

SPERRY PUBLIC SCHOOLS BOARD OF EDUCATION POLICY	<i>Students</i> Adopted: June 10, 2013 Revised: September 9, 2013; October 13, 2014; September 14, 2015; September 12, 2016; September 9, 2019; August 9, 2021; December 13, 2021; January 10, 2022; August 8, 2022; August 14, 2023; June 24, 2024
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STUDENT TRANSFERS

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.

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.

A.

Inter-District Transfer Application Requests

1. Applications for transfer shall be processed in the order in which they are received and must be completed by the parent of a student on a properly completed application form specified by the State Board of Education, which can be downloaded here: <https://sde.ok.gov/student-transfers>. The term “parent” means the parent of a student or person having custody of the student as provided for in OKLA. STAT. tit. 70, § 1-113(A)(1). Applications to transfer during a current school year may be submitted at any time. The school district will begin accepting transfer applications for the next school year starting June 1st of the current school year. The administration will not approve or deny transfers received for the next school year until after the capacity data is determined for each grade level and site within the school district.

2. Upon receipt of the application, the District shall mark 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. The application shall also be filed with the superintendent of the District if the receiving school district is within this state or with the State Board of Education for transfers to school districts in another state. In addition to completing the application form as specified by the State Board of Education, applicants must submit their discipline and attendance records from their resident district and/or the district they have most recently attended. A transfer application submitted without these required documents will be incomplete and will not be considered.

3. Subject to the special considerations applicable to a student on an Individualized Education Program (“IEP”) pursuant to the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.) (“IDEA”) as set forth below, a transfer shall be automatically approved if a student’s resident district does not offer the grade level the

student is entitled to pursue.

4. A transferring student from another school district that offers the grade the student is entitled to pursue may seek a transfer to the same grade offered by the District. The transferring student will be allowed to attend a District school site that has not exceeded its capacity of the transferring student's grade level. If there are more than one District school sites available for the transferring student, the District retains the sole discretion to determine the school site the transferring student will attend.

5. Any child in the custody of the Oklahoma Department of Human Services in foster care who is living in the home of a student who transfers, may attend the District of the transferred student as long as the District has capacity and the child does not meet a basis for denial as set forth in this policy. 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.

6. A student who is deaf or hearing-impaired and who wishes to transfer to a school district with a specialized deaf education program may submit a transfer application at any time and may transfer to the receiving school district at any time during the school year.

7. 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 request applications were received by the District in the order in which they were received.

8. A transfer shall be automatically approved if a student's parent or legal guardian is employed by the District, regardless of District capacity, and so long as the student does not meet one or more of the bases for a transfer denial as set forth in this policy.

B.

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 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 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. In the event an opening occurs, a decision on the transfer will be made after consideration of the factors above.

Transfers made for the purpose of providing a free appropriate public education

(FAPE) to special education students pursuant to OKLA. STAT. tit. 70, § 18-110(E) and OKLA. STAT. tit. 70, § 13-101 are not considered Open Transfers subject to this policy.

If a request to transfer a student with disabilities to a school district other than the school district of residence of the student pursuant to the Education Open Transfer Act is denied, the following provisions shall apply:

1. The parent or legal guardian of a student with disabilities or an 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 denial to the receiving school district board of education. The receiving school district board of education shall consider the appeal at its next regularly scheduled board meeting; and

2. If the receiving school district board of education denies the appeal, the parent or legal guardian of the student with disabilities or an 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 parent or legal guardian of the student with disabilities or the adult student with disabilities shall submit to the State Board of Education and the superintendent of the receiving school district a notice of appeal on a form prescribed by the State Board of Education. The appeal shall be considered by the State Board of Education at its next regularly scheduled meeting, where the parent or legal guardian of the student with disabilities or the adult student with disabilities and a representative from the receiving school district may address the Board. The State Board of Education shall promulgate rules to establish the appeals process authorized by this subsection which shall align with rules promulgated pursuant to 70, § 8-101.2.

The district's board of education shall annually submit to the State Department of Education the number of transfer requests for students with disabilities approved and denied and whether each denial was based on availability of programs, staff, or services.

C.

Special Considerations as to Transferring Students who are Dependent Children of an Active U.S. Military Member

1. For purposes of this Section (C):

- a. "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
- b. "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.

2. 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; and
- 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 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.

3. A student is in compliance with the residency provisions of this policy if he or she is a student whose parent or legal guardian 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 or legal guardian 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 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.

D.

Denial of a Transfer Request

1. A transferring student's application may be denied if the grade level or school site to which the transfer is being requested is at capacity.

2. A transferring student's application will be denied if the transferring student is or has been subject to discipline for any of the acts and reasons outlined in OKLA. STAT. tit. 70, § 24-101.3(A)-(C) & (E). 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) 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.

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

4. 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.

5. A student may be granted a one-year transfer and may automatically continue to attend the District each school year with the approval of the District. At the end of each school year, the District may deny the continued transfer of the student for the reasons outlined in OKLA. STAT. tit. 70, § 24-101.3(A)-(C) & (E), or if the student has ten or more absences in one semester that are not excused due to illness or for the reasons

provided for in OKLA. STAT. tit. 70, § 10-105(B). Written notice of the District's intention to deny the continued transfer shall be given to the parent or legal guardian of the student no later than July 15.

6. 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.

7. The denial of a transfer request from a student seeking a transfer shall be communicated in writing to the parent, as defined in OKLA. STAT. tit. 70, § 1-113(A)(1). 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.

8. 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.

E.

Transfer Application Request Notifications

1. The District will prominently post on its website the dates on which it will begin accepting transfer applications for the current and upcoming school year.

2. The District shall approve or deny the transfer application and notify the parent or legal guardian of the student within thirty (30) days of receiving an application.

3. If the District accepts a transfer application, the parent or legal guardian of the student must provide written notification to the District that the student will be enrolling within ten (10) days of receiving notice that the transfer application was approved. Failure of the parent or legal guardian to notify the District may result in the loss of the student's right to enroll in the District for that year only. If the parent or legal guardian fails to notify the District that the student will be enrolling, and the District chooses to cancel the transfer, the District shall provide written notice of the cancellation to the parent or legal guardian of the student immediately upon cancellation.

4. If the District receives notice that a student will be transferring, the District shall notify the student's resident school district within ten (10) days of receiving notice of the acceptance of the transfer.

F.

Capacity Determination

Capacity determinations are specifically for the purpose of complying with Oklahoma Senate Bill 783 (2021) to determine the capacity to accept transfer students as defined by this legislation. The superintendent of schools, or their designee, shall determine the criteria to be used in determining grade capacities for each school site, including the capacity for any full-time virtual education program offered by the District. In part, 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 specified in 70 O.S. § 18-113.1 and/or the current school year's staffing plan for the school and grade level. The administration may reserve preferred space for resident students or new resident students reasonably anticipated to move into the district during the school year.

The following guidelines will be considered in determining capacity:

- PK-3rd Grades: The number of teachers per grade level x 20 students,
- 4th-5th Grades: The number of teachers per grade level x 22 students,
- 6th-8th Grades: The number of English Language Arts teachers per grade level x 115 students, and
- 9th-12th Grades: The number of English Language Arts Teachers per grade level x 125 students.

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.

"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. The "number" of English Language Arts Teachers will be based on the full-time equivalents (FTEs) based on five sections of English Language Arts instruction per 1.0 FTE.

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, and the capacity to accept for any full-time virtual education program offered by the District. The number of transfer students for each grade level at each site and the number of transfer students for any full-time virtual education program that the district has the capacity to accept will be posted in a prominent place on the school district's website and is attached hereto as Exhibit A and Exhibit B. The district shall report to the State Department of Education the number of transfer students for each grade level for each school site and the number of transfer students for any full-time virtual education program which the district has the capacity to accept.

G.

District Level Appeal of Denial of Transfer

A parent may appeal the denial of a transfer by submitting their notice of appeal and written submissions to the clerk of the board of education within ten (10) calendar days of the notification of the written denial. If a timely appeal with submissions is made, the appeal shall be considered by the District's board of education at its next regularly scheduled meeting, if notice is provided prior to the deadline for posting the agenda for the 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.

The board of education will meet in an executive session to review the appeal to protect the privacy of the student. The board of education will then return to open session to conduct its vote on whether to deny or accept the appeal.

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. 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. The State Board of Education shall promulgate rules to establish the appeals process authorized by this subsection.

H.

District Reporting to the Oklahoma State Department of Education

1. 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.

2. 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.

3. 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).

I.

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.

J.

Intra-District Transfers

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 attached hereto as Exhibit A.

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 at any time during the school year for 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.

Notwithstanding any of the foregoing, an intra-district transfer request may be denied if the requesting student has ten or more absences in one semester not excused due to illness or for reasons provided in OKLA. STAT. tit. 70, § 10-105(B). A student's intra-district transfer request may likewise be denied for any reason outlined in Section D of this policy (Denial of Transfer Request).

The denial of a 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