

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 4274

7 By: Miller

8 POLICY COMMITTEE RECOMMENDATION

9 An Act relating to schools; amending 70 O.S. 2021,
10 Section 8-103.1, as amended by Section 2, Chapter
11 451, O.S.L. 2025 (70 O.S. Supp. 2025, Section 8-
12 103.1), which relates to interdistrict transfers;
13 requiring school districts to accept students of
14 active duty military families on official orders;
15 removing district residency requirements for students
16 of active duty military families; requiring schools
17 to treat students of military families as in-district
18 residents for enrollment purposes; providing an
19 effective date; and declaring an emergency.

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

21 SECTION 1. AMENDATORY 70 O.S. 2021, Section 8-103.1, as
22 amended by Section 2, Chapter 451, O.S.L. 2025 (70 O.S. Supp. 2025,
23 Section 8-103.1), is amended to read as follows:

24 Section 8-103.1. A. A local school district board of education
which receives a request for a transfer for a student who does not
reside in the school district may refuse the transfer in accordance
with the provisions of the open transfer policy adopted by the local

1 school district board of education and subject to the provisions of
2 subsections B and C of this section. Each local board of education
3 shall adopt an open transfer policy for the school district which
4 specifies its criteria and standards for approval of transfers of
5 students who do not reside in the district. The policy shall
6 include, but shall not be limited to, provisions relating to the
7 availability of programs, staff, or space as criteria for approval
8 or denial of transfers. A school district may include in the policy
9 as the basis for denial of a transfer, the reasons outlined in
10 Section 24-101.3 of this title.

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

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

20 B. ~~A local school district board of education shall adopt a~~
21 ~~policy for the school district regarding the transfer of students~~
22 Students who are the dependent children of a member of the active
23 uniformed military services of the United States on full-time active
24 duty status and students who are the dependent children of a member

1 of the military reserve on active duty orders shall be eligible for
2 admission to the school district of their choice if he or she is a
3 student whose parent or legal guardian is transferred or is pending
4 transfer to a military installation within the state while on active
5 military duty pursuant to an official military order. ~~The policy~~
6 ~~shall provide for the approval of the transfer if:~~

7 ~~1. At~~ Students shall be eligible if at least one parent of the
8 student has a Department of Defense-issued identification card; ~~and~~

9 ~~2. The student will be residing with a relative of the student~~
10 ~~who lives in the receiving school district or who will be living in~~
11 ~~the receiving school district within six (6) months of the filing of~~
12 ~~the application for transfer.~~

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

18 2. A school district shall accept applications by electronic
19 means for enrollment including enrollment in a specific school or
20 program within the school district and course registration for
21 students described in paragraph 1 of this subsection.

22 3. Students described in subsection B of this section that
23 currently reside outside of a district they are transferring to
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1 shall be treated by the receiving district as residing within the
2 receiving district for purposes of enrollment.

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

6 (1) having an individualized education program or an
7 individualized family service plan under the
8 Individuals with Disabilities Education Act, 29
9 U.S.C., Section 1400 et seq.,

10 (2) receiving or qualifying for special education
11 courses or services, or

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

15 b. If the enrolling student is transferring with an
16 individualized education program, an individualized
17 family service plan, or a Section 504 plan, the
18 district board of education shall take the necessary
19 steps including, but not limited to, the transfer of
20 records and any prior evaluations, the performance of
21 reevaluations, if necessary, and meetings to ensure
22 that comparable services are in place prior to the
23 student's first day of school in the state.
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1 4. 5. The parent or legal guardian of a student described in
2 paragraph 1 of this subsection shall provide proof of residence in
3 the ~~school district~~ state within ten (10) days after the published
4 arrival date provided on official documentation. A parent or legal
5 guardian may use the following addresses as proof of residence:

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

10 D. For purposes of this section:

11 1. "Active military duty" means full-time military duty status
12 in the active uniformed service of the United States including
13 members of the National Guard and Military Reserve on active duty
14 orders; and

15 2. "Military installation" means a base, camp, post, station,
16 yard, center, homeport facility for any ship or other installation
17 under the jurisdiction of the Department of Defense or the United
18 States Coast Guard.

19 SECTION 2. This act shall become effective July 1, 2026.

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1 SECTION 3. 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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