

## **STUDENT TRANSFERS**

Open Transfers previously granted by the school board will remain in effect unless the board of education takes action to deny a future year's attendance based upon capacity, discipline, or attendance as addressed within this policy. Existing transfers do not need to apply to continue in the 2021-22 school year after January 1, 2021. . However, they do need to apply for the 2022-23 school year.

The school district will 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. The school district will begin accepting applications on January 1, 2022. Receipt of applications will be documented by the district so that the district may review those applications in the order submitted for purposes of capacity limitations. The administration will not approve or deny transfers received for the next school year until after July 1 capacity data is determined for each grade level and site within the school district.

Transfers that have previously been approved by the school district will remain in effect for future school years unless the district provides notification to the parent or legal guardian that the transfer is not going to be continued for an upcoming school year due to capacity, disciplinary action, or attendance issues. The district will not require parents resubmit a new application each school year and will advance the previous application of an enrolled student amending only the grade placement of the student.

A transfer may be requested at any time in the school year. State law does limit the ability of a student to transfer to no more than two (2) times per school year to one or more school districts in which the student does not reside. Exceptions to this limit will exist for students in foster care. Students are legally entitled to reenroll at any time in his or her school district of residence. Any brother or sister of a student who transfers may attend the school district to which their sibling transferred if the school district has capacity in the grade level and the sibling does not meet a basis for denial as listed below. A separate application must be filed for each student so that the district can timely consider requests in the order applications are received.

It is the policy of the board of education that any legally transferring student shall be accepted by the district under the following circumstances:

1. The district has the capacity to accept the student at the grade level at the school site and/or;
2. The transferring student has not been disciplined for:
  - a. violation of a school regulation,
  - b. possession of an intoxicating beverage, low-point beer, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, or missing or stolen property if the property is reasonably suspected to have been taken from a student, a school employee, or the school during school activities, or
  - c. possession of a dangerous weapon or a controlled dangerous substance while on or within two thousand (2,000) feet of public-school property, or at a school event, as defined in the Uniform Controlled Dangerous Substances Act.
3. The transferring student does not have a history of absences. "History of absences" means ten or more absences in one semester that are not excused for the reasons provided in 70 O.S. § 10-105 or due to illness.
4. 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 then transfer to that school district regardless of capacity.

5. If an IEP is in place, the IEP process has been started, a parent has requested special education services in the past or indicators of need exist for special education services the state and federal maximum case load limits will be applied for capacity as well as the following for transfer approval consideration:
  - a. The receiving district shall establish if the district has current availability of the appropriate program, staff, and services prior to consideration of approval of a transfer request.
  - b. Prior to approval of the transfer of a child on an individualized education program (IEP), a joint IEP conference shall be required between the district of residence and the receiving district; and
  - c. Upon approval of the transfer, the receiving district shall claim the child in the average daily membership for state and federal funding purposes and shall assume all responsibility for education of the child. See 70 O.S. § 13-103. Further, a transfer granted for a child with disabilities for three consecutive years to the same school district shall be automatically renewed each year.
6. A child of a parent/legal guardian employed as a “teacher” in a district shall be allowed to transfer into that district regardless of capacity. Teacher is defined in 70 OS § 1-116 and includes teachers, nurses, librarians, counselors and administrators who are certified. The law doesn’t include preferential transfer status for children of support employees.
7. A student who applies for a transfer and whose parent/guardian is an active member of the military or a member of the military reserve on active duty cannot be denied a transfer because of capacity limitations. Such students must be admitted to the district of their choice regardless of capacity subject to the following requirements: 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 national disaster requiring the use of orders for more than thirty consecutive days. By the first day of January, April, July and October, the board of education shall establish the number of transfer students the district has the capacity to accept in each grade level for each school site within the district. The number of transfer students for each grade level at each site that the district has the capacity to accept will be posted in a prominent place on the school district’s website. The district shall report to the State Department of Education the number of transfer students for each grade level for each school site which the district has the capacity to accept.

In making the decision to determine capacity, the board of education shall review class size limits specified in 70 O.S. § 18-113.1 and multiply those limits times the number of classroom teachers employed by the school district at each grade level. If classroom space is not sufficient to accommodate that number of students due to a classroom being disproportionately sized, the district’s capacity numbers will reflect a lesser amount based upon that classroom size.

A student shall be allowed to transfer to a district in which the parent or legal guardian of the student is employed as a teacher as per 70 O.S. § 8-113.

The school district shall enroll transfer students in the order in which they submit their applications. If the number of student transfer applications exceeds the capacity of the district, the district shall select transfer students in the order in which the district received the application. 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

**TRANSFER POLICY(Cont.)**

children of the military reserve on active duty orders shall be eligible for admission to the school district regardless of capacity of the district. Students shall be eligible for military 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 national disaster requiring the use of orders for more than thirty (30) consecutive days.

If accepted, a student transfer is granted for the existing school year and may continue to attend in future years. At the end of the school year, the district may deny continued transfer of the student due to capacity or for disciplinary reasons or a history of absences.

If a transfer request is denied by the administration, the parent or legal guardian of the student may appeal the denial within ten (10) days of notification of denial to the board of education. The board of education shall consider the appeal at its next regularly scheduled board meeting if notice is provided prior to the statutory deadline for posting the agenda for the meeting. If notice is after the deadline for posting, the board may consider the appeal at a special meeting of the board of education.

**TRANSFER POLICY(Cont.)**

Appeal process choice 1: During the appeal, the board will review the action of the administration to make sure that the district policy was followed with regard to the denial of the transfer. The board of education will meet in an executive session to review the educational records of the student

Appeal process:

During the appeal, the board will review the action of the administration to make sure that the district policy was followed with regard to the denial of the transfer. The board of education may meet in an executive session to review the educational records of the student. The board may then meet with the administration and parent or legal guardian of the student in executive session and the student's educational records may be reviewed during this time. While in executive session the administration will explain why the transfer was denied, and the members of the board will be able to ask questions of the administration. The board will then hear from the parent or legal guardian as to why the transfer should have been approved. The members of the board will be able to ask questions of the parent or legal guardian. The administration and the parent or legal guardian will be excused from the executive session while the board deliberates on the appeal.

The board will return to open session and a vote may be called if an agenda item is so listed on the age. The vote will be to approve the denial or overturn the denial of the transfer. The primary factor in this decision will be if the policy of the district and current OSDE and Oklahoma State Laws were followed.

If the policy was not followed, the board of education shall vote to overturn the denial and the transfer will be granted.

If the board of education votes to uphold the denial of the transfer, the parent or legal guardian may appeal the denial within ten (10) days of the notification of the appeal denial to the State Board of Education. The parent or legal guardian shall submit to the State Board of Education and to the superintendent of the district, a notice of appeal on the form prescribed by the State Board of Education.

A student who enrolls in a school district in which the student is not a resident shall not be eligible to participate in school-related extramural athletic competition governed by the Oklahoma Secondary School Activities Association for a period of one (1) year from the first day of attendance at the receiving school unless the transfer is from a school district which does not offer the grade the student is entitled to pursue as per 70 O.S. § 8-103.2.

**REFERENCE: 70 O.S. §1-114  
70 O.S. §1-113  
70 O.S. §5-117.1  
70 O.S. §8-101, et seq.  
70 O.S. §24-101, et seq.; §24-102  
Family Education Rights and Privacy Act  
Atty. Gen. Op. No. 87-134, April 1, 1988**

**LEGAL NOTE: Senate Bill 783 repealed 70 O.S. § 8-104 effective March 31, 2021. Oklahoma law no longer allows emergency transfer of students. Oklahoma law regarding transfers will change again on January 1, 2022. A new sample policy has been created which addresses those changes that are effective with regard to student transfers on January 1, 2022.**

***THIS POLICY REQUIRED BY LAW.***