

1                   **SENATE FLOOR VERSION**

2                   April 15, 2025

3                   **AS AMENDED**

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8  
9 ENGROSSED HOUSE  
BILL NO. 2259

10                  By: Miller and Crosswhite Hader  
11                  of the House

12                  and

13                  Pugh of the Senate

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22 An Act relating to schools; amending 70 O.S. 2021,  
23                  Section 8-103.1, **as amended by Section 1, Chapter 73,**  
24                  **O.S.L. 2021**, and Section 1, Chapter 368, O.S.L. 2024  
25                  (70 O.S. Supp. 2024, Section 8-114), which relate to  
26 school transfers; removing reference to home of  
27 record for military dependent transfers; removing  
28 reference to requirement that parents provide certain  
29 evidence of active duty status for certain transfer  
30 approvals; prohibiting schools from precluding  
31 certain transfer students from enrollment prior to  
32 establishing residency; mandating that intra-district  
33 transfer students stay in the transferred district  
34 continuously; clarifying and limiting exceptions for  
35 continual intra-district transfers; providing  
36 capacity exception for certain military children's  
37 intra-district transfers; prescribing number of  
38 certain post-capacity transfers; defining terms;  
39 **repealing 70 O.S. 2021, Section 8-103.1, as amended**  
40 **by Section 3, Chapter 6, O.S.L. 2021, which relates**  
41 **to the transfer of military dependent transfers;**  
42 providing an effective date; and declaring an  
43 emergency.

44  
45 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY 70 O.S. 2021, Section 8-103.1, **as**

2 **amended by Section 1, Chapter 73, O.S.L. 2021,** is amended to read as  
3 follows:

4       Section 8-103.1. A. A local school district board of education  
5 which receives a request for a transfer for a student who does not  
6 reside in the school district may refuse the transfer in accordance  
7 with the provisions of the open transfer policy adopted by the local  
8 school district board of education and subject to the provisions of  
9 subsections B and C of this section. Each local board of education  
10 shall adopt an open transfer policy for the school district which  
11 specifies its criteria and standards for approval of transfers of  
12 students who do not reside in the district. The policy shall  
13 include, but shall not be limited to, provisions relating to the  
14 availability of programs, staff, or space as criteria for approval  
15 or denial of transfers. A school district may include in the policy  
16 as the basis for denial of a transfer, the reasons outlined in  
17 Section 24-101.3 of this title.

18       In considering requests for students to transfer into a school  
19 district, the board of education shall consider the requests on a  
20 first-come, first-serve basis. A school district shall not accept  
21 or deny a transfer based on ethnicity, national origin, gender,  
22 income level, disabling condition, proficiency in the English  
23 language, measure of achievement, aptitude, or athletic ability.

24

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

4       B. A local school district board of education shall adopt a  
5 policy for the school district regarding the transfer of students  
6 who are the dependent children of a member of the active uniformed  
7 military services of the United States on full-time active duty  
8 status ~~and for whom Oklahoma is the home of record~~ and students who  
9 are the dependent children of a member of the military reserve on  
10 active duty orders ~~and for whom Oklahoma is the home of record~~. The  
11 policy shall provide for the approval of the transfer if:

12       1. At least one parent of the student has a Department of  
13 Defense-issued identification card; and

14       2. ~~At least one parent can provide evidence that he or she will~~  
15 ~~be on active duty status or active duty orders, meaning the parent~~  
16 ~~will be temporarily transferred in compliance with official orders~~  
17 ~~to another location in support of combat, contingency operation or a~~  
18 ~~natural disaster requiring the use of orders for more than thirty~~  
19 ~~(30) consecutive days; and~~

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

1       C. 1. A student shall be considered in compliance with the  
2 residency provisions of Section 1-113 of this title if he or she is  
3 a student whose parent or legal guardian is transferred or is  
4 pending transfer to a military installation within the state while  
5 on active military duty pursuant to an official military order.

6       2. A school district shall accept applications by electronic  
7 means for enrollment including enrollment in a specific school or  
8 program within the school district and course registration for  
9 students described in paragraph 1 of this subsection.

10      3. a. A student shall not be precluded from enrollment prior  
11           to residency as provided in this subsection for any of  
12           the following:

- 13       (1) having an individualized education program or an  
14           individualized family service plan under the  
15           Individuals with Disabilities Education Act, 29  
16           U.S.C., Section 1400 et seq.,  
17       (2) receiving or qualifying for special education  
18           courses or services, or  
19       (3) receiving or qualifying for accommodations or  
20           services under the Rehabilitation Act of 1973, 29  
21           U.S.C., Section 504.

22      b. If the enrolling student is transferring with an  
23           individualized education program, an individualized  
24           family service plan, or a Section 504 plan, the

1                   district board of education shall take the necessary  
2                   steps including, but not limited to, the transfer of  
3                   records and any prior evaluations, the performance of  
4                   reevaluations, if necessary, and meetings to ensure  
5                   that comparable services are in place prior to the  
6                   student's first day of school in the state.

7        4. The parent or legal guardian of a student described in  
8        paragraph 1 of this subsection shall provide proof of residence in  
9        the school district within ten (10) days after the published arrival  
10      date provided on official documentation. A parent or legal guardian  
11      may use the following addresses as proof of residence:

- 12        a. a temporary on-base billeting facility,
- 13        b. a purchased or leased home or apartment, or
- 14        c. federal government or public-private venture off-base  
15                   military housing.

16       D. For purposes of this section:

17       1. "Active military duty" means full-time military duty status  
18      in the active uniformed service of the United States including  
19      members of the National Guard and Military Reserve on active duty  
20      orders; and

21       2. "Military installation" means a base, camp, post, station,  
22      yard, center, homeport facility for any ship or other installation  
23      under the jurisdiction of the Department of Defense or the United  
24      States Coast Guard.

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

2 2024 (70 O.S. Supp. 2024, Section 8-114), is amended to read as  
3 follows:

4 Section 8-114. A. Except as provided in subsection B of this  
5 section, beginning July 1, 2024, the transfer of a student from one  
6 school site to another school site within the school district where  
7 the student resides shall be approved at any time in the year,  
8 unless the grade level of the receiving school site has reached  
9 capacity. If the capacity of a grade level is insufficient to  
10 enroll all eligible students, the school district shall select  
11 intra-district transfer students based on the preferences outlined  
12 in paragraph 1 of subsection B of this section and then in the order  
13 in which the intra-district transfer applications were received.  
14 The school district board of education shall determine the capacity  
15 of a school site based on its policy adopted pursuant to subsection  
16 B of this section. A student may be granted a one-year intra-  
17 district transfer and may shall automatically continue to attend the  
18 school site where the student transferred each school year ~~with the~~  
19 ~~approval of the school district, unless the school district denies~~  
20 ~~the continued intra-district transfer for the reasons outlined in~~  
21 ~~paragraphs 2 and 3 of subsection B of this section.~~ At the end of  
22 each school year, a school district may only deny continued intra-  
23 district transfer of the student for the reasons outlined in  
24 paragraphs 2 and 3 of subsection B of this section.

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

7       2. The child of a school district employee who resides in the  
8 school district but wishes to attend a different school site within  
9 the school district where the student resides may be granted an  
10 intra-district transfer if the school district policy gives  
11 preference to the transfer of children of school district employees  
12 and the student does not meet a basis for denial as outlined in  
13 paragraphs 2 and 3 of subsection B of this section.

14       3. A student who changes residence within a school district and  
15 who wishes to attend the same school site may be granted an intra-  
16 district transfer if the school district policy gives preference to  
17 such transfers and the student does not meet a basis for denial as  
18 outlined in paragraphs 2 and 3 of subsection B of this section.

19       4. Any child in the custody of the Department of Human Services  
20 and living in foster care who resides in the home of another student  
21 who transfers intra-district may attend the school site to which the  
22 student transferred.

23              Except for a child in the custody of the Department of Human  
24 Services in foster care, an intra-district transfer student shall

1 not transfer more than two times per school year to other school  
2 sites within the school district where the student resides, provided  
3 that the student may always reenroll at any time in his or her  
4 school site of residence.

5       B. Each school district board of education shall adopt a policy  
6 to determine the number of intra-district transfer students the  
7 school district has the capacity to accept in each grade level for  
8 each school site within a school district no later than July 1,  
9 2024. The policy shall be publicly posted on the school district  
10 website. The policy:

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

- 13           a. students who reside in the school site boundary,
- 14           b. students who attended the school site the prior school  
15           year,
- 16           c. siblings of students who are already enrolled at the  
17           school site,
- 18           d. children of school district employees who wish to  
19           attend a different school site within the school  
20           district, and
- 21           e. students who change residence within a school district  
22           and who wish to attend the same school site;

1       2. May include the acts and reasons outlined in Section 24-  
2       101.3 of ~~Title 70 of the Oklahoma Statutes~~ this title as a basis for  
3 denial of an intra-district transfer; and

4       3. May include a history of absences as a basis for denial of  
5 an intra-district transfer. For the purposes of this section,  
6 "history of absences" means ten or more absences in one semester  
7 that are not excused for the reasons provided in subsection B of  
8 Section 10-105 of ~~Title 70 of the Oklahoma Statutes~~ this title or  
9 due to illness.

10      C. By the first day of January, April, July, and October of  
11 each year, the school district board of education shall establish  
12 the number of intra-district transfer students the school district  
13 has the capacity to accept in each grade level for each school site  
14 within the district.

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

18       1. Publish in a prominent place on the school district website  
19 the number of intra-district transfer students for each grade level  
20 for each school site within the school district which the district  
21 has the capacity to accept; and

22       2. Report to the State Department of Education the number of  
23 intra-district transfer students for each grade level for each

1 school site within the school district which the district has the  
2 capacity to accept.

3       E. 1. Notwithstanding the provisions of this section, school  
4 districts shall allow students who are the dependent children of a  
5 member of the active uniformed military services of the United  
6 States on full-time active duty status, and students who are the  
7 dependent children of a member of the military reserve on active  
8 duty orders, provisional eligibility for intra-district transfers  
9 regardless of capacity. The number of intra-district transfers  
10 specific to military dependents shall be based on two (2) military  
11 dependents per one hundred (100) enrolled students at the elementary  
12 school level, four (4) military dependents per one hundred (100)  
13 students at the middle school level, and six (6) military dependents  
14 at the high school level. Students shall be eligible under this  
15 subsection as outlined in paragraphs 1 and 2 of subsection B of  
16 Section 8-103.1 of this title.

17       2. For purposes of this subsection:

- 18           a. "elementary school" means kindergarten through fifth  
19           grade,
- 20           b. "middle school" means sixth grade through eighth  
21           grade, and
- 22           c. "high school" means ninth grade through twelfth grade.

23       **SECTION 3.           REPEALER           70 O.S. 2021, Section 8-103.1, as**

24       **amended by Section 3, Chapter 6, O.S.L. 2021, is hereby repealed.**

1 SECTION **4**. This act shall become effective July 1, 2025.

2 SECTION **5**. It being immediately necessary for the preservation  
3 of the public peace, health or safety, an emergency is hereby  
4 declared to exist, by reason whereof this act shall take effect and  
5 be in full force from and after its passage and approval.

6 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION

April 15, 2025 - DO PASS AS AMENDED

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