

SCHOOL OPEN TRANSFERS FREQUENTLY ASKED QUESTIONS DECEMBER 2021



1. When does the law take effect?

Jan. 1, 2022.

2. Do existing transfers on January 1, 2022, need to reapply?

No, existing transfers do not need to apply to continue in the 2021-22 school year. However, they do need to apply for the 2022-23 school year.

3. There used to be a “window” for transfer requests. Does that change?

Yes. The new law requires districts to accept transfers at any time of the school year subject to capacity limits or the reasons authorized to deny a transfer request.

4. Do districts need to create their own student transfer application form?

No. The Oklahoma State Department of Education (OSDE) has created a form to be used by families and school districts. The form will be fillable on the [OSDE website](#) and made available in printable format.

5. What grades are within the scope of transfer requests?

Any grade in the receiving district in which the student would be entitled to attend. This applies to Pre-K programs in districts that have such a program.

6. Is there a limit on the number of transfers a student may receive?

Yes. Except for students in the custody of the Department of Human Services in foster care, a student may receive a maximum of two (2) transfers per school year.

7. Under what circumstances can a transfer request be denied?

Transfers may only be denied in the following circumstances: 1) the district has exceeded its enrollment capacity for the grade level at the requested school site; 2) incident of student discipline for reason(s) outlined in [70 O.S. § 24-101.3](#); and/or 3) the student has a history of absences, which is defined as ten or more unexcused absences in one semester [70 O.S. § 8-101](#)(A-B).

8. If a transfer is granted, how long does a transfer last?

A student may be granted a one-year transfer and may continue to attend the school each school year to which the student transferred with the approval of the receiving district. At the end of each school year, a school district may deny continued transfer of the student for the following reasons: 1) an incident of **student discipline** for reason(s) outlined in [70 O.S. § 24-101.3](#); and/or 2) due to the student having **history of absences** resulting from ten or more unexcused absences in one semester. In light of this, OSDE discourages a school district from imposing an annual application requirement; instead, the student on a transfer is entitled to continue attending on a transfer unless the transfer is revoked and denied for reasons relating to those in 70 O.S. § 24-101.3 or the student has a history of absences.



CAPACITY

9. Who determines capacity?

School districts, by and through a board of education. The district must establish the number of transfer students the school district has the capacity to accept in each grade level for each school site within a school district by the first day of January, April, July and October each year. That information must be published to the district's website.

10. Will capacity be publicly available?

Yes, annually by January 1, April 1, July 1 and October 1 school boards must establish and publish capacity to accept transfers at each site and grade level, with the first publication to be by January 1, 2022. The capacity to accept transfers at each site and grade level must be published **in a prominent place** on the district's website **by the required date**. Districts must report this same information to OSDE. Districts may want to update the number of available seats on a rolling basis to provide up-to-date information to families, but this is not required.

11. What happens with a transfer applicant if and when a grade level or school site is at capacity?

The district may either 1) add the student to a waitlist; or 2) deny the transfer. If placed on a waitlist, a district must accept students in order from the waitlist as capacity is available.

12. Will there be audits of district approvals and denials?

In addition to annual or more frequent accreditation reviews by OSDE, the Office of Educational Quality and Accountability (OEQA) is required to randomly select 10 percent of the school districts in the state and conduct an audit of each district's approved and denied transfers based on the provisions of the policies adopted by the district's board of education on an annual basis. If OEQA finds inaccurate reporting of capacity levels by a school district, it has the authority to set the capacity for the school district.

TRANSFER PREFERENCES AND AUTOMATIC ADMISSIONS

13. Does the child of a member of the military receive a preference in the transfer process?

Yes. A student who applies for a transfer and whose parent/guardian is an active member of the military or a member of the military reserve on active duty cannot be denied a transfer because of capacity limitations. Such students must be admitted to the district of their choice regardless of capacity subject to the following requirements: 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 consecutive days.



14. Do children of district employees receive preference in the transfer process?

Yes. A child of a parent/legal guardian employed as a “teacher” in a district shall be allowed to transfer into that district regardless of capacity. Teacher is defined in [70 OS § 1-116](#) and includes teachers, nurses, librarians, counselors and administrators who are certified. The law doesn’t include preferential transfer status for children of support employees. However, districts can ensure the transfer process and timelines are well communicated to all employees.

15. Does the new law change transfers for special education students?

No. Districts should continue to follow existing law and policy. Current law and policy require the following:

- a. The receiving district shall establish availability of the appropriate program, staff, and services prior to approval of the transfer;
- b. 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
- c. Upon approval of the transfer, the receiving district shall claim the child in the average daily membership for state and federal funding purposes and shall assume all responsibility for education of the child. See [70 O.S. § 13-103](#). Further, a transfer granted for a child with disabilities for three consecutive years to the same school district shall be automatically renewed each year.

16. Do foster care children receive a preference when transferring?

Yes. 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 then transfer to that school district regardless of capacity.

17. Does a sibling of a student on a transfer receive preference if the sibling has been approved for a transfer at the receiving district?

Any brother or sister of a student who transfers may attend the school district to which the student transferred as long as the brother or sister of the transferred student does not meet a basis for denial due to:

- i. the district **exceeding its enrollment** capacity for the grade level at the requested school site;
- ii. **incident(s) of student discipline** for reason(s) outlined in [70 O.S. § 24-101.3](#); and/or
- iii. the student has a **history of absences**, which is defined as ten or more unexcused absences in one semester [70 O.S. § 8-101](#)(A-B).



APPEAL(S)

18. Is there an appeal to the local board of education?

Yes. If a transfer request is denied by the school district, the parent or guardian of the student may appeal the denial to the receiving school district's board of education within 10 days of notification of the denial. The board must 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 process will occur in executive session to protect the student's privacy, although the vote on whether to deny or accept the appeal must be conducted in the public meeting.

19. Is there an appeal to the State Board of Education?

Yes. If the school district board of education upholds the denial of the transfer, the parent or legal guardian may appeal the denial to the state Board of Education within 10 days of receiving notice of the local board's decision. The state Board must consider the appeal at the next regularly scheduled meeting, allowing the parent and the receiving district to appear. The state Board of Education must also adopt administrative rules outlining the appeals process.

REPORTING

20. What reporting obligations exist related to transfers?

In addition to publishing capacity on the district website, districts must report transfer capacity for each grade level and each school site to OSDE. Districts must also report to OSDE student-level information regarding the number of transfers, both approved and denied, by grade level and site, the reason for denial, the resident school district of the transferred student and grade level. OSDE is required to publish the counts in aggregate on its website.

VIRTUAL TRANSFERS

21. Are there any changes for virtual transfers?

To better accommodate the significant changes to school transfer law, the Department of Education exercised its authority to delay the roll out of [HB 2905](#) (impacting virtual charter school transfers) to coincide with the implementation of SB 783 (school open transfers) beginning January 1, 2022. Most notably, HB 2905 creates the following changes for virtual transfers:

- Specifies the geographic boundaries of statewide virtual charter schools to be the entire state.
- Requires students enrolled in a virtual charter school to be considered transfer students from the resident school district.
- Prohibits a student from transferring more than **once** to a statewide virtual charter school per school year. Any subsequent transfer to any other statewide virtual charter school within the same year requires the concurrence of both the resident school district and the receiving virtual charter school.