

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.

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 for the next school year starting the first Monday in April of each year. 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 the 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 as long as 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;
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.

TRANSFER POLICY(Cont.)

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.

District Capacity:

The district has a capacity of 20 students per teacher in Grades Pre-K through 6th grades.

The district has a capacity of 25 in Grade 7 at Waukomis Junior High School.

The district has a capacity of 25 in Grade 8 at Waukomis Junior High School.

The district has a capacity of 25 in Grade 9 at Waukomis High School.

The district has a capacity of 25 in Grade 10 at Waukomis High School.

The district has a capacity of 25 in Grade 11 at Waukomis High School.

The district has a capacity of 25 in Grade 12 at Waukomis High School.

Regarding out-of-district transfers that require special education services, capacity will be set by determining teacher caseload and class 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 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: 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. If the policy was not followed, the board of education shall vote to overturn the denial and the transfer will be granted. This will be a paper appeal and will include the written documentation utilized by the school district as well as a written response from the parent or legal guardian which explains why the policy was not followed.

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.



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.

Parent/Guardian Open Transfer Application



OKLAHOMA
Education

20 - 20
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



OKLAHOMA
Education

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