

# STUDENT TRANSFERS FAQs FOR DISTRICTS

## JANUARY 2022



### When does the law take effect?

Jan. 1, 2022.

### 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.

### When can a district begin accepting applications for the next school year (i.e., 2022-23)?

NEW

Currently, the system does not allow for a transfer request for the upcoming year to be submitted before July 1. However, any currently approved transfers can be approved for the next year beginning May 1. Any pending transfers in the system on June 30 will be deleted.

### 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.

### 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.

### 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.

### 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.

### 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).



### 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.

### Do transfer students have to fill out a new application each school year?

NEW

No. All existing transfer students at the end of the school year may be rolled over to the next year beginning May 1. The district simply needs to “check” that they intend to continue the student’s transfer in the transfer portal.

### How can students without an existing State Testing Number (STN) (e.g., out of state, home school, private school, Pre-K, etc.) transfer to a new district?

NEW

OSDE is currently working to develop functionality within the transfer application to create STNs for students entering an Oklahoma public school for the first time who do not have an STN. However, this functionality will not be available until early February. In the meantime, these students should enroll in their district of residence to allow for the creation of an STN. Once this is done, the student may then apply for transfer using their unique STN.

### Does an existing transfer student need to go back to their resident district before requesting a transfer to a new district?

NEW

No. The only time a student needs to return to their resident district is when they do not have an existing STN and are new to public school in Oklahoma. Transfer requests should be from the last or most recently attended district.

### How should schools handle enrolled resident students who move out of the district during the school year, but still wish to attend their current school?

NEW

If a resident student moves out of the district during the school year, the student retains the right to continue in their current district for the remainder of the year ([70 O.S. § 8-101.2](#)). If the student wishes to continue in the current district for the next school year, they should be treated as a transfer. In other words, a student in this situation should apply for a transfer in the current year, which will enable the transfer to be considered during the extension window for the following year.



### Can a transfer student who is suspended at the receiving district be placed into full-time virtual instruction during their suspension period?

NEW

Yes. While [70 O.S. § 3-145.5](#) prohibits a non-resident student from receiving full-time virtual instruction, it is conditioned on another law not providing otherwise. Yet, there is a more specific statute ([70 O.S. § 24-101.3](#)) authorizing virtual instruction to students who are suspended, which does not differentiate between being a resident or non-resident of a school district. As such and understanding the intent of these statutes, OSDE believes that a transfer student who is suspended may be served virtually during their suspension. See [70 O.S. § 24-101.3](#) on school board policies for out-of-school suspensions.

### Can districts deny a transfer due to not receiving a student's records from another district within three (3) days of a making a request for information?

NEW

No. It would be inappropriate to deny a student's transfer because another district has not sent records in the manner prescribed in [70 O.S. § 24-101.4](#). The requesting district should make every effort to secure records from the sending district and can contact their RAO for support should these efforts prove insufficient.

## CAPACITY

### 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.

### 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 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.

### Do districts need to publish special education caseload information/numbers?

NEW

No. Capacity reporting requirements are by site and grade level, not by instructional method or program of instruction. Special education transfers must still adhere to the provisions of [70 O.S. § 13-103](#).

### What are the due dates for districts to submit updated capacities to OSDE?

NEW

For January 2022 only, the district capacity reporting window will remain open through January 21. Going forward the capacity reporting window will open 15 days prior to a quarterly reporting date and remain open for 15 days after.



### Can districts set capacity more frequently than quarterly?

NEW

Yes, however, district capacity is only reported to OSDE at the beginning of the quarter and should reflect the district's capacity on January 1, April 1, July 1 and Oct 1 as approved by the local board.

### 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.

### If a district accepts transfer applications, but later experiences a sizeable increase of new resident students needing to enroll, can the district retroactively deny the earlier transfers due to capacity limitations?

NEW

No. Once a transfer is accepted, it cannot then be denied; it may only be denied or revoked at the appropriate time for the next year for the reasons outlined in state law (i.e., absences, discipline).

### 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

### 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.



### 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.

### 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](#).

### 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.

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

No. 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)

### 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.



### 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

### 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

### 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.