

TRANSFER POLICY

OPEN TRANSFERS

Previous Transfers (prior to January 1st, 2022)

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 discipline, or attendance as addressed within this policy. Parents/Guardians will be notified by July 15th of the district's decision to deny continuance. This discontinuance can be appealed to the school board according to this policy.

Transfer Application Overview & Timeline

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. Parents/Guardians can request a transfer at any time. 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 notify parents/guardians of the decision to approve or deny within 30 calendar days of request receipt in writing by either hand-delivery, by U.S. Mail or electronic mail. If denied, the notification shall include an explanation including but not limited to any citation to the statute, regulation, or school district policy under which the denial was made; A copy or electronic link of the policy adopted by the district for determining the number of transfer students the school district has the capacity to accept; a copy or electronic link of 210:10-1-18.1 from the Administrative Code; and the date upon which the appeal will be due.

Upon notification of an approved transfer, the parents/guardian has 10 calendar days to initiate enrollment. Failure to do so may result in transfer revocation.

For existing transfers, the district will not require parents to resubmit a new transfer application each school year and will advance the previous application of an enrolled student amending only the grade placement of the student. A student shall be allowed to transfer to a district in which the custodial parent or legal guardian of the student is employed as per 70 O.S. § 8-113.

State law does limit the ability of a student to transfer 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.

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.

Capacity Determination

Capacity, determinations are specifically for the purpose of complying with Oklahoma state law (70 O.S. § 18-113.1) establishing guidelines to determine the capacity for Mustang Public Schools to accept transfer students as defined by law. Capacity is not intended to define district decisions related to staffing allocations or class size determinations for non-transfer students.

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 specified 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. Mustang Public Schools recognizes the need to provide additional support in schools designated as School wide Title I sites. Capacity limits are smaller for these sites as described below.

The following calculations will be used to determine Program Capacity for schools not designated as Schoolwide Title I school sites.

- PK-4th Grades
 - By site, the number of core grade level teachers per grade level x 20 students = capacity for that grade level.
- 5th -6th Grades
 - By site, the number of English Language Arts sections per grade level x 20 students = capacity for that grade level.
- 7th-8th Grades
 - By site, the number of English Language Arts sections per grade level x 25 students = capacity for that grade level.
- 9th-12th Grades
 - By site, the number of English Language Arts sections per grade level x 28 students = capacity for that grade level.
- Reserve capacity of 3 students per site shall be established to accommodate Intra-District transfers.

The following calculations will be used to determine Program Capacity for schools designated as Schoolwide Title I school sites.

- PK-4th Grades
 - By site, the number of core grade level teachers per grade level x 18 students = capacity for that grade level.
- 5th -6th Grades
 - By site, the number of English Language Arts sections per grade level x 18 students = capacity for that grade level.
- 7th-8th Grades
 - By site, the number of English Language Arts sections per grade level x 22 students = capacity for that grade level.
- 9th-12th Grades
 - By site, the number of English Language Arts sections per grade level x 25 students = capacity for that grade level.
- Reserve capacity of 3 students per site shall be established to accommodate Intra-District transfers.

As it relates to Capacity, “Student” is defined as any student currently enrolled in Mustang Public Schools, regardless of instructional delivery format.

As it relates to Capacity, “English Language Arts” includes all levels of English Instruction for each specific grade level (e.g. English 3 and AP English Language). Self-contained special education courses and special education related teacher maximums are defined elsewhere.

As it relates to Capacity, the “sections” of English Language Arts are defined as one regular class taught by at least one teacher for a time of 1 period in the school day.

Transfer Capacity Review

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.

Uniformed Military Services - Dependent Children

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 and;
3. The student will be residing with a relative of the student who lives in the receiving school district or who will be living in the receiving school district within six (6) months of the filing of the application for transfer.

A student shall be considered in compliance with the residency provisions of Section 1-113 of this title if he or she is a student whose parent or legal guardian is transferred or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order.

MPS shall accept applications by electronic means for enrollment including enrollment in a specific school or program within the school district and course registration for students. The Parent or legal guardian of a student shall provide proof of residence in the school district within ten (10) days after the published arrival date provided on official documentation. A parent or legal guardian may use the following addresses as proof of residence:

- a. a temporary on-base billeting facility,
- b. a purchased or leased home or apartment, or
- c. federal government or public-private venture off-base military housing. (70 O.S. § 8-103.1)

Transfer Acceptance

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 disciplinary reasons or a history of absences. Parents will be responsible for transportation for accepted transfers.

Academic Program Capacity Reserved

Mustang Public Schools has placed an emphasis on diverse academic program offerings, specifically at the High School. Considering such, out of district transfer capacity has been reserved for innovative high school programs not offered in most other metro school districts. These include programs such as ROTC, Aviation, Outdoor Education, or Agriscience. Out of district transfer applicants choosing to participate in these programs may be considered priority candidates for approval regardless of capacity.

Automatic Approvals

If a parent receives notification from the State Department of Education their transfer has been automatically approved due to military, foster care or a teacher employment status situation, Mustang Public Schools may immediately revoke the transfer upon failure to meet qualifying approval criteria outlined in law; teacher hired but never shows for work; military deployment orders are rescinded; etc.

Transfer Denial & Appeal

If a transfer request is denied by the administration, the parent or legal guardian of the student may appeal the denial within ten (10) calendar days of notification of denial to the board of education. The appeal period begins 3 days after notification sent by US mail or the day after a notification sent by email or hand delivered. The appeal to the board of education shall be submitted to the office of the superintendent. The appeal shall include the following: The name, address and telephone number of the parent of the student and the student for whom the appeal is being taken; the date the district gave notice denying the transfer request; the basis for appealing the decision of the school district; and the name, address and telephone number of the legal representative, if applicable. 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. 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. Any board vote on the appeal must be taken in open session. The student's name should not be included in the agenda or in the motion. If the board of education votes to deny an appeal of a request to transfer, the board of education shall instruct the superintendent to provide notification of denial in writing to the parent of the student by either hand-delivery, by U.S. Mail, or by electronic mail. The notification shall include: An explanation, including the legal citation to the statute, regulation, or school district policy under which the denial was made; a copy of the policy adopted by the board of education for determining the number of transfer students the district has capacity to accept; a copy of the

State Board of Education's prescribed form for an appeal; and a copy of 210:10-1-18.1 which identifies the Accreditation standard for appealing the denial of a student transfer. 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) calendar days of the notification of the appeal denial to the State Board of Education. The parent or legal guardian shall submit to the superintendent of the district, a notice of appeal on the form prescribed by the State Board of Education. The superintendent will immediately provide copies of the appeal to each member of the board of education. Upon receipt of notice of an appeal, but not later than five (5) calendar days prior to the date at which the State Board of Education is scheduled to consider the appeal, the board of education may submit a written response to the appeal. Responses should not exceed five (5) pages. If not submitted by the parent, the board of education shall provide a copy of the policy adopted to determine the number of transfer students the district has the capacity to accept in each grade level for each school site within the district. The parent and the school district will have an opportunity to appear in person or by authorized representative or by attorney to address the State Board at the meeting.

Athletics

Students who transfer into Mustang Public Schools shall retain varsity athletic eligibility according to "rule 8" from the Oklahoma Secondary Schools Athletics Association (OSSAA); amended 2024.

INTRA-DISTRICT TRANSFERS

The assignment of students to a school attendance zone shall be made on the basis of residency of students. School boundaries are reevaluated annually to ensure a fair and effective allocation of resources and access to education within the district. Specifically, school boundaries can be adjusted based on one (or more) of the following factors: school capacity, new enrollments, neighborhood development, projected growth, new school construction or any circumstances beyond the district's control (tornado, rezoning, etc.).

Beginning July 1, 2024, a student may transfer between school sites within the district at any time during the year unless the student's grade level has reached capacity at the receiving site. The district's capacity determinations are referenced in this same policy.

Excepting a student in Department of Human Services foster care, a student shall not transfer more than two times per school year, but a student may always re-enroll at any time at the student's site of residence.

For grade levels with limited capacity, the district shall give preference and reserve capacity to the following students submitting an intra-district transfer request. Following the acceptance of these students, the district will approve transfer requests in the order they were received.

1. Students who reside in the school site boundary.
2. Students who attended the school site the prior year.
3. Siblings of students who are already enrolled at the school site.
4. Children of school district employees who wish to attend a different school site within the school district.
5. Students who change residence within a school district and who wish to attend the same school site.

The District will approve an intra-district transfer request for the following students at any time during the school year:

1. The child of a custodial parent/guardian that is employed by the District.
2. Any child in the custody of the Department of Human Services and living in foster care who resides in the home of another student who transfers intra-district may attend the school site to which the student transferred.

If and Intra-district transfer is wait-listed, intra district transfers will be given priority over out of district transfers regarding capacity and open spots at school sites.

Discipline and attendance will be reviewed for each intra-district transfer application and can be denied for the following reasons:

- 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.
- d. The transferring student has 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.

The denial of an Intra-district transfer request by the district shall be final and not appealable.

Reference:

OKLA. STAT. tit. 70, §§ 8-101.1, 8-101.2, 8-103, 8-103.1, 8-103.2
 OKLA. STAT. tit. 70, § 18-110(E)
 OKLA. STAT. tit. 70, § 8-113
 OKLA. STAT. tit. 70, § 13-103(B)
 OKLA. STAT. tit. 70, § 13-101
 O.A.C. 210: 10-1-18

OKLA. STAT. tit. 70, § 1-114

OKLA. STAT. tit. 70, § 8-114

Transfer of Special Education Students

If a transfer application is received for a child with disabilities to a school district other than the district of residence of the child pursuant to the Education Open Transfer Act, the following provisions shall apply:

1. The school district shall establish availability of the appropriate program, staff, and services prior to approval of the transfer;
2. 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
3. Upon approval of the transfer, the receiving district shall claim the child in the average daily membership for state and for federal funding purposes and shall assume all responsibility for education of the child.

For state funding purposes, the State Department of Education shall include the appropriate grade level weight and all category weights to which the pupil is assigned pursuant to the provisions of Section 18-201.1 of this title when calculating State Aid pursuant to the provisions of Section 18-200.1 of this title, regardless of whether the receiving district provides education to the student using traditional in-class means or via online instruction. When applicable, the receiving district may apply to the Oklahoma Special Education Assistance Fund for assistance in meeting any extraordinary costs incurred.

REFERENCE: 70 O.S. §13-103.

Adopted: 12-99

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