

OPEN TRANSFERS
TRANSFER REQUESTS FROM STUDENTS LIVING OUT OF DISTRICT

PURPOSE: To define the Open Transfer Policy.

A request for a transfer into this district initiated by or on behalf of a nonresident student will be approved or refused in accordance with this policy. However, as noted below, all transfer requests from out-of-district students to a district magnet school shall be governed by 2206-R2.

General Policy Regarding Out-of-District Transfers

A student not residing within the district will be allowed to attend a district school site that has not exceeded its capacity with regard to the transferring student's grade level. An application to transfer may be submitted at any time. If there is more than one district school site available for the transferring student, the district retains the sole discretion to determine the school site the transferring student will attend. In the event the district exceeds its capacity at all school sites for the grade level sought by the transferring student, transfer requests shall be awarded to those students whose properly completed transfer applications were received by the district in the order in which they were received. Except for a student in the custody of the Oklahoma Department of Human Services in foster care, a student shall not transfer more than two (2) times per school year to one or more school districts in which the student does not reside, provided that the student may always reenroll at any time in his or her school district of residence. This policy does not supersede or otherwise replace the specific admission and application requirements pertaining to the district's magnet schools found in 2206-R2, as any student attending those schools must apply according to specific guidelines and deadlines. Out-of-district students may attend a district magnet school pursuant to 2206-R2.

Applications for transfer shall be completed by the parent of a student on a properly completed application form specified by the State Board of Education. Within this policy, and as provided for in OKLA. STAT. tit. 70, § 1-113(A)(1), the term "parent" shall mean the parent or guardian of a student, or person having legal custody of the student. Upon receipt of the application, the district shall stamp the application with the time and date on which it was received to ensure that the district can review applications in the order in which they are received.

Transfers received pursuant to this policy are for one year. However, the approval will be automatically renewed without further application unless the district provides notification to the parent that the transfer will not continue based on one or more of the reasons described below pertaining to denial of applications generally.

The superintendent of schools, or their designee, shall determine the criteria to be used in determining grade capacity for each school site. Each school site's grade level capacity shall be (a) approved by the board of education prior to the first day of January, April, July and October of each school year, and (b) published in a prominent place on the district's website and reported to the State Department of Education. In general terms, the capacity of a grade at a particular school will be based on the current number of filled general education teacher positions multiplied by the student-teacher ratio as published in the current school year's staffing plan for the school and grade level, minus the number of students currently in the school and grade, with an additional accommodation made to account for typical in-district transfers. Because transfers to the district's magnet schools (whether criteria or lottery) have specific enrollment and admission requirements and because there is adequate capacity for out-of-district transfers in the district's non-magnet schools, the capacity of the magnet schools shall be set to "zero." Students living outside of the district should apply for admission to a district magnet school pursuant to the process described in 2206-R2.

Special Allowances

Dependents of teachers: A transfer application shall be automatically approved if a student's parent is employed as a teacher in the district as defined by OKLA. STAT. tit. 70, § 1-116.

Siblings of a transfer student: 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.

Students Placed in Foster Care: 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 attend the school district to which the student transferred.

Dependents of active military members: Students who are dependent children of a member of the active uniformed military services of the United States on full-time active-duty status and for whom Oklahoma is the home of record and students who are the dependent children of a member of the military reserve on active duty orders and for whom Oklahoma is the home of record, shall be approved for transfer into the district regardless of capacity if:

- a. At least one parent of the student has a Department of Defense-issued identification card;

- b. 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 the official
- c. orders to another location in support of combat, contingency operation or a natural disaster requiring the use of orders for more than thirty (30) consecutive days; and
- d. The student will be residing with a relative of the student who lives in the district or who will be living in the district within six (6) months of the filing of the application for the transfer.

A student is in compliance with the residency provisions of this policy if he or she is a student whose parent is transferred or is pending transfer to a military installation within Oklahoma while on active military duty pursuant to an official military order. A parent of such student must provide proof of residency in the district within ten (10) days after the published arrival date provided on official documentation. A parent may use the following addresses as proof of residence: a temporary on-base billeting facility, a purchased or leased home or apartment, or a federal government or public-private venture off-base military housing.

For purposes of this Section, “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 “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.

Special Considerations as to Transferring Student on an IEP

Prior to approving an application for a transfer student who is a child with a disability, as defined in 34 C.F.R. § 300.8, the district will establish (a) the availability of the appropriate program, staff, and services for the transferring student, and (b) conduct a joint conference with the Individualized Education Program (“IEP”) team at the transferring student’s current school. The purpose of conducting these activities is to determine whether—at the time the transferring student’s application is received—the district can provide the transferring student with a free appropriate public education in the least restrictive environment as required by the Individuals with Disabilities Education Act (20

U.S.C. §§ 1400 et seq.) (“IDEA”). In the event the district exceeds its capacity at all school sites for the grade level of a transferring child with a disability, the district shall “hold” a place for the transferring student in the order in which the transferring student submitted his or her properly completed application, pending the district’s determination in this section.

Denial of a Transfer Request

A transferring student's application will be denied if the transferring student has ten or more absences in the last full school semester that are not excused due to illness or for the reasons provided for in OKLA. STAT. tit. 70, § 10-105(B).

An IDEA-qualified transferring student's application will be denied if—as of the time of the transferring student's application is received—the district determines that it cannot provide the transferring student with a free appropriate public education in the least restrictive environment as required by the IDEA.

A transferring student's application may be denied if the transferring student is currently subject to discipline from the transferring student's current school for any of the acts and reasons outlined in OKLA. STAT. tit. 70, § 24-101.3(A)-(C) & (E), including but not limited to: violation of a school regulation, possession of an intoxicating beverage, possession of certain missing or stolen property, possession of a dangerous weapon or a controlled dangerous substance while on or within two thousand feet of public school property, or at a school event. However, the school district shall also maintain discretion to deny an application for any lawful reason. A transferring student's application shall be denied for any of the acts and reasons outlined in OKLA. STAT. tit. 70, § 24-101.3(F)(1), which pertain to certain violent acts, until such time as the district determines that the transferring student no longer poses a threat to self, other students, or district faculty or employees.

A transferring student's application will not be considered if incomplete and will be denied if the parent makes a fraudulent, intentional, or material misrepresentation on the application.

Any denial of a transfer request from a student seeking a transfer shall be communicated in writing to the parent. Proof of the date of mailing or transmission of the denial by electronic means shall constitute proof of communication of the denial to the parent.

The district shall not accept or deny any transfer application based on the student's race, color, sex, pregnancy, gender, gender expression, national origin, religion, disability, veteran status, sexual orientation, age, genetic information, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude, or athletic ability. Failure to be approved for a transfer as set forth in this policy shall not be deemed to be rejection for a discriminatory reason.

District Level Appeal of Denial of Transfer

A parent may appeal the denial of a transfer request to the clerk of the board of education so long as the appeal is made within ten (10) calendar days of the notification of the written denial. If a

timely appeal is made, the appeal shall be considered by the District's board of education at its next regularly scheduled meeting. The appeal shall be considered by the board of education only upon the written submissions of the district and the parent. Such written submissions shall state, at the minimum, the following in a statement not exceeding two pages in length:

- a. The date of the parent's transfer request application;
- b. The reasons for the denial by the district of the transfer request;
- c. The factual reason(s) of the district or parent as to why the transfer request was/was not properly denied; and
- d. The criteria set forth in this policy as to propriety of the denial of the transfer request.

If the district denies the parent's appeal, the parent may appeal the board of education's decision to the Oklahoma State Board of Education within ten (10) calendar days of notification of the denial. The parent shall submit to the State Board of Education and the superintendent of the district a notice of appeal on a form prescribed by the State Board of Education. State law provides that the appeal shall be considered by the State Board of Education at its next regularly scheduled meeting, where the parent and a representative from the district may address the Board, and that the State Board of Education shall promulgate rules to establish the appeals process authorized by this subsection.

District Reporting to the Oklahoma State Department of Education

Prior to the first day of January, April, July and October of each school year, the district shall report to the State Department of Education the capacity of the grade level of each district school site.

Prior to the first day of January, April, July and October of each school year, the superintendent of schools of the district shall report to the State Department of Education a statement showing the names of the students granted transfers to the District, the resident school district of the transferred students, and the transfer student's grade level.

At the frequency required by the Oklahoma State Department of Education, the district shall also submit to it (a) the number of student transfers approved and denied, and (b) whether each denial

was based on capacity, the acts and reasons outlined in OKLA. STAT. 70, § 24-101.3, or a history of absences in the last full school semester that were not excused due to illness or for the reasons provided for in OKLA. STAT. 70, § 10-105(B).

Athletic and Other Competitions

A transfer student granted enrollment in a school district in which the student is not a resident shall not be eligible to participate in school-related interscholastic competitions governed by the Oklahoma Secondary School Activities Association (“Association”) for a period of one (1) year from the first day of attendance at the District, unless the transfer is from a school district not offering the grade the student is entitled to pursue. Whether a student granted a transfer under this policy will be eligible to participate in school-related interscholastic competitions shall be determined by the Association.

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Reference: OKLA. STAT. tit. 70, §§ 8-101.1, 8-101.2, 8-103, 8-103.1, 8-103.2

OKLA. STAT. tit. 70, § 8-113

OKLA. STAT. tit. 70, § 13-103(B)