

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 4274

By: Miller

6 AS INTRODUCED

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

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

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

18 Section 8-103.1. A. A local school district board of education
19 which receives a request for a transfer for a student who does not
20 reside in the school district may refuse the transfer in accordance
21 with the provisions of the open transfer policy adopted by the local
22 school district board of education and subject to the provisions of
23 subsections B and C of this section. Each local board of education
24 shall adopt an open transfer policy for the school district which

1 specifies its criteria and standards for approval of transfers of
2 students who do not reside in the district. The policy shall
3 include, but shall not be limited to, provisions relating to the
4 availability of programs, staff, or space as criteria for approval
5 or denial of transfers. A school district may include in the policy
6 as the basis for denial of a transfer, the reasons outlined in
7 Section 24-101.3 of this title.

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

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

17 B. ~~A local school district board of education shall adopt a~~
18 ~~policy for the school district regarding the transfer of students~~
19 Students who are the dependent children of a member of the active
20 uniformed military services of the United States on full-time active
21 duty status and students who are the dependent children of a member
22 of the military reserve on active duty orders shall be eligible for
23 admission to the school district of their choice regardless of the

1 capacity of the district. The policy shall provide for the approval
2 ~~of the transfer if:~~

3 1. At Students shall be eligible if at least one parent of the
4 student has a Department of Defense-issued identification card; and
5 2. ~~The student will be residing with a relative of the student~~
6 ~~who lives in the receiving school district or who will be living in~~
7 ~~the receiving school district within six (6) months of the filing of~~
8 ~~the application for transfer.~~

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

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

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

22 4. a. A student shall not be precluded from enrollment prior
23 to residency as provided in this subsection for any of
24 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. 5. The parent or legal guardian of a student described in paragraph 1 of this subsection shall provide proof of residence in the ~~school district~~ state 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 2. This act shall become effective July 1, 2026.

SECTION 3. 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.

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