



ROSENSTEIN, FIST & RINGOLD

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## RED BANNER UPDATE

**Date:** June 11, 2024

**Re:** HB 3386

**Signed:** May 30, 2024

**Effective:** May 30, 2024

**Topic:** Student Transfers

**Summary:** This bill creates a new law (70 O.S. § 8-114) and amends existing law (70 O.S. § 13-103) regarding intra-district transfers of students, and district to district transfers by students with disabilities.

The new law provides that beginning July 1, 2024, a student may transfer between school sites at any time during the year unless the student's grade level has reached capacity at the receiving site. If the grade level has reached capacity, the intra-district transfer students will be selected based on certain preferences. The new law covers intra-district transfers of siblings, students of district employees, students changing their residence within the district and students in DHS foster care.

Given preference for which a district may reserve capacity for intra-district transfers are:

- a. students who reside in the school site boundary,
- b. students who attended the school site the prior school year,
- c. siblings of students who are already enrolled at the school site,
- d. children of school district employees who wish to attend a different school site within the school district, and
- e. students who change residence within a school district and who wish to attend the same school site;

Excepting a student in DHS foster care, a student shall not transfer more than two times per school year, but a student may always re-enroll at any time at the student's site of residence.



The bill also provides that the student may be granted a one-year transfer and automatically continue to attend the transfer site with district approval.

The law requires a district's board to 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, 2024. The policy shall be publicly posted on the school district website. A district is also required to establish the number of intra-district transfer students for each grade level at each site on the first day of January, April, July and October, and provide this information on its website and to the OSDE.

The bill amends existing law (70 O.S. § 13-103) regarding a district's denial of a transfer of a student with disabilities from the student's district of residence, setting forth the appeal process. Data regarding approved and denied requests from students with disabilities must be reported annually to the OSDE. In addition, each year the Office of Educational Quality and Accountability will select at random 10% of Oklahoma districts for an audit of approved/denied transfers.

Legal counsel at the firm is currently reviewing this legislation and will be advising clients as to any recommended changes to existing district policies.