section 24-101.3 of  
20 this title, or a history of absences as provided for in paragraph 2  
21 of subsection B of this section. The State Department of Education  
22 shall publish the data on its website and make the data available to  
23 the Office of Educational Quality and Accountability.

24

1 G. Each year, the Office of Educational Quality and  
2 Accountability shall randomly select ten percent (10%) of the school  
3 districts in the state and conduct an audit of each district's  
4 approved and denied transfers based on the provisions of the  
5 policies adopted by the respective school district board of  
6 education. If the Office finds inaccurate reporting of capacity  
7 levels by a school district, ~~the Office shall set the capacity for~~  
8 the school district shall comply with the changes recommended in the  
9 audit.

10 H. The Office of Educational Quality and Accountability shall  
11 electronically submit an annual report to the State Department of  
12 Education, the Governor, the President Pro Tempore of the Senate,  
13 the Speaker of the House of Representatives, and the chairs of the  
14 committees with responsibility over common education in both houses  
15 of the Legislature. The report shall include the following  
16 information for school districts that were audited pursuant to  
17 subsection G of this section:

18 1. The student transfer policy adopted pursuant to subsection B  
19 of this section for each audited school district;

20 2. The number of student transfer requests received by each  
21 audited school district and the resident district of the students  
22 requesting a transfer;

23 3. The number of student transfers approved and denied by each  
24 audited school district and whether each denial was based on

1 capacity, acts and reasons outlined in Section 24-101.3 of this  
2 title, or a history of absences as provided for in paragraph 2 of  
3 subsection B of this section;

4 4. Any findings of willful violations of the Education Open  
5 Transfer Act by any audited school district; and

6 5. Any changes recommended by the Office to each audited school  
7 district.

8 I. Upon receipt of the report required by subsection H of this  
9 section, the State Department of Education shall review any findings  
10 of willful violations of the Education Open Transfer Act by an  
11 audited school district and submit its review to the State Board of  
12 Education. Upon a finding by the State Board of Education that a  
13 school district willfully violated the Education Open Transfer Act,  
14 the school district shall receive a five percent (5%) decrease in  
15 state funding for the fiscal year following the year the school  
16 district has been found to have willfully violated the Education  
17 Open Transfer Act.

18 SECTION 2. This act shall become effective July 1, 2024.

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

23 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION  
24 February 27, 2024 - DO PASS