



ROSENSTEIN, FIST & RINGOLD

RED BANNER UPDATE

Date: May 8, 2024

Re: SB 1651

Signed: May 1, 2024

Effective: July 1, 2024

Topic: Student Transfers

Summary: This bill amends the current law (70 O.S. § 1-114) regarding transfer students, early childhood education and nonresident tuition. The revised law provides that a child who has not reached the age of five (5) years on or before September 1 and who resides in a district which does not offer an early childhood program shall be eligible for transfer to a district where an early childhood program is offered if the district that offers the early childhood program *has the capacity to accept* the child as provided for in the Education Open Transfer Act. A district offering early childhood programs may refuse to accept a nonresident child if the district does not have *the capacity* to accommodate the child in an early childhood education class.

The revised law also provides that any tuition fee assessed for nonresident students shall not apply to a district that enrolls nonresident students from a contiguous, out-of-state school district **IF** the district:

- a. does not receive payment of any State Aid funds, and
- b. has a per-pupil expenditure, as defined by Section 1-124 of this title, that is above the state average per-pupil expenditure.

The revised law also specifies that a nonresident student whose resident district is not within this state shall not be eligible for State Aid. No local funding associated with the nonresident student's out-of-state resident district shall be allocated or transferred to the receiving district.

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