

1 **SENATE FLOOR VERSION**

2 April 11, 2023

3 ENGROSSED HOUSE
4 BILL NO. 1936

By: McCall and Baker of the
House

5 and

6 Treat of the Senate

7
8
9 An Act relating to schools; requiring school
10 districts to approve intra-district transfer of
11 students; providing an exception if school site has
12 reached capacity; directing selection of intra-
13 district transfer students if capacity is exceeded;
14 authorizing board of education to determine capacity;
15 allowing intra-district transfer student to continue
16 attendance; authorizing denial of continued intra-
17 district transfer; permitting intra-district transfer
18 for certain children living in a home; directing
19 board to adopt policy for student capacity; setting
20 deadline for adoption of policy; including
21 preferential treatment for certain students in
22 policy; authorizing inclusion of certain reasons for
23 intra-district transfer denial; directing posting of
24 policy on district website; requiring determination
of intra-district capacity to be made by the first
day of certain months; directing publication on
school district website; directing submission of
certain report to the State Department of Education;
providing for codification; providing an effective
date; and declaring an emergency.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 8-114 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Except as provided in subsection B of this section,
5 beginning July 1, 2023, the transfer of a student from one school
6 site to another school site within the school district where the
7 student resides shall be approved at any time in the year, unless
8 the grade level of the receiving school site has reached capacity.
9 If the capacity of a grade level is insufficient to enroll all
10 eligible students, the school district shall select intra-district
11 transfer students based on the preferences outlined in paragraph 1
12 of subsection B of this section and then in the order in which the
13 intra-district transfer applications were received. The capacity of
14 a school site shall be determined by the school district board of
15 education based on its policy adopted pursuant to subsection B of
16 this section. A student may be granted a one-year intra-district
17 transfer and may automatically continue to attend the school each
18 school year to which the student transferred with the approval of
19 the school district. At the end of each school year, a school
20 district may deny continued intra-district transfer of the student
21 for the reasons outlined in paragraphs 2 and 3 of subsection B of
22 this section. Any sibling of a student who transfers intra-district
23 may attend the school site to which the student transferred, if the
24 school district policy gives preference to sibling transfers

1 regardless of capacity, and the sibling of the transferred student
2 does not meet a basis for denial as outlined in paragraphs 2 and 3
3 of subsection B of this section. Any child in the custody of the
4 Department of Human Services in foster care who is living in the
5 home of a student who transfers intra-district, may attend the
6 school site to which the student transferred.

7 B. Each school district board of education shall adopt a policy
8 to determine the number of intra-district transfer students the
9 school district has the capacity to accept in each grade level for
10 each school site within a school district no later than July 1,
11 2023. The policy shall be publicly posted on the school district
12 website. The policy:

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

- 15 a. students who reside in the school site boundary,
- 16 b. students who attended the school site the prior school
17 year, and
- 18 c. siblings of students who are already enrolled at the
19 school site;

20 2. May include the acts and reasons outlined in Section 24-
21 101.3 of Title 70 of the Oklahoma Statutes as a basis for denial of
22 an intra-district transfer; and

23 3. May include a history of absences as a basis for denial of
24 an intra-district transfer. For the purposes of this section,

1 "history of absences" means ten or more absences in one semester
2 that are not excused for the reasons provided in subsection B of
3 Section 10-105 of Title 70 of the Oklahoma Statutes or due to
4 illness.

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

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

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

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

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

22 SECTION 3. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
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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 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
4 April 11, 2023 - DO PASS

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