

Parent/Guardian Open Transfer Application



20 21 - 20 22

SCHOOL YEAR

RECEIVING DISTRICT (TRANSFER TO)

COUNTY NAME

DISTRICT NAME

SENDING/RESIDENT DISTRICT (TRANSFER FROM)

COUNTY NAME

DISTRICT NAME

STUDENT INFORMATION

FIRST NAME

MIDDLE NAME

LAST NAME

BIRTH DATE (MM/DD/YYYY)

GRADE LEVEL IN TRANSFER YEAR

10-DIGIT STATE ID STATE TESTING NUMBER (STN) OBTAINED FROM YOUR CHILD'S SCHOOL AND STARTS WITH 1-0-0.

Check here if first time entering a public school in Oklahoma

Individualized Education Program (IEP) Yes No

DATE OF IEP MEETING

Receiving District: If above answer is "yes," a representative from both districts must be present for an IEP meeting to discuss the student's IEP needs. Applicable records must be submitted from the student's last school to the receiving district and shall be maintained by both districts in accordance with federal and state laws.

Sending District: A request for education records of a student who was enrolled in the district shall be fulfilled within three business days of the request. The records should include the student's disciplinary records and attendance information.

Please Note: An "IEP Service Agreement" does not constitute a transfer under the Education Open Transfer Act and should not be formalized by using this form.

Parent/Guardian Open Transfer Application



PARENT/LEGAL GUARDIAN MUST COMPLETE AND SIGN

FIRST AND LAST NAME

EMAIL

STREET ADDRESS

CITY

ZIP CODE

HOME PHONE

ALTERNATIVE PHONE

1. Is the parent/legal guardian requesting this open transfer a TEACHER* employed by this receiving district? Yes No

*A teacher is any person who is employed to serve as a district superintendent, principal, supervisor, counselor, librarian, school nurse, classroom teacher, or a school employee in any other instructional supervisory/administrative capacity.

2. Is the parent/legal guardian requesting this open transfer a member of the active uniformed military services of the United States and on full time active-duty status or active-duty orders? Yes No (If yes, provide active-duty documentation.)

3. Is the student currently in foster care? Yes No (If yes, provide foster care documentation.)

4. Is the student currently home schooled? Yes No

Pursuant to the provisions of the statutes of the State of Oklahoma, and the rules and regulations of the State Board of Education, this application is hereby made to permit the child listed on this form to transfer from their resident Sending District to the Receiving District as indicated on this form. The parent/guardian applicant verifies by their signature (below) that they are the custodial parent or legal guardian of the child listed above and hereby acknowledges that if this transfer is approved, the parent/guardian shall be bound by the Compulsory School Attendance Laws of Oklahoma rules and all regulations of the Receiving District named on this transfer application. Further, as the parent or guardian of the minor student named above, I acknowledge, agree, understand that pursuant to the Oklahoma Education Open Transfer Act 70 O.S. § 8-101.2 the Receiving District may deny the request for transfer based on a lack of capacity, an incident of student discipline as outlined in 70 O.S. § 24-101.3; and/or as a result of the student have a history of absences, which is defined as ten or more unexcused absences in one semester. 70 O.S. § 8-101(A-B). As such, I hereby authorize the Receiving District to access the education records of the student this transfer application is submitted on behalf of; provided, however, the authorization to access the education records is limited to those reasonably related and necessary to student discipline and attendance data.

SIGNATURE OF THE PARENT/GUARDIAN

DATE

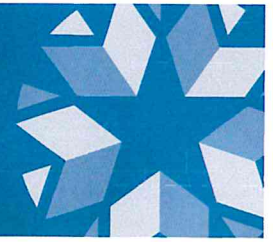
DISTRICT USE ONLY

District has three business days to upload this transfer request into the transfer system. If there is documentation from question 2 or 3 above, please retain this information to upload into the transfer system.

Received by _____ District _____ at _____ on _____
DISTRICT EMPLOYEE RECEIVING NAME OF DISTRICT TIME DATE

PARENT'S GUIDE TO SCHOOL OPEN TRANSFERS

DECEMBER 2021



With the enactment of [Senate Bill 783](#) (2021), the Legislature made comprehensive reforms to Oklahoma's school transfer laws, namely revising the requirements for accepting and denying student transfers and requiring school districts to set and list enrollment capacities on their websites. These changes, among others, go into effect January 1, 2022, and make students eligible to request a transfer to any district in the state, regardless of where they live.

As a parent, navigating such a significant change in policy can be challenging. To help, the following are answers to common questions:

1. **When does the transfer change take effect?**

January 1, 2022.

2. **Can my student transfer to a district where they do not reside?**

Yes.

3. **When can I request a transfer for my student?**

Beginning Jan. 1, 2022, a parent or guardian may request a transfer at **any time** of the school year, subject to reasons for denial outlined in Question 8 below.

4. **How do I request a transfer for my student?**

To request a transfer, simply complete the Oklahoma Student Open Transfer Application on the State Department of Education website (to be available by January 1, 2022). Individuals without access to the internet may obtain the form from the local school district of residency or [print it here](#). For questions on specifics of how to submit a transfer application, please contact your local school district.

5. **Is there a limit to the number of times my student can transfer each year?**

Yes. A student may only complete **two** out-of-district transfers per school year. This limit does not include re-enrolling in your district of residence. Additionally, students in foster care may complete any number of transfers in a given school year and are not subject to the two-transfer limit.

6. **Is there a different transfer limit for statewide virtual charter schools?**

Yes. A student may only complete **one** transfer to a statewide virtual charter school per school year. Any subsequent transfer to any other statewide virtual charter school within the same year requires the concurrence of both the resident school district and the receiving virtual charter school.

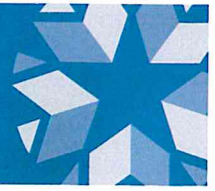
7. **How long does a transfer last?**

A student may be granted a one-year transfer and may continue to attend the school each school year with the approval of the receiving district. At the end of each school year, a school district may deny continued transfer of the student for **discipline** or **attendance** as described below.

8. **Can a district deny my transfer request?**

Transfers may be denied by the receiving district for any of the following reasons:

- a. The desired grade level at the school site has exceeded its enrollment capacity;
- b. There are incidents of student discipline for reason(s) outlined in [70 O.S. § 24-101.3](#); and/or
- c. The student has a *history of absences*, which is defined as ten or more unexcused absences in one semester [70 O.S. § 8-101.2 \(B\)\(2\)](#).



9. How do I know if the district has capacity for my student?

Local school boards must establish their enrollment capacity for **each grade level and for each school site** by the first day of January, April, July and October each year. This information will be published to the district's website in a prominent place by the required date. Lack of capacity is an allowable reason for denying an initial transfer. If the local board chooses, the school district can maintain a waiting list for transfers once capacity is reached. Transfers must be accepted on a first come, first served basis.

10. Are there any students who receive special consideration when applying for a transfer?

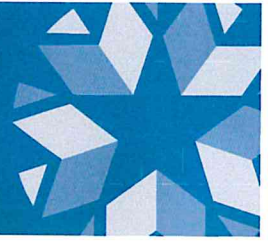
Yes. Transfer applications are distinct for the following student groups:

- a. Students with disabilities:** Prior to the approval of the transfer of a child on an individualized education program (IEP), a joint IEP conference must be conducted between the district of residence and the receiving district. The receiving district must establish the availability of the appropriate staff, and services prior to approving the transfer.
- b. Military dependent students:** 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.
- c. Students of Teachers:** A child of a parent/legal guardian employed as a "teacher" in a district may transfer into that district regardless of capacity. Under the law, the definition of teacher includes teachers, nurses, librarians, counselors and administrators who are **certified employees**.
- d. Students in foster care:** Any student in foster care **currently placed in the home of another student enrolled in a district** may transfer to said district regardless of capacity. Additionally, students in foster care may complete any number of transfer in a given school year and are not subject to the two-transfer limit.

11. Can I appeal the denial of my student's transfer request?

Yes. After a school district denies a transfer, the parent or legal guardian of the student has 10 days to appeal the denial to the local board of education. The board must consider the appeal at its next regularly scheduled board meeting. The local school district will provide the appeal form. If the school district board of education upholds the denial of the transfer, the parent or legal guardian may appeal the denial to the state Board of Education within 10 days of receiving notice of the local board's decision. The state Board must consider the appeal at its next meeting and allow both the parent and receiving district to appear.

SCHOOL OPEN TRANSFERS FREQUENTLY ASKED QUESTIONS DECEMBER 2021



1. When does the law take effect?

Jan. 1, 2022.

2. Do existing transfers on January 1, 2022, need to reapply?

No, existing transfers do not need to apply to continue in the 2021-22 school year. However, they do need to apply for the 2022-23 school year.

3. There used to be a “window” for transfer requests. Does that change?

Yes. The new law requires districts to accept transfers at any time of the school year subject to capacity limits or the reasons authorized to deny a transfer request.

4. Do districts need to create their own student transfer application form?

No. The Oklahoma State Department of Education (OSDE) has created a form to be used by families and school districts. The form will be fillable on the [OSDE website](#) and made available in printable format.

5. What grades are within the scope of transfer requests?

Any grade in the receiving district in which the student would be entitled to attend. This applies to Pre-K programs in districts that have such a program.

6. Is there a limit on the number of transfers a student may receive?

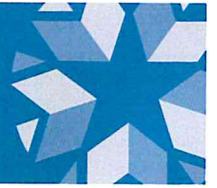
Yes. Except for students in the custody of the Department of Human Services in foster care, a student may receive a maximum of two (2) transfers per school year.

7. Under what circumstances can a transfer request be denied?

Transfers may only be denied in the following circumstances: 1) the district has exceeded its enrollment capacity for the grade level at the requested school site; 2) incident of student discipline for reason(s) outlined in [70 O.S. § 24-101.3](#); and/or 3) the student has a history of absences, which is defined as ten or more unexcused absences in one semester [70 O.S. § 8-101](#)(A-B).

8. If a transfer is granted, how long does a transfer last?

A student may be granted a one-year transfer and may continue to attend the school each school year to which the student transferred with the approval of the receiving district. At the end of each school year, a school district may deny continued transfer of the student for the following reasons: 1) an incident of **student discipline** for reason(s) outlined in [70 O.S. § 24-101.3](#); and/or 2) due to the student having **history of absences** resulting from ten or more unexcused absences in one semester. In light of this, OSDE discourages a school district from imposing an annual application requirement; instead, the student on a transfer is entitled to continue attending on a transfer unless the transfer is revoked and denied for reasons relating to those in 70 O.S. § 24-101.3 or the student has a history of absences.



CAPACITY

9. Who determines capacity?

School districts, by and through a board of education. The district must 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 by the first day of January, April, July and October each year. That information must be published to the district's website.

10. Will capacity be publicly available?

Yes, annually by January 1, April 1, July 1 and October 1 school boards must establish and publish capacity to accept transfers at each site and grade level, with the first publication to be by January 1, 2022. The capacity to accept transfers at each site and grade level must be published **in a prominent place** on the district's website **by the required date**. Districts must report this same information to OSDE. Districts may want to update the number of available seats on a rolling basis to provide up-to-date information to families, but this is not required.

11. What happens with a transfer applicant if and when a grade level or school site is at capacity?

The district may either 1) add the student to a waitlist; or 2) deny the transfer. If placed on a waitlist, a district must accept students in order from the waitlist as capacity is available.

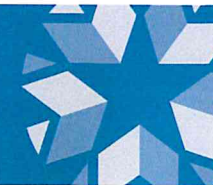
12. Will there be audits of district approvals and denials?

In addition to annual or more frequent accreditation reviews by OSDE, the Office of Educational Quality and Accountability (OEQA) is required to randomly select 10 percent 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 district's board of education on an annual basis. If OEQA finds inaccurate reporting of capacity levels by a school district, it has the authority to set the capacity for the school district.

TRANSFER PREFERENCES AND AUTOMATIC ADMISSIONS

13. Does the child of a member of the military receive a preference in the transfer process?

Yes. 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.



14. Do children of district employees receive preference in the transfer process?

Yes. 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. However, districts can ensure the transfer process and timelines are well communicated to all employees.

15. Does the new law change transfers for special education students?

No. Districts should continue to follow existing law and policy. Current law and policy require the following:

- a. The receiving district shall establish availability of the appropriate program, staff, and services prior to approval of the transfer;
- b. Prior to the 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.

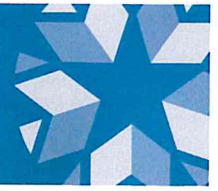
16. Do foster care children receive a preference when transferring?

Yes. 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.

17. Does a sibling of a student on a transfer receive preference if the sibling has been approved for a transfer at the receiving district?

Any brother or sister of a student who transfers may attend the school district to which the student transferred as long as the brother or sister of the transferred student does not meet a basis for denial due to:

- i. the district **exceeding its enrollment** capacity for the grade level at the requested school site;
- ii. **incident(s) of student discipline** for reason(s) outlined in [70 O.S. § 24-101.3](#); and/or
- iii. the student has a **history of absences**, which is defined as ten or more unexcused absences in one semester [70 O.S. § 8-101\(A-B\)](#).



APPEAL(S)

18. Is there an appeal to the local board of education?

Yes. If a transfer request is denied by the school district, the parent or guardian of the student may appeal the denial to the receiving school district's board of education within 10 days of notification of the denial. The board must 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. The appeal process will occur in executive session to protect the student's privacy, although the vote on whether to deny or accept the appeal must be conducted in the public meeting.

19. Is there an appeal to the State Board of Education?

Yes. If the school district board of education upholds the denial of the transfer, the parent or legal guardian may appeal the denial to the state Board of Education within 10 days of receiving notice of the local board's decision. The state Board must consider the appeal at the next regularly scheduled meeting, allowing the parent and the receiving district to appear. The state Board of Education must also adopt administrative rules outlining the appeals process.

REPORTING

20. What reporting obligations exist related to transfers?

In addition to publishing capacity on the district website, districts must report transfer capacity for each grade level and each school site to OSDE. Districts must also report to OSDE student-level information regarding the number of transfers, both approved and denied, by grade level and site, the reason for denial, the resident school district of the transferred student and grade level. OSDE is required to publish the counts in aggregate on its website.

VIRTUAL TRANSFERS

21. Are there any changes for virtual transfers?

To better accommodate the significant changes to school transfer law, the Department of Education exercised its authority to delay the roll out of [HB 2905](#) (impacting virtual charter school transfers) to coincide with the implementation of SB 783 (school open transfers) beginning January 1, 2022. Most notably, HB 2905 creates the following changes for virtual transfers:

- Specifies the geographic boundaries of statewide virtual charter schools to be the entire state.
- Requires students enrolled in a virtual charter school to be considered transfer students from the resident school district.
- Prohibits a student from transferring more than **once** to a statewide virtual charter school per school year. Any subsequent transfer to any other statewide virtual charter school within the same year requires the concurrence of both the resident school district and the receiving virtual charter school.