1 ENGROSSED HOUSE
   BILL NO. 1936   By: McCall of the House
2
                                          and
3
                                   Treat of the Senate
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7   An Act relating to schools; requiring school
           districts to approve intra-district transfer of
8   students; providing an exception if school site has
           reached capacity; directing selection of intra-
9   district transfer students if capacity is exceeded;
           authorizing board of education to determine capacity;
10   allowing intra-district transfer student to continue
           attendance; authorizing denial of continued intra-
11   district transfer; permitting intra-district transfer
           for certain children living in a home; directing
12   board to adopt policy for student capacity; setting
           deadline for adoption of policy; including
13   preferential treatment for certain students in
           policy; authorizing inclusion of certain reasons for
14   intra-district transfer denial; directing posting of
           policy on district website; requiring determination
15   of intra-district capacity to be made by the first
           day of certain months; directing publication on
16   school district website; directing submission of
           certain report to the State Department of Education;
17   providing for codification; providing an effective
           date; and declaring an emergency.
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20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21   SECTION 1.   NEW LAW   A new section of law to be codified

22 in the Oklahoma Statutes as Section 8-114 of Title 70, unless there

23 is created a duplication in numbering, reads as follows:

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1   A. Except as provided in subsection B of this section,

2 beginning July 1, 2023, the transfer of a student from one school

3 site to another school site within the school district where the

4 student resides shall be approved at any time in the year, unless

5 the grade level of the receiving school site has reached capacity.

6 If the capacity of a grade level is insufficient to enroll all

7 eligible students, the school district shall select intra-district

8 transfer students based on the preferences outlined in paragraph 1

9 of subsection B of this section and then in the order in which the

10 intra-district transfer applications were received. The capacity of

11 a school site shall be determined by the school district board of

12 education based on its policy adopted pursuant to subsection B of

13 this section. A student may be granted a one-year intra-district

14 transfer and may automatically continue to attend the school each

15 school year to which the student transferred with the approval of

16 the school district. At the end of each school year, a school

17 district may deny continued intra-district transfer of the student

18 for the reasons outlined in paragraphs 2 and 3 of subsection B of

19 this section. Any sibling of a student who transfers intra-district

20 may attend the school site to which the student transferred, if the

21 school district policy gives preference to sibling transfers

22 regardless of capacity, and the sibling of the transferred student

23 does not meet a basis for denial as outlined in paragraphs 2 and 3

24 of subsection B of this section. Any child in the custody of the

Department of Human Services in foster care who is living in the
home of a student who transfers intra-district, may attend the
school site to which the student transferred.

B.   Each school district board of education shall adopt a policy
to determine the number of intra-district transfer students the
school district has the capacity to accept in each grade level for
each school site within a school district no later than July 1,
2023.   The policy shall be publicly posted on the school district
website.   The policy:

1.   Shall include an enrollment preference and reserve capacity
for:

     a.   students who reside in the school site boundary,

     b.   students who attended the school site the prior school
         year, and

     c.   siblings of students who are already enrolled at the
         school site;

2.   May include the acts and reasons outlined in Section 24-
101.3 of Title 70 of the Oklahoma Statutes as a basis for denial of
an intra-district transfer; and

3.   May include a history of absences as a basis for denial of
an intra-district transfer.   For the purposes of this section,
"history of absences" means ten or more absences in one semester
that are not excused for the reasons provided in subsection B of

Section 10-105 of Title 70 of the Oklahoma Statutes or due to illness.

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

D. After establishing the number of intra-district transfer students the school district has the capacity to accept in each grade level for each school site, the board of education shall:

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

2. Report to the State Department of Education the number of intra-district transfer students for each grade level for each school site within the school district which the district has the capacity to accept.

SECTION 2. This act shall become effective July 1, 2023.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and

2 be in full force from and after its passage and approval.

3   Passed the House of Representatives the 14th day of March, 2023.

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6   Presiding Officer of the House
                                              of Representatives

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8   Passed the Senate the ___ day of _____, 2023.

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10   _____
                                       Presiding Officer of the Senate

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