

An Act

ENROLLED HOUSE
BILL NO. 2259

By: Miller and Crosswhite Hader
of the House

and

Pugh of the Senate

An Act relating to schools; amending 70 O.S. 2021, Sections 8-101.2, as amended by Section 1, Chapter 193, O.S.L. 2022, 8-103.1, as amended by Section 1, Chapter 73, O.S.L. 2021, and Section 1, Chapter 368, O.S.L. 2024 (70 O.S. Supp. 2024, Sections 8-101.2, 8-103.1, and 8-114), which relate to school transfers; mandating that inter-district transfer students stay in the transferred district continuously; clarifying and limiting exceptions for continual inter-district transfers; removing reference to home of record for military dependent transfers; removing reference to requirement that parents provide certain evidence of active duty status for certain transfer approvals; prohibiting 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; repealing 70 O.S. 2021, Section 8-103.1, as amended by Section 3, Chapter 6, O.S.L. 2021, which relates to the transfer of military dependent transfers; providing an effective date; and declaring an emergency.

SUBJECT: Schools

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

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

Section 8-101.2. A. Except as provided in subsection B of this section, on and after January 1, 2022, the transfer of a student from the district in which the student resides to another school district furnishing instruction in the grade the student is entitled to pursue shall be granted at any time in the year unless the number of transfers exceeds the capacity of a grade level for each school site within a school district. If the capacity of a grade level for each school site within a school district is insufficient to enroll all eligible students, the school district shall select transfer students in the order in which the district received the student transfer applications. The capacity of a school district shall be determined by the school district board of education based on its policy adopted pursuant to subsection B of this section. A student may be granted a one-year transfer and ~~may~~ shall automatically continue to attend the school each school year to which the student transferred ~~with the approval of the receiving district, unless the school district denies the continued transfer for the reasons outlined in paragraphs 1 and 2 of subsection B of this section.~~ At the end of each school year, a school district may only deny continued transfer of the student for the reasons outlined in paragraphs 1 and 2 of subsection B of this section. Any brother or sister of a student who transfers may attend the school district to which the student transferred, if the school district policy gives preference to sibling transfers regardless of capacity, and the brother or sister of the transferred student does not meet a basis for denial as outlined in paragraphs 1 and 2 of subsection B of this section. Any child in the custody of the Department of Human Services in foster care who is living in the home of a student who transfers may attend the school district to which the student transferred. Except for a child in the custody of the Department of Human Services in foster care, a transfer student shall not transfer more than two (2) times per school year to one or more school districts in which the student does not reside, provided that the student may always reenroll at any time in his or her school district of residence. At the discretion of the receiving district, a student who has attended a school district as a resident student for at least three (3) years prior to becoming eligible to apply as a transfer student may be allowed to transfer to the school district regardless of capacity.

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

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

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

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

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

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

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

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

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

E. If a transfer request is denied by the school district, the parent of the student may appeal the denial within ten (10) days of notification of the denial to the receiving school district board of

education. The receiving school district board of education shall consider the appeal at its next regularly scheduled board meeting. If the receiving school district board of education denies the appeal, the parent of the student may appeal the denial within ten (10) days of notification of the appeal denial to the State Board of Education. The parent shall submit to the State Board of Education and the superintendent of the receiving school a notice of appeal on a form prescribed by the State Board of Education. The appeal shall be considered by the State Board of Education at its next regularly scheduled meeting, where the parent and a representative from the receiving school district may address the Board. The State Board of Education shall promulgate rules to establish the appeals process authorized by this subsection.

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

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

SECTION 2. AMENDATORY 70 O.S. 2021, Section 8-103.1v2, as amended by Section 1, Chapter 73, O.S.L. 2021, is amended to read as follows:

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 school district board of education and subject to the provisions of subsections B and C of this section. Each local board of education shall adopt an open transfer policy for the school district which specifies its criteria and standards for approval of transfers of students who do not reside in the district. The policy shall include, but shall not be limited to, provisions relating to the

availability of programs, staff, or space as criteria for approval or denial of transfers. A school district may include in the policy as the basis for denial of a transfer, the reasons outlined in Section 24-101.3 of this title.

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

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

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

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

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

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

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

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

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

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 in the active uniformed service of the United States including members of the National Guard and Military Reserve on active duty orders; and

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

SECTION 3. AMENDATORY Section 1, Chapter 368, O.S.L. 2024 (70 O.S. Supp. 2024, Section 8-114), is amended to read as follows:

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

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

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

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

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

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

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

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

- a. students who reside in the school site boundary,
- b. students who attended the school site the prior school year,
- c. siblings of students who are already enrolled at the school site,

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

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

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

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

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

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

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

E. 1. Notwithstanding the provisions of this section, school districts shall allow students who are the dependent children of a member of the active uniformed military services of the United States on full-time active duty status, and students who are the dependent children of a member of the military reserve on active duty orders, provisional eligibility for intra-district transfers regardless of capacity. The number of intra-district transfers

specific to military dependents shall be based on two (2) military dependents per one hundred (100) enrolled students at the elementary school level, four (4) military dependents per one hundred (100) students at the middle school level, and six (6) military dependents at the high school level. Students shall be eligible under this subsection as outlined in paragraphs 1 and 2 of subsection B of Section 8-103.1 of this title.

2. For purposes of this subsection:

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

SECTION 4. REPEALER 70 O.S. 2021, Section 8-103.1, as amended by Section 3, Chapter 6, O.S.L. 2021, is hereby repealed.

SECTION 5. This act shall become effective July 1, 2025.

SECTION 6. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 21st day of May, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the 21st day of May, 2025.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____