

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 1522

By: Lowe (Dick)

7 POLICY COMMITTEE RECOMMENDATION

8 An Act relating to schools; amending 70 O.S. 2021,
9 Section 8-101.2, as amended by Section 1, Chapter
10 193, O.S.L. 2022 (70 O.S. Supp. 2024, Section 8-
11 101.2), which relates to the Education Open Transfer
12 Act; mandating that inter-district transfer students
13 stay in the transferred district continuously;
14 clarifying and limiting exceptions for continual
15 inter-district transfers; modifying criteria for
16 appeals process; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 70 O.S. 2021, Section 8-101.2, as
19 amended by Section 1, Chapter 193, O.S.L. 2022 (70 O.S. Supp. 2024,
20 Section 8-101.2), is amended to read as follows:

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

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~~ shall automatically
9 continue to attend the school each school year to which the student
10 transferred ~~with the approval of the receiving district~~ unless the
11 school district denies the continued transfer for the reasons
12 outlined in paragraphs 1 and 2 of subsection B of this section. At
13 the end of each school year, a school district may only deny
14 continued transfer of the student for the reasons outlined in
15 paragraphs 1 and 2 of subsection B of this section. Any brother or
16 sister of a student who transfers may attend the school district to
17 which the student transferred, if the school district policy gives
18 preference to sibling transfers regardless of capacity, and the
19 brother or sister of the transferred student does not meet a basis
20 for denial as outlined in paragraphs 1 and 2 of subsection B of this
21 section. Any child in the custody of the Department of Human
22 Services in foster care who is living in the home of a student who
23 transfers may attend the school district to which the student
24 transferred. Except for a child in the custody of the Department of

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

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

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

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

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

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

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

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

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

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

19 E. If a transfer request is denied by the school district, the
20 parent of the student may appeal the denial within ten (10) days of
21 notification of the denial to the receiving school district board of
22 education. The receiving school district board of education shall
23 consider the appeal at its next regularly scheduled board meeting.
24 If the receiving school district board of education denies the

1 appeal, the parent of the student may appeal the denial within ten
2 (10) days of notification of the appeal denial to the State Board of
3 Education. The parent shall submit to the State Board of Education
4 and the superintendent of the receiving school a notice of appeal on
5 a form prescribed by the State Board of Education. ~~The appeal shall~~
6 ~~be 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.~~ An appeal shall
9 only be considered by the State Board of Education at the next
10 regularly scheduled meeting, where the parent and a representative
11 from the receiving school district may address the Board if the
12 State Board of Education has not been provided the receiving school
13 district's adopted policy and the denial was not in accordance with
14 subsection B, C, or D of this section. The State Board of Education
15 shall promulgate rules to establish the appeals process authorized
16 by this subsection.

17 F. Each school district board of education shall submit to the
18 State Department of Education the number of student transfers
19 approved and denied and whether each denial was based on capacity,
20 acts and reasons outlined in Section 24-101.3 of this title or a
21 history of absences as provided for in paragraph 2 of subsection B
22 of this section. The State Department of Education shall publish
23 the data on its website and make the data available to the Office of
24 Educational Quality and Accountability.

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.

9 SECTION 2. It being immediately necessary for the preservation
10 of the public peace, health or safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

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