

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1476

By: Quinn

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5
6 AS INTRODUCED

7 An Act relating to student transfers; amending 70
8 O.S. 2011, Section 8-101.2, as amended by Section 2,
9 Chapter 363, O.S.L. 2015 (70 O.S. Supp. 2019, Section
10 8-101.2), which relates to student transfers from the
11 residential school district; requiring certain
12 transfers to be granted if certain application is
13 filed by certain date; removing language related to
14 the approval of transfers by a receiving district;
15 amending 70 O.S. 2011, Section 8-103, as amended by
16 Section 1, Chapter 184, O.S.L. 2013 (70 O.S. Supp.
17 2019, Section 8-103), which relates to transfer
18 procedures; removing language related to the denial
19 of transfers; updating statutory reference; amending
20 70 O.S. 2011, Section 8-103.1, as amended by Section
21 2, Chapter 285, O.S.L. 2013 (70 O.S. Supp. 2019,
22 Section 8-103.1), which relates to the transfer of
23 students not living in a district; removing language
24 related to denial of certain transfers; amending 70
O.S. 2011, Section 8-113, which relates to the
transfer of students whose parent or legal guardian
is a teacher; removing language regarding approval of
certain transfer; providing an effective date; and
declaring an emergency.

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

22 SECTION 1. AMENDATORY 70 O.S. 2011, Section 8-101.2, as
23 amended by Section 2, Chapter 363, O.S.L. 2015 (70 O.S. Supp. 2019,
24 Section 8-101.2), is amended to read as follows:

1 Section 8-101.2. A. On and after ~~January 1, 2000~~ the effective
2 date of this act, the transfer of a student from the district in
3 which the student resides to another school district furnishing
4 instruction in the grade the student is entitled to pursue shall be
5 granted if the transfer ~~has the approval of the board of education~~
6 ~~of the receiving district~~ application has been filed by the deadline
7 established in Section 8-103 of this title. A student granted a
8 transfer may continue to attend the school to which the student
9 transferred ~~with the approval of the receiving district only~~. Any
10 brother or sister of a student granted a transfer and any child in
11 the custody of the Department of Human Services in foster care who
12 is living in the home of a student granted a transfer may attend the
13 school to which the student transferred ~~with the approval of the~~
14 ~~receiving district only~~. Except for a child in the custody of the
15 Department of Human Services in foster care, no student shall be
16 permitted to transfer more than once in any school year.

17 ~~If the grade a student is entitled to pursue is not offered in~~
18 ~~the district where the student resides, the transfer shall be~~
19 ~~automatically approved.~~

20 B. When a student has been transferred and later changes
21 residence to another school district in the State of Oklahoma, the
22 student shall be entitled to continue to attend school in the
23 district to which the student was transferred. If a change of
24 residence is to the district to which the student was transferred,

1 upon affidavit of the parent of the student, that district shall
2 become the resident district. If a student changes residence to
3 another district during the school year which is not the same
4 district the student transferred to, the student shall be entitled
5 to attend school in either the receiving district or the new
6 district of residence for the remainder of the current year.

7 C. Any student transfer approved for any reason prior to
8 ~~January 1, 2000,~~ the effective date of this act shall continue to be
9 valid and shall not be subject to the Education Open Transfer Act
10 unless the parent having custody chooses otherwise.

11 SECTION 2. AMENDATORY 70 O.S. 2011, Section 8-103, as
12 amended by Section 1, Chapter 184, O.S.L. 2013 (70 O.S. Supp. 2019,
13 Section 8-103), is amended to read as follows:

14 Section 8-103. A. In order that any student may be
15 transferred, an application form specified by the State Board of
16 Education must be completed by the parents of the student. For
17 purposes of the Education Open Transfer Act, the term "parent" means
18 the parent of the student or person having custody of the student as
19 provided for in paragraph 1 of subsection A of Section 1-113 of this
20 title. The application shall be obtained from and filed with the
21 superintendent of the receiving school district for transfers to
22 school districts in the State of Oklahoma and with the State Board
23 of Education for transfers to school districts in another state.
24 Except as otherwise provided for in this section, applications shall

1 be filed no later than May 31 of the school year preceding the
2 school year for which the transfer is desired. By May 31 of the
3 same school year, the receiving school district shall notify the
4 resident school district that an application for transfer has been
5 filed by a student enrolled in the resident school district. The
6 board of education of the receiving school district shall approve ~~or~~
7 ~~deny~~ the application for transfer not later than July 15 of the same
8 year and shall notify the parents of the student of the decision.
9 By August 1 of the same year, the parents of the student shall
10 notify the receiving school district that the student will be
11 enrolling in that school district. Failure of parents to notify the
12 district as required may result in loss of the student's right to
13 enroll in the district for that year.

14 B. On or before September 1, it shall be the duty of the
15 superintendent of the receiving school district to file with the
16 State Board of Education and each resident district a statement
17 showing the names of the students granted transfers to the school
18 district, the resident school district of the transferred students
19 and their respective grade level.

20 C. The receiving school district of a student transferred
21 pursuant to the provisions of ~~this act~~ the Education Open Transfer
22 Act shall notify the resident school district and parents of the
23 student of a cancellation of the transfer. Such notice shall be
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1 made by July 15 prior to the school year for which the cancellation
2 is applicable.

3 D. For students who are deaf or hearing impaired who wish to
4 transfer to a school district with a specialized deaf education
5 program, applications may be filed at any time during the school
6 year. ~~Upon approval of the receiving school district, the~~ The
7 student may transfer to the receiving school district at any time
8 during the school year.

9 SECTION 3. AMENDATORY 70 O.S. 2011, Section 8-103.1, as
10 amended by Section 2, Chapter 285, O.S.L. 2013 (70 O.S. Supp. 2019,
11 Section 8-103.1), is amended to read as follows:

12 Section 8-103.1. A. A local school district board of education
13 which receives a request for a transfer for a student who does not
14 reside in the school district ~~may refuse~~ shall approve the transfer
15 in accordance with the provisions of the open transfer policy
16 adopted by the local school district board of education and subject
17 to the provisions of subsection B of this section. Each local board
18 of education shall adopt an open transfer policy for the school
19 district which specifies its criteria and standards for ~~approval of~~
20 transfers of students who do not reside in the district. ~~The policy~~
21 ~~shall include, but shall not be limited to, provisions relating to~~
22 ~~the availability of programs, staff, or space as criteria for~~
23 ~~approval or denial of transfers.~~ A school district may include in
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1 the policy as the basis for denial of a transfer, the reasons
2 outlined in Section 24-101.3 of this title.

3 In considering requests for students to transfer into a school
4 district, the board of education shall consider the requests on a
5 first-come, first-serve basis. A school district shall not ~~accept~~
6 ~~or~~ deny a transfer based on ethnicity, national origin, gender,
7 income level, disabling condition, proficiency in the English
8 language, measure of achievement, aptitude, or athletic ability.

9 Notwithstanding the provisions of the Education Open Transfer
10 Act, transfers of children with disabilities shall be granted as
11 authorized in Section 13-103 of this title.

12 B. A local school district board of education shall adopt a
13 policy for the school district regarding the transfer of students
14 who are the dependent children of a member of the active uniformed
15 military services of the United States on full-time active duty
16 status and for whom Oklahoma is the home of record and students who
17 are the dependent children of a member of the military reserve on
18 active duty orders and for whom Oklahoma is the home of record. The
19 policy shall provide for the approval of the transfer if:

20 1. At least one parent of the student has a Department of
21 Defense-issued identification card;

22 2. At least one parent can provide evidence that he or she will
23 be on active duty status or active duty orders, meaning the parent
24 will be temporarily transferred in compliance with official orders

1 to another location in support of combat, contingency operation or a
2 natural disaster requiring the use of orders for more than thirty
3 (30) consecutive days; and

4 3. The student will be residing with a relative of the student
5 who lives in the receiving school district or who will be living in
6 the receiving school district within six (6) months of the filing of
7 the application for transfer.

8 SECTION 4. AMENDATORY 70 O.S. 2011, Section 8-113, is
9 amended to read as follows:

10 Section 8-113. A student shall be allowed to transfer to a
11 school district in which the parent or legal guardian of the student
12 is employed as a teacher, as defined in Section 1-116 of ~~Title 70 of~~
13 ~~the Oklahoma Statutes, upon the approval of the receiving district~~
14 only this title.

15 SECTION 5. This act shall become effective July 1, 2020.

16 SECTION 6. It being immediately necessary for the preservation
17 of the public peace, health or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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