

STUDENT SCHOOL ASSIGNMENT AND TRANSFERSPurpose and Intent

The Board directs the Superintendent to develop a student transfer process and to communicate it publicly to current and potential Oklahoma City Public Schools families. This process should provide equitable access for Oklahoma City Public Schools students to transfer, set timelines for application submissions and decision notifications, and create a Student Transfer Contract that outlines transfer student expectations and criteria for transfer cancellation.

Home School Attendance Zone Boundaries

Attendance zones shall be established based primarily upon demographic data, geographic proximity to schools, transportation routes, and the instructional capacity of school facilities.

In the fall of each year, the Superintendent shall review enrollment trends, facility use and other related data to ensure that schools are operating at appropriate capacity levels and in a fiscally responsible manner. The Superintendent shall report findings to the Board no later than the first regular Board meeting of January.

Should deficiencies in capacity or fiscal responsibility arise to a level warranting action, the Superintendent will recommend to the Board changes to school attendance zones and facility usage that will benefit students. To the extent possible, recommendations should be made by the regular Board meeting in March for the following school year to provide ample time to communicate changes to families. See Policy D-12: Facilities Master Planning.

School Assignment

Students shall attend the assigned school for the official, legal residence of their parent(s)/legal guardian(s) unless they have appropriate administrative approval to enroll elsewhere.

Admission to Application-Required Schools

As part of its goal to provide diverse educational opportunities to Oklahoma City Public Schools families, the Board has established several schools that have selective admission requirements. Students wishing to attend one of these schools must complete an application.

Student Intra-District Transfers

All students who reside within the Oklahoma City Public Schools boundaries may apply for a transfer outside of their assigned home school. Transfers shall not be offered or denied based on race, ethnicity, color, gender identity, gender expression, sexual orientation, national origin, religion, income level, disability, English language proficiency, measures of achievement, aptitude, or athletic ability.

District transportation is not provided for students attending a school on a transfer.

Administrative transfers required to comply with students' Individualized Education Programs (IEPs) and those required by federal statute shall have precedence over general student transfers. This includes any student who has been the victim of a violent criminal offense who shall be allowed to transfer to a school within the system that is designated as safe.

Annual Determination of Individual School Capacity

By February 1 of each year, the Superintendent or designee shall provide each Principal with projected enrollment by grade for the following year.

The number of available transfer spaces available by grade for every non-application school in the District shall be made publicly before the first day that transfer applications may be accepted by the District.

Transfer Application

Incomplete transfer applications will not be considered. Any approved transfer found to be based on false information will be subject to revocation.

Verification of Transfer Eligibility

A transfer application may be denied for reasons including:

- Lack of available space at requested school
- Student has a history of poor attendance including excessive unexcused absences or tardiness
- Student has a history of repeated and/or serious violations of the Oklahoma City Public Schools Student Code of Conduct
- Requested school does not have resources or capabilities to provide appropriate services for students with special needs, as determined by the Superintendent
- Incomplete Student Transfer Contract

For all others, 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 begin accepting applications for the next school year starting February. 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 limits a student's ability 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 their 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.

~~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 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.~~

In general terms, the capacity of a grade at a particular school will be based on the current number of filled general education core 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.

For district application schools, which have specific enrollment and admission requirements, the capacity is set at zero as out of district transfers are granted only after the student's application has been timely received and is approved.

Determining capacity for purposes of transfer does not impact the number of students who can enroll and attend the school who live within the school boundaries.

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 shall consider the appeal at a special meeting of the board of education.

Appeal process: 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 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.

Transfers for 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. §1-114**
 70 O.S. §1-113
 70 O.S. §5-117.1
 70 O.S. §8-101, et seq.
 70 O.S. §13-103
 70 O.S. §24-101, et seq.
 Family Educational Rights and Privacy Act
 Atty. Gen. Op. No. 87-134, April 1, 1988

OSSBA Policy FE

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.