

STUDENT TRANSFERS

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. Failure to meet the criteria in this policy for approval will not be deemed to be rejection for a discriminatory reason. 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.

By the first day of January, April, July and October, the superintendent or designee 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.

STUDENT TRANSFERS (Cont.)Criteria for Approval or Denial of Transfers

The district shall approve or deny the application and notify the parent of the student of the determination in writing within thirty (30) days of receiving an application. The parent shall provide the district with written notification that the student will be enrolling within ten (10) days of notification of acceptance. Failure to notify the school district within ten (10) days of acceptance shall result in the cancellation of the transfer. The district will provide a written notice of the cancellation to the parent of the student immediately upon cancellation.

The fact that the district has adopted a transfer policy does not mean that every transfer application will be accepted. A transfer will be denied if the administration determines the transfer would detract from the educational experience of currently enrolled students or place additional financial or space burdens upon the district.

In addition to the general criteria listed above, a transfer application will NOT be approved if:

A. This district does not:

1. Provide the courses/educational program(s) in which the applicant desires to enroll or in which this district deems the student is required to enroll in order to comply with state and federal laws and regulations.
2. Have adequate facilities or services to provide the courses/educational program(s) in which the applicant desires to enroll or in which this district deems the student is required to enroll in order to comply with state and federal laws and regulations.
3. Have adequate space for the student in the courses/educational program(s) in which the applicant desires to enroll or in which the district deems the student is required to enroll in order to comply with state and federal laws and regulations. The administration may reserve preferred space for resident students or new resident students reasonably anticipated to move into the district during the school year. Thus, the district may deny a transfer if approval would result in:
 - A. Placing a financial or education burden on district facilities or staff in the courses/educational programs the student would attend; or
 - B. Exceeding class size limitations set by state law or district policy in such courses; or,
 - C. Exceeding a percentage of such class size limitations as set by the superintendent or designee. The administration may determine that a percentage of class size mandates should be reserved for later resident enrollment to prevent the exceeding of class size limits later in the school year due to additional enrollment of reasonably anticipated new resident students.
4. Have current personnel needed to provide the grade/courses/programs in which the applicant desires to enroll.

B. The student:

1. Has a disciplinary record which provides a reasonable basis to determine the applicant would present a discipline problem if enrolled. Such a reasonable basis will exist if school discipline or court records of the student, from any public or private school within or without the State of Oklahoma or any court within or without the State of Oklahoma, show the student at any time:

A. Has violated school regulations;

Has committed an act commonly regarded as being immoral;

**STILLWATER BOARD OF FE
EDUCATION**

STUDENT TRANSFERS (Cont.)

- C. Has been adjudicated as a delinquent for either a violent or nonviolent offense under relevant Oklahoma law;
- D. Has been convicted as an adult for either a violent or nonviolent offense under relevant Oklahoma law;
- E. Has committed on school property, in school transportation, or at a school event a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or others;
- F. Has possessed on school property, in school transportation, or at a school event any alcoholic beverage, or missing or stolen property found to have been taken from a student, school employee, or the school during school activities; or,
- G. Has possessed on school property, while in school transportation, or at a school event a dangerous weapon or a controlled dangerous substance as defined by relevant Oklahoma law, or a prescription or non-prescription mood-altering substance.

C. The applicant:

1. Fails to complete and submit the Application Form, provide the district with sufficient educational records, or inform the district in detail of the grades/courses/programs in which the student desires to enroll or participate if the application is accepted so that the criteria above can be applied within the time deadlines set by law for the approval or rejection of a transfer. All such records must be supplied to the district in time for district personnel to make a reasonable review of such records in applying the approval/denial criteria set by this policy. This is particularly important for students with disabilities because all documentation of the resident district will need to be reviewed to make a preliminary determination as to whether the district has the appropriate programs, staff, and services to provide the applicant with the education and services set forth in the student's IEP or Section 504 Accommodation Plan, and, if a preliminary approval determination is made, to prepare for and conduct a joint IEP or Section 504 conference with the resident district prior to any final approval or rejection of the transfer application. All applicants must consent in writing to the release of educational records from previous schools attended, and applicants for students with disabilities must consent in writing to forward to this district whatever confidential records this district deems is necessary to review in applying the approval/denial criteria of this policy. The superintendent or superintendent's designee has authority to amend the Application Form by regulation to include additional information needed to review an application request.
2. Fails to timely submit a completed application; or,
3. Provides incorrect information on the application request.

If a transfer request is denied by the school district, the district shall provide notification of the denial in writing to the parent by either hand delivery, by U.S. Mail or electronic mail. The notification shall include:

1. An explanation including but not limited to any citation to the statute, regulation, or school district policy under which the denial was made;
2. A copy of the policy adopted by the district for determining the number of transfer students the school district has the capacity to accept;
3. A copy of 210: 10-1-18.1 from the Administrative Code; and

The date upon which the appeal will be due.

STILLWATER BOARD OF FE EDUCATION

STUDENT TRANSFERS (Cont.)

Delegation of Approval Authority to Superintendent, or Designee

The board of education delegates to the superintendent, or designee authority to approve or deny a transfer application pursuant to the criteria listed in this policy.

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. If notification was hand-delivered, the appeal period shall begin the day after the notification is delivered. If notification is sent by U.S. Mail, the appeal period shall begin three (3) days after the notification is mailed. If notification is sent via electronic mail, the appeal period shall begin the day after the notification is sent. 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.

The appeal to the board should be submitted to the office of the superintendent. The appeal shall include the following:

1. The name, address and telephone number of the parent of the student and the student for whom the appeal is being taken;
2. The date the district gave notice denying the transfer request;
3. The basis for appealing the decision of the school district, and
4. The name, address and telephone number of the legal representative, if applicable.

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 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:

1. An explanation, including the legal citation to the statute, regulation, or school district policy under which the denial was made;
2. A copy of the policy adopted by the board of education for determining the number of transfer student the district has capacity to accept;
3. A copy of the State Board of Education’s prescribed form for an appeal; and
4. A copy of 210:10-1-18.1 which identifies the Accreditation Standard for appealing the denial of a student transfer.

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.

Students with Disabilities

If a transfer application is received for a ~~child~~ **student** 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:

Adoption Date: August 12, 2008

*Revision Date(s): 10/08/13, 8/11/15, 7/18/17,
12/14/21, 7/12/22, 8/13/24*

Page 4 of 8

**STILLWATER
EDUCATION**

BOARD

OF

FE

STUDENT TRANSFERS (Cont.)

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~~ **student** 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~~ **student** in the ~~average~~ daily membership for state and for federal funding purposes and shall assume all responsibility for education of the ~~child~~ **student**. 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.

Once a student transfer application is received, the superintendent or their designee shall review the application. The review process shall include:

1. A joint IEP conference between the previous district and the receiving district to review the services the student has received at their previous district;
2. A determination as to whether the district has the availability of the appropriate program, staff and services to provide appropriate services to the student who has applied for a transfer.

If a transfer request is denied by the school district, the district shall provide notification of the denial in writing to the parent by either hand-delivery, by U.S. Mail or electronic mail. The notification shall include:

1. An explanation including but not limited to any citation of the statute, regulation, or school district policy under which the denial was made;
2. A copy of the policy adopted by the district for transfers of students with disabilities;
3. A copy of the State Board of Education rule governing appeals (after adoption); and
4. The date upon which the appeal will be due.

The parent or legal guardian of a student with disabilities or an adult student with disabilities who is age 18 or older but under the age of 22 may appeal the denial within 10 days of notification of the denial to the board of education. The board shall consider the appeal at its next regularly scheduled board meeting. If notification was hand-delivered, the appeal period shall begin the day after the notification is delivered. If notification is sent by U.S. Mail, the appeal period shall begin three (3) days after the notification is mailed. If notification is sent via electronic mail, the appeal period shall begin the day after the notification is sent. 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. The board of education shall accept an otherwise untimely appeal if a parent of a student can establish that they did not receive actual notice of the notification denying the transfer request, and the appeal was submitted within 10 days after the parent of the student received notice.

STUDENT TRANSFERS (Cont.)

The appeal to the board of education shall be submitted to the office of the superintendent. The appeal shall include the following:

1. The name, address and telephone number of the parent of the student and the student for whom the appeal is being taken;
2. The date the district gave notice denying the transfer request;
3. The basis for appealing the decision of the school district; and
4. The name, address and telephone number of the legal representative, if applicable.

~~**Appeal process choice 1:** During the appeal, the board will review the action of the administration and the appeal paperwork submitted by the parent of the student 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 return to open session to 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.~~

Appeal process choice 2: During the appeal, the board of education will meet with the administration and parent or legal guardian of the student in executive session. 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 will vote to approve the denial or overturn the denial of the transfer.

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 the rule adopted by the State Board of Education which identifies the Accreditation standard for appealing the denial of a student transfer.

If the board of education denies the appeal, the parent or legal guardian of the student with disabilities or the adult student with disabilities who is age eighteen (18) or older but under the age of twenty-two (22) may appeal the denial within ten (10) days of notification of the appeal denial to the State Board of Education. The appeal shall be considered by the State Board of Education at its next regularly scheduled meeting.

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. The superintendent shall immediately provide a copy of the appeal to each member of the board of education. Upon receipt of notice of an appeal, but not later than five (5) 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

STUDENT TRANSFERS (Cont.)

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.

Notwithstanding the provisions of this policy, students with disabilities may be educated in this district pursuant to special education cooperative agreements between this district and other school districts. Such transfers will not be deemed to be parent-or student-initiated transfer applications governed by this policy.

Athletic and other Competition

A transfer student granted an open transfer may not be eligible to participate in school-related interscholastic competition governed by the Oklahoma Secondary School Activities Association (“OSSAA”) for a period of one year from the first day of attendance at this district, unless the transfer is from a school district not offering the grade the student is entitled to pursue. Whether a student granted an open transfer will be eligible to participate in school- related interscholastic competition shall be determined by OSSAA.

Children of District Employees

Children or wards of individuals employed as teachers or staff by the school district shall be allowed to transfer into the school district without regard to capacity.

First-Come First Serve Basis

Transfers will be approved on a student-by-student basis in the order in which they are received. Transfer or enrollment status of other family members is not a consideration for prioritization. The district will approve or deny the application and notify the parent of the student of the determination in writing within (30) days of receiving application.

Transportation

Parents will be required to provide transportation to and from school. Relocation of Family During Term of Transfer

A student whose family relocates from their resident school district may continue attendance at Stillwater Public Schools through the end of school year, provided the student meets the expectations of the Student Transfer policy. The student must apply for a transfer for subsequent school years.

Approval of a Transfer Requires Agreement for Cancellation of Transfer

Approval by this district of any transfer is contingent upon the applicant agreeing to cancellation of this transfer by the district during the school year if the student does not comply with the rules and regulations of this district for student behavior, or if the family of the transferred student fails to remain current in financial obligations owed to the district, including, but not limited to, payment for lunches or lost or destroyed district property. The board of education hereby delegates to the superintendent, or designee authority to cancel any transfer previously granted by the board of education upon a determination that cancellation is appropriate.

STUDENT TRANSFERS (Cont.)

Students Seeking a Transfer from a Non-Accredited School or a Home School

Students currently enrolled in a private school not accredited by a state agency or in a home school are not guaranteed enrollment in the grade, programs, or courses in which the applicant desires to enroll. Students desiring to transfer from private schools not accredited by a state agency or from a home school will be required to take all placement tests required of resident students enrolling in the district after attendance in private schools not accredited by a state agency or home schools, and the administration will decide the appropriate placement primarily upon placement test results as per district policy. An applicant who does not agree to accept placement based upon such test results and criteria review will be deemed ineligible for an approved transfer.

Acceptance of Assignment Required; Subsequent Change Needs Administrative Approval

Excluding grade promotion, a transfer student must accept the school site, courses, and programs to which the student is assigned by the administration. A transfer student will not be allowed at the time of, or after, enrollment to change the grades, courses, programs, or school site in which the student stated he or she desired to enroll on the transfer application without specific written permission from the superintendent, or designee. It will be the responsibility of the transfer student or parent to inform the school official from whom approval for a new assignment is requested that the student is a transfer student, and failure to do so will result in cancellation of the transfer unless excused by the superintendent or designee.

- 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. §8-103.2
70 O.S. §8-113
70 O.S. §13-103
70 O.S. §24-101, et seq.

Family Education Rights and Privacy Act Atty. Gen. Op. No. 87-134, April 1, 1988

**CROSS-REFERENCE: Policy FDA, Enrollment Requirements
Policy FEG, Student Transfers For Children Of Active Duty Military Members**

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.

THIS POLICY REQUIRED BY LAW.

