

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1554

By: Garvin

AS INTRODUCED

An Act relating to student transfers; amending 70 O.S. 2021, Section 8-101.2, as amended by Section 1, Chapter 193, O.S.L. 2022 (70 O.S. Supp. 2023, Section 8-101.2), which relates to transfers from resident school districts; requiring school district board of education to include in its transfer policy certain exception for certain emergency transfer; directing approval of requests for emergency transfer under certain circumstances; allowing a transfer policy to include certain provision for prohibiting the transfer of certain student under certain circumstances; updating statutory language; providing for electronic submission of certain information; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 8-101.2, as 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

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

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

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

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

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

19 2. A history of absences as a basis for denial of a transfer.

20 For the purposes of this section, "history of absences" means ten or  
21 more absences in one semester that are not excused for the reasons  
22 provided for in subsection B of Section 10-105 of this title or due  
23 to illness.

1 The policy shall be publicly posted on the school district  
2 website.

3 C. 1. Each school district board of education shall include in  
4 its transfer policy adopted pursuant to subsection B of this section  
5 an exception for the emergency transfer of a student who has been  
6 the victim of bullying or threatening behavior as defined in Section  
7 24-100.3 of this title. The parent of the student shall file a  
8 written application for an emergency transfer with the  
9 superintendent of the receiving school district. Upon verification  
10 by the receiving school district that the student was the victim of  
11 bullying or threatening behavior and that the sending school  
12 district was notified of the incident or incidents prior to the  
13 filing of the request to transfer, the receiving school district  
14 shall approve the transfer.

15 2. The transfer policy may include a provision prohibiting the  
16 transfer of a student who committed bullying or threatening behavior  
17 against a student granted an emergency transfer pursuant to  
18 paragraph 1 of this subsection if the receiving school district  
19 receives verification from the sending school district that it was  
20 notified of the incident or incidents prior to the filing of the  
21 request to transfer.

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

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

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

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

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

1 appeal on a form prescribed by the State Board of Education. The  
2 appeal shall be considered by the State Board of Education at its  
3 next regularly scheduled meeting, where the parent and a  
4 representative from the receiving school district may address the  
5 Board. The State Board of Education shall promulgate rules to  
6 establish the appeals process authorized by this subsection.

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

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

23 SECTION 2. This act shall become effective July 1, 2024.  
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1           SECTION 3. 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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