

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
FOR
5 HOUSE BILL NO. 2259

By: Miller of the House

6 and

7 **Pugh** of the Senate

11 COMMITTEE SUBSTITUTE

12 An Act relating to schools; amending 70 O.S. 2021,
13 Section 8-103.1 and Section 1, Chapter 368, O.S.L.
14 2024 (70 O.S. Supp. 2024, Section 8-114), which
15 relate to school transfers; removing reference to
16 home of record for military dependent transfers;
17 removing reference to requirement that parents
18 provide certain evidence of active duty status for
19 certain transfer approvals; prohibiting schools from
20 precluding certain transfer students from enrollment
21 prior to establishing residency; mandating that
22 intra-district transfer students stay in the
23 transferred district continuously; clarifying and
24 limiting exceptions for continual intra-district
 transfers; providing capacity exception for certain
 military children's intra-district transfers;
 prescribing number of certain post-capacity
 transfers; defining terms; providing an effective
 date; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 70 O.S. 2021, Section 8-103.1, is
2 amended to read as follows:

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

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

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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:

- (1) having an individualized education program or an
individualized family service plan under the
Individuals with Disabilities Education Act, 29
U.S.C., Section 1400 et seq.,
- (2) receiving or qualifying for special education
courses or services, or
- (3) receiving or qualifying for accommodations or
services under the Rehabilitation Act of 1973, 29
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. This act shall become effective July 1, 2025.
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1 SECTION 4. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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6 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION OVERSIGHT, dated
02/26/2025 - DO PASS, As Amended and Coauthored.