

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1911

By: Treat

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7 AS INTRODUCED

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

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

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

23 Section 8-101.2. A. Except as provided in subsection B of this
24 section, on and after January 1, 2022, the transfer of a student

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

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

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

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

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

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

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

3 The policy shall be publicly posted on the school district
4 website.

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

9 D. After establishing the number of transfer students the
10 school district has the capacity to accept in each grade level for
11 each school site within a school district, the board of education
12 shall:

13 1. Publish in a prominent place on the school district website
14 the number of transfer students for each grade level for each school
15 site within a school district which the school district has the
16 capacity to accept; and

17 2. Report to the State Department of Education the number of
18 transfer students for each grade level for each school site within a
19 school district which the school district has the capacity to
20 accept.

21 E. If a transfer request is denied by the school district, the
22 parent of the student may appeal the denial within ten (10) days of
23 notification of the denial to the receiving school district board of
24 education. The receiving school district board of education shall

1 consider the appeal at its next regularly scheduled board meeting.
2 If the receiving school district board of education denies the
3 appeal, the parent of the student may appeal the denial within ten
4 (10) days of notification of the appeal denial to the State Board of
5 Education. The parent shall submit to the State Board of Education
6 and the superintendent of the receiving school a notice of appeal on
7 a form prescribed by the State Board of Education. The appeal shall
8 be considered by the State Board of Education at its next regularly
9 scheduled meeting, where the parent and a representative from the
10 receiving school district may address the Board. The State Board of
11 Education shall promulgate rules to establish the appeals process
12 authorized by this subsection.

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

1 of subsection B of this section. The State Department of Education
2 shall publish the data on its website and make the data available to
3 the Office of Educational Quality and Accountability.

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

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

21 1. The student transfer policy adopted pursuant to subsection B
22 of this section for each audited school district;
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1 2. The number of student transfer requests received by each
2 audited school district and the resident district of the students
3 requesting a transfer;

4 3. The number of student transfers approved and denied by each
5 audited school district and whether each denial was based on
6 capacity, acts and reasons outlined in Section 24-101.3 of this
7 title, or a history of absences as provided for in paragraph 2 of
8 subsection B of this section;

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

11 5. Any changes recommended by the Office to each audited school
12 district.

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

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

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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