

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2259

By: Miller

4  
5  
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  
17 from enrollment prior to establishing residency;  
18 mandating that intra-district transfer students stay  
19 in the transferred district continuously; clarifying  
20 and limiting exceptions for continual intra-district  
21 transfers; providing capacity exception for certain  
22 military children's intra-district transfers;  
23 prescribing number of certain post-capacity  
24 transfers; defining terms; providing an effective  
date; and declaring an emergency.

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

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.

24

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~~

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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



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

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

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

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

22           D. For purposes of this section:

23           1. "Active military duty" means full-time military duty status  
24 in 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,

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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,

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

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

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

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

9  
10           60-1-10942           SW           01/16/25