

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1159

By: Tedford

6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2021,
8 Sections 8-101.2, as amended by Section 1, Chapter
9 193, O.S.L. 2022, and Section 1, Chapter 368, O.S.L.
10 2024 (70 O.S. Supp. 2024, Sections 8-101.2 and 8-
11 114), which relate to student transfers; prohibiting
12 appeals of certain transfer decisions; clarifying
13 appealable transfer decisions; describing intra-
district transfer options within adjusted attendance
zones; permitting intra-district transfers for
specialized programs in certain circumstances;
modifying the amount of intra-district transfers per
school year; providing an effective date; and
declaring an emergency.

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

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

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

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

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

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

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

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

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

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

23 The policy shall be publicly posted on the school district
24 website.

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

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

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

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

17 E. If a transfer request is denied by the school district based
18 on capacities set and approved by the receiving school district's
19 board of education, the denial shall not be subject to appeal. If
20 the transfer request is denied based on attendance or discipline,
21 the parent of the student may appeal the denial within ten (10) days
22 of notification of the denial to the receiving school district board
23 of education. The receiving school district board of education
24 shall consider the appeal at its next regularly scheduled board

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

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

22 G. Each year, the Office of Educational Quality and
23 Accountability shall randomly select ten percent (10%) of the school
24 districts in the state and conduct an audit of each district's

1 approved and denied transfers based on the provisions of the
2 policies adopted by the respective school district board of
3 education. If the Office finds inaccurate reporting of capacity
4 levels by a school district, the Office shall set the capacity for
5 the school district.

6 SECTION 2. AMENDATORY Section 1, Chapter 368, O.S.L.

7 2024 (70 O.S. Supp. 2024, Section 8-114), is amended to read as
8 follows:

9 Section 8-114. A. Except as provided in subsection B of this
10 section, beginning July 1, 2024, the transfer of a student from one
11 school site to another school site within the school district where
12 the student resides shall be approved at any time in the year,

13 unless the grade level of the receiving school site has reached
14 capacity. If the capacity of a grade level is insufficient to

15 enroll all eligible students, the school district shall select
16 intra-district transfer students based on the preferences outlined

17 in paragraph 1 of subsection B of this section and then in the order
18 in which the intra-district transfer applications were received.

19 The school district board of education shall determine the capacity
20 of a school site based on its policy adopted pursuant to subsection

21 B of this section. A student may be granted a one-year intra-
22 district transfer and may automatically continue to attend the

23 school site where the student transferred each school year with the
24 approval of the school district. Students previously granted an

1 intra-district transfer may have the option to continue an intra-
2 district transfer as they transition to the next school in the
3 attendance zone pattern. At the end of each school year, a school
4 district may deny continued intra-district transfer of the student
5 for the reasons outlined in paragraphs 2 and 3 of subsection B of
6 this section. Districts may also deny an intra-district transfer
7 request when the district has adjusted attendance zones for managing
8 student enrollment.

9 1. Any sibling of a student who transfers intra-district may
10 attend the school site to which the student transferred if the
11 school district policy gives preference to sibling transfers
12 regardless of capacity and the sibling of the transferred student
13 does not meet a basis for denial as outlined in paragraphs 2 and 3
14 of subsection B of this section.

15 2. The child of a school district employee who resides in the
16 school district but wishes to attend a different school site within
17 the school district where the student resides may be granted an
18 intra-district transfer if the school district policy gives
19 preference to the transfer of children of school district employees
20 and the student does not meet a basis for denial as outlined in
21 paragraphs 2 and 3 of subsection B of this section.

22 3. A student who changes residence within a school district and
23 who wishes to attend the same school site may be granted an intra-
24 district transfer if the school district policy gives preference to

1 such transfers and the student does not meet a basis for denial as
2 outlined in paragraphs 2 and 3 of subsection B of this section.

3 4. A student may be granted an intra-district transfer to
4 participate in specialized programs within the district if the
5 school district policy gives preference to such transfers and the
6 student does not meet a basis for denial as outlined in paragraphs 2
7 and 3 of subsection B of this section.

8 5. Any child in the custody of the Department of Human Services
9 and living in foster care who resides in the home of another student
10 who transfers intra-district may attend the school site to which the
11 student transferred.

12 Except for a child in the custody of the Department of Human
13 Services in foster care, an intra-district transfer student shall
14 not transfer more than ~~two times~~ one time per school year to other
15 school sites within the school district where the student resides,
16 provided that the student may always reenroll at any time in his or
17 her school site of residence.

18 B. Each school district board of education shall adopt a policy
19 to determine the number of intra-district transfer students the
20 school district has the capacity to accept in each grade level for
21 each school site within a school district no later than July 1,
22 2024. The policy shall be publicly posted on the school district
23 website. The policy:

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

- 3 a. students who reside in the school site boundary,
- 4 b. students who attended the school site the prior school
5 year,
- 6 c. siblings of students who are already enrolled at the
7 school site,
- 8 d. children of school district employees who wish to
9 attend a different school site within the school
10 district, and
- 11 e. students who change residence within a school district
12 and who wish to attend the same school site;

13 2. May include the acts and reasons outlined in Section 24-
14 101.3 of Title 70 of the Oklahoma Statutes as a basis for denial of
15 an intra-district transfer; and

16 3. May include a history of absences as a basis for denial of
17 an intra-district transfer. For the purposes of this section,
18 "history of absences" means ten or more absences in one semester
19 that are not excused for the reasons provided in subsection B of
20 Section 10-105 of Title 70 of the Oklahoma Statutes or due to
21 illness.

22 C. By the first day of January, April, July, and October of
23 each year, the school district board of education shall establish
24 the number of intra-district transfer students the school district

1 has the capacity to accept in each grade level for each school site
2 within the district.

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

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

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

14 SECTION 3. This act shall become effective July 1, 2025.

15 SECTION 4. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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