

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2259

By: Miller

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, 8-103.1, and Section 1, Chapter
10 368, O.S.L. 2024 (70 O.S. Supp. 2024, Sections 8-
11 101.2, 8-103.1, and 8-114), which relate to school
12 transfers; mandating that inter-district transfer
13 students stay in the transferred district
14 continuously; clarifying and limiting exceptions for
15 continual inter-district transfers; prohibiting
16 schools from precluding certain transfer students
from enrollment prior to establishing residency;
mandating that intra-district transfer students stay
in the transferred district continuously; clarifying
and 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.

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

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

23 Section 8-101.2. A. Except as provided in subsection B of this
24 section, on and after January 1, 2022, the transfer of a student

1 from the district in which the student resides to another school
2 district furnishing instruction in the grade the student is entitled
3 to pursue shall be granted at any time in the year unless the number
4 of transfers exceeds the capacity of a grade level for each school
5 site within a school district. If the capacity of a grade level for
6 each school site within a school district is insufficient to enroll
7 all eligible students, the school district shall select transfer
8 students in the order in which the district received the student
9 transfer applications. The capacity of a school district shall be
10 determined by the school district board of education based on its
11 policy adopted pursuant to subsection B of this section. A student
12 may be granted a one-year transfer and may shall automatically
13 continue to attend the school each school year to which the student
14 transferred ~~with the approval of the receiving district, unless the~~
15 school district denies the continued transfer for the reasons
16 outlined in paragraphs 1 and 2 of subsection B of this section. At
17 the end of each school year, a school district may only deny
18 continued transfer of the student for the reasons outlined in
19 paragraphs 1 and 2 of subsection B of this section. Any brother or
20 sister of a student who transfers may attend the school district to
21 which the student transferred, if the school district policy gives
22 preference to sibling transfers regardless of capacity, and the
23 brother or sister of the transferred student does not meet a basis
24 for denial as outlined in paragraphs 1 and 2 of subsection B of this

1 section. Any child in the custody of the Department of Human
2 Services in foster care who is living in the home of a student who
3 transfers may attend the school district to which the student
4 transferred. Except for a child in the custody of the Department of
5 Human Services in foster care, a transfer student shall not transfer
6 more than two (2) times per school year to one or more school
7 districts in which the student does not reside, provided that the
8 student may always reenroll at any time in his or her school
9 district of residence. At the discretion of the receiving district,
10 a student who has attended a school district as a resident student
11 for at least three (3) years prior to becoming eligible to apply as
12 a transfer student may be allowed to transfer to the school district
13 regardless of capacity.

14 If the grade a student is entitled to pursue is not offered in
15 the district where the student resides, the transfer shall be
16 automatically approved.

17 B. Each school district board of education shall adopt a policy
18 to determine the number of transfer students the school district has
19 the capacity to accept in each grade level for each school site
20 within a school district no later than January 1, 2022. The policy
21 may include:

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

24

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

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

6 The policy shall be publicly posted on the school district
7 website.

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

12 D. After establishing the number of transfer students the
13 school district has the capacity to accept in each grade level for
14 each school site within a school district, the board of education
15 shall:

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

20 2. Report to the State Department of Education the number of
21 transfer students for each grade level for each school site within a
22 school district which the school district has the capacity to
23 accept.

1 E. If a transfer request is denied by the school district, the
2 parent of the student may appeal the denial within ten (10) days of
3 notification of the denial to the receiving school district board of
4 education. The receiving school district board of education shall
5 consider the appeal at its next regularly scheduled board meeting.
6 If the receiving school district board of education denies the
7 appeal, the parent of the student may appeal the denial within ten
8 (10) days of notification of the appeal denial to the State Board of
9 Education. The parent shall submit to the State Board of Education
10 and the superintendent of the receiving school a notice of appeal on
11 a form prescribed by the State Board of Education. The appeal shall
12 be considered by the State Board of Education at its next regularly
13 scheduled meeting, where the parent and a representative from the
14 receiving school district may address the Board. The State Board of
15 Education shall promulgate rules to establish the appeals process
16 authorized by this subsection.

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

1 G. Each year, the Office of Educational Quality and
2 Accountability shall randomly select ten percent (10%) of the school
3 districts in the state and conduct an audit of each district's
4 approved and denied transfers based on the provisions of the
5 policies adopted by the respective school district board of
6 education. If the Office finds inaccurate reporting of capacity
7 levels by a school district, the Office shall set the capacity for
8 the school district.

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

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

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

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

10 B. A local school district board of education shall adopt a
11 policy for the school district regarding the transfer of students
12 who are the dependent children of a member of the active uniformed
13 military services of the United States on full-time active duty
14 status and for whom Oklahoma is the home of record and students who
15 are the dependent children of a member of the military reserve on
16 active duty orders and for whom Oklahoma is the home of record. The
17 policy shall provide for the approval of the transfer if:

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

20 2. ~~At least one parent can provide evidence that he or she will~~
21 ~~be on active duty status or active duty orders, meaning the parent~~
22 ~~will be temporarily transferred in compliance with official orders~~
23 ~~to another location in support of combat, contingency operation or a~~

1 natural disaster requiring the use of orders for more than thirty
2 (30) consecutive days; and

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

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

12 2. A school district shall accept applications by electronic
13 means for enrollment including enrollment in a specific school or
14 program within the school district and course registration for
15 students described in paragraph 1 of this subsection.

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

19 (1) having an individualized education program or an
20 individualized family service plan under the
21 Individuals with Disabilities Education Act, 29
22 U.S.C., Section 1400 et seq.,

23 (2) receiving or qualifying for special education
24 courses or services, or

(3) receiving or qualifying for accommodations or services under the Rehabilitation Act of 1973, 29 U.S.C., Section 504.

b. If the enrolling student is transferring with an individualized education program, an individualized family service plan, or a Section 504 plan, the district board of education shall take the necessary steps including, but not limited to, the transfer of records and any prior evaluations, the performance of reevaluations, if necessary, and meetings to ensure that comparable services are in place prior to the student's first day of school in the state.

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

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

D. For purposes of this section:

1. "Active military duty" means full-time military duty status
the active uniformed service of the United States including

1 members of the National Guard and Military Reserve on active duty
2 orders; and

3 2. "Military installation" means a base, camp, post, station,
4 yard, center, homeport facility for any ship or other installation
5 under the jurisdiction of the Department of Defense or the United
6 States Coast Guard.

7 SECTION 3. AMENDATORY Section 1, Chapter 368, O.S.L.

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

10 Section 8-114. A. Except as provided in subsection B of this
11 section, beginning July 1, 2024, the transfer of a student from one
12 school site to another school site within the school district where
13 the student resides shall be approved at any time in the year,
14 unless the grade level of the receiving school site has reached
15 capacity. If the capacity of a grade level is insufficient to
16 enroll all eligible students, the school district shall select
17 intra-district transfer students based on the preferences outlined
18 in paragraph 1 of subsection B of this section and then in the order
19 in which the intra-district transfer applications were received.

20 The school district board of education shall determine the capacity
21 of a school site based on its policy adopted pursuant to subsection
22 B of this section. A student may be granted a one-year intra-
23 district transfer and may shall automatically continue to attend the
24 school site where the student transferred each school year ~~with the~~

1 ~~approval of the school district, unless the school district denies~~
2 the continued intra-district transfer for the reasons outlined in
3 paragraphs 2 and 3 of subsection B of this section. At the end of
4 each school year, a school district may only deny continued intra-
5 district transfer of the student for the reasons outlined in
6 paragraphs 2 and 3 of subsection B of this section.

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

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

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

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

5 Except for a child in the custody of the Department of Human
6 Services in foster care, an intra-district transfer student shall
7 not transfer more than two times per school year to other school
8 sites within the school district where the student resides, provided
9 that the student may always reenroll at any time in his or her
10 school site of residence.

11 B. Each school district board of education shall adopt a policy
12 to determine the number of intra-district transfer students the
13 school district has the capacity to accept in each grade level for
14 each school site within a school district no later than July 1,
15 2024. The policy shall be publicly posted on the school district
16 website. The policy:

- 17 1. Shall include an enrollment preference and reserve capacity
18 for:
19 a. students who reside in the school site boundary,
20 b. students who attended the school site the prior school
21 year,
22 c. siblings of students who are already enrolled at the
23 school site,

- 1 d. children of school district employees who wish to
2 attend a different school site within the school
3 district, and
4 e. students who change residence within a school district
5 and who wish to attend the same school site;

6 2. May include the acts and reasons outlined in Section 24-

7 101.3 of ~~Title 70 of the Oklahoma Statutes~~ this title as a basis for
8 denial of an intra-district transfer; and

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

15 C. By the first day of January, April, July, and October of
16 each year, the school district board of education shall establish
17 the number of intra-district transfer students the school district
18 has the capacity to accept in each grade level for each school site
19 within the district.

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

23 1. Publish in a prominent place on the school district website
24 the number of intra-district transfer students for each grade level

1 for each school site within the school district which the district
2 has the capacity to accept; and

3 2. Report to the State Department of Education the number of
4 intra-district transfer students for each grade level for each
5 school site within the school district which the district has the
6 capacity to accept.

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

21 2. For purposes of this subsection:

22 a. "elementary school" means kindergarten through fifth
23 grade,

b. "middle school" means sixth grade through eighth grade, and

c. "high school" means ninth grade through twelfth grade.

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

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

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