

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES**

SUBCHAPTER 1. GENERAL PROVISIONS

210:10-1-18. Transfers

(a) **Governing statutes.** All district transfers shall be governed by the Oklahoma Education Open Transfer Act, 70 O.S. § 8-101.1, et seq. In addition, the following types of transfers are governed by the following provisions of law:

(1) **Students with disabilities.** Transfers made for the purpose of providing a free appropriate public education (FAPE) to special education students shall be governed by 70 O.S. § 18-110 and 70 O.S. § 13-101, et seq. Such transfers shall not be considered open transfers subject to the provisions of (d) of this Section.

(2) **Gifted and talented students.** Transfers made for the purpose of providing gifted child educational programs shall be governed by 70 O.S. § 1210.307.

(3) **Parents who are teachers.** Transfers for the purpose of allowing a student to attend school in a district in which the student's parent is employed as a teacher shall be governed by 70 O.S. § 8-113.

(4) **Deployed parents.** Transfers for the purpose of allowing a student of a deployed parent to attend school in a district in which a family member resides shall be governed by 70 O.S. § 8-103.1.

(5) **Emergency transfers.** Transfers on the basis of an emergency shall be governed by 70 O.S. § 8-104.

(6) **Sibling transfers.** Transfers of siblings pursuant to the provisions of 70 O.S. § 8-101.2 shall be processed as open transfers in accordance with the requirements of 70 O.S. § 8-103 and (d) of this Section, provided that in the event such a transfer request is for the purpose of ensuring placement of multiple birth siblings in the same school and/or classroom, the transfer may be processed in accordance with the procedures set forth at 70 O.S. § 24-154(A) in lieu of the open transfer procedures.

(b) **District policies and procedures pertaining to student transfers.** Local school districts shall adopt policies and procedures governing the transfer of students who do not reside in the school district. Such policies and procedures shall comply with all provisions of state law governing student transfers, including the statutes pertaining to transfers referenced in (a) of this Section. If permitted by statute and the provisions of this Section, the receiving school board of education may refuse the transfer request of a student who does not reside in the district in accordance with the provisions of the adopted policy, but may not accept or deny a request based on statutorily prohibited factors as set forth in 70 O.S. § 8-103.1.

(bc) **Definitions.** The following words and terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise: definitions shall apply in State Department of Education rules relating to transfers:

(1) ~~Open Transfer~~ The transfer of a student from the district in which the student resides to another school district furnishing the grade the student is entitled to pursue. An open transfer may be requested and approved only during the statutory timeframe.

(1) **"Active duty orders"** means temporary transfer of a member of the active uniformed military services of the United States to a location that is outside of the service member's school district of residence in compliance with official orders in support of combat, contingency operation or a natural disaster that requires the use of orders for more than thirty (30) consecutive days.

(2) **"Deployed parent"** means a "parent" under the definition set forth in this subsection who is a member of the active uniformed military services of the United States, is on full-time active duty status or active duty orders, and for whom Oklahoma is the home of record.

~~(23) "Emergency transfer" Transfer~~ means the transfer of a student from the district in which the student resides to another school district furnishing the grade the student is entitled to pursue which, for specific reasons, must be requested and approved outside of the statutory timeframe required for open transfers.

~~(34) "IEP service agreement" Service Agreement~~ An means an Individualized Education Program agreement between school districts to provide special education and related services to an eligible student with a disability solely for the purpose of providing the student a free appropriate public education (FAPE). An IEP Service Agreement is the resourcing of special education and related services (i.e., all services required to be provided to a student pursuant to the provisions of the IDEA) to a school district that provides special education and related services to an eligible student with a disability on behalf of the resident district.

(5) **"Open transfer"** means the transfer of a student from the district in which the student resides to another school district furnishing the grade the student is entitled to pursue. An open transfer may be requested and approved only during the statutory timeframe.

~~(4) "Special Education and Related Services" All~~ means all services required to be provided pursuant to the Individuals with Disabilities Education Act (IDEA) U.S.C. §§ 1400, et seq.

(6) **"Parent"** means the parent, legal guardian, or person having custody of the student seeking a transfer, whose residence is used to determine the residence of the student in accordance with the provisions of 70 O.S. § 1-113(A)(1). For purposes of the Individuals with Disabilities Act at 20 U.S.C. § 1400 et seq. (IDEA), the definition of parent set forth in 34 C.F.R. § 300.30 shall supersede the definition of parent set forth in this subsection.

~~(57) "Receiving school district" School District~~ The means the school district in which the student is seeking to be transferred.

~~(68) "Resident school district" School District~~ The means the school district in which the parent, guardian, or person having custody of the student resides, as defined in 70 O.S. § 1-113(A)(1).

~~(7) Parent~~ For purposes of the Education Open Transfer Act, this includes the parent, guardian, or person having custody of the student, as defined in 70 O.S. § 1-113(A)(1). For purposes of IDEA, the definition of parent set forth in 34 C.F.R. § 300.30 shall supersede this rule.

(9) **"Teacher"** means any person employed in a position that meets the definition of a teacher set forth in 70 O.S. § 1-116.

~~(ed)~~ **Open Transfers.** Transfers to another district may be approved by the board of education of the receiving school district. If the grade a student is entitled to pursue is not offered in the district where the student resides, the transfer shall be automatically approved by the receiving school district. No student may be granted more than one (1) open transfer per school year, but may qualify for additional transfers pursuant to emergency provisions of the Education Open Transfers Act or a legal change in residence. All open transfers must be initiated and processed in accordance with the following procedures:

(1) The parent of the student must complete an application form specified by the State Board of Education. The application must be ~~submitted to~~ filed with the receiving school district by ~~April 4~~ May 31 of the school year preceding the school year for which the transfer is being requested.

(2) No later than May 31 of the same year in which the transfer is requested, the receiving school district shall notify the resident school district that an application for transfer has been filed by the student enrolled in the resident school district.

(3) No later than July 15 of the same year in which the transfer is requested, the board of education of the receiving school district shall approve or deny the application no later than June 1 of the same year and notify the parents of the student of the decision in writing.

(4) No later than August 1 of the same year in which the transfer is requested, the parents of the student shall confirm enrollment in writing with provide the receiving school district with written notification that the student will be enrolling in the receiving school district, by July 1 of the same year. Failure of the parents to notify may result in the loss of the student's right to enroll in the school district for that year only. If a parent fails to notify the receiving school district that a student will be enrolling, and the receiving school district chooses to cancel the transfer, the receiving school district shall provide a written notice of the cancellation to the parent and the resident district immediately upon cancellation.

(5) ~~Local school districts shall adopt a policy governing the transfer of students who do not reside in the school district. A receiving school board of education may refuse the transfer request of a student who does not reside in the district in accordance with the provisions of the adopted policy, but may not accept or deny a request based on statutorily prohibited factors as set forth in 70 O.S. § 8-103.1.~~

(6) Approval of the resident district is not required for an open transfer.

(7) Transfer requests submitted outside of the statutory time frame for open transfers will not be considered timely and must meet the statutory criteria of an emergency transfer to be approved.

(7) Notwithstanding the provisions of this subsection, a student shall be allowed to transfer to a school district in which a parent of the student is employed as a teacher upon the approval of the receiving district only, without regard to the deadlines or other limitations on number of transfers set forth in this subsection.

(d) **Emergency Transfers and mandatory transfers.** In addition to the open transfer process, students may be transferred on an emergency basis; as prescribed by statute or on the basis of a transfer mandated by statute. Emergency transfers must be initiated and processed in accordance with the following procedures:

(1) The parents of the student may make an application for an emergency transfer. The application for emergency transfer must be filed with the superintendent of the receiving school district.

(2) The superintendent of the receiving school district or his/her designee responsible for approving transfers may approve the emergency transfer only upon an adequate showing of emergency, and subject to approval of the State Board of Education.

(3) Only the superintendent of the receiving school district or his/her designee responsible for approving transfers may submit an application for emergency transfer to the State Board of Education for approval. The superintendent or designee of the receiving school district shall collect documentation from the student desiring to be transferred, and may be required to submit such documentation to the State Board of Education through the State Department of Education's student information system. In submitting an application for an emergency transfer to the State Board of Education, the superintendent or designee verifies that he/she has personally reviewed and approved the application and has a good faith belief that the student qualifies for an emergency transfer.

(A) If the superintendent has appointed a designee to review and approve emergency transfers, the school district shall notify the State Department of Education of the appointment.

(B) Resident district approval of an emergency transfer is only required if ~~the~~ an emergency transfer is being requested on the basis of concurrence of both the resident district and the receiving school district ~~conducted~~ pursuant to 70 O.S. § 8-104(5). Emergency transfer approval requests submitted to the State Board of Education on the basis of 70 O.S. § 8-104(5) shall be reviewed by the resident district within ten (10) business days of submission. Failure of the resident district to take action to approve or deny the emergency transfer request within ten (10) business days shall result in an automatic approval.

(4) Emergency transfers shall be approved only in the following circumstances:

(A) The destruction or partial destruction of a school building;

(B) Inability of the resident district to offer the subject a student desires to pursue, if the student becomes a legal resident of the school district after February 1 of the school year immediately prior to the school year for which the student is seeking to transfer.

(C) A catastrophic medical problem of a student, which for purposes of this section shall mean an acute or chronic serious illness, disease, disorder or injury which has a permanently detrimental effect on the body's system or renders the risk unusually hazardous;

(D) Total failure of transportation facilities;

(E) With the concurrence of both the sending resident and receiving school districts;

(F) The unavailability of remote or on-site Internet-based instruction by course title in the district of residence for a student identified as a result of the district's intake and screening procedures as in need of drop-out recovery or alternative education services, provided such student was enrolled at any time in a public school in this state during the previous three (3) school years; ~~or~~

(G) The unavailability of a specialized deaf education program for a student who is deaf or hearing impaired. This transfer may be processed and handled as an IEP Service Agreement. Such determination shall be made in coordination with the parents of the requesting student; or-

(H) When a student has been the victim of harassment, intimidation and bullying as defined in 70 O.S. § 24-100.3, and the receiving school district has verified that:

(i) The student has been the victim of harassment, intimidation or bullying; and

(ii) The resident school district was notified of the incident or incidents prior to the filing of the application for transfer;

(5) Obtaining an emergency transfer by submitting an application that includes false or inaccurate information, or obtaining an emergency transfer on behalf of a student who remains in the resident school district may result in a reduction of a district's funding allocation based on Average Daily Attendance (ADA) and/or Average Daily Membership (ADM).

(6) If a student to whom a an emergency transfer has been granted fails to report and/or enroll in the receiving school district, the superintendent of the receiving school district shall notify the State Board of Education and the resident school district within ten (10) business days.

(f) **Deployed parents.** Student transfers under the Deployed Parents School Act of 2012 at 70 O.S. § 8-103.1 shall be processed in accordance with the following provisions:

(1) The parents of the student may make an application for a deployed parent transfer. The application for a deployed parent transfer must be filed with the superintendent of the receiving school district.

(2) The superintendent of the receiving school district or his/her designee responsible for approving transfers may approve deployed parent transfer only upon an adequate showing of the following:

(A) The parent meets the definition of a deployed parent set forth in (c) of this Section;

(B) The parent has a current, valid identification card issued by the United States Department of Defense; and

(C) The student will be residing with a relative of the student who lives in the receiving school district or who will be living in the receiving school district within six (6) months of the date that the application for transfer is filed.

(3) Transfers pursuant to the provisions of this subsection shall not be subject to the open transfer deadlines set forth in (d) of this Section.

(g) **Cancellation of transfers.** Transfers may only be cancelled in accordance with the following provisions:

(1) Open transfers may not be cancelled unless the receiving school district has notified the resident school district and parents of the students of its intent to cancel the transfer by July 15 prior to the school year for which the school district seeks to cancel the transfer.

~~(7)~~(2) Emergency transfers may only be cancelled with the concurrence of the board of the receiving school district and the parents of the student. A school district must notify the parent in writing of the date and time for which the transfer will be considered for cancellation by the school board and the written notice must be received by the parent no less than five (5) business days prior to the date of the meeting at which the proposed cancellation will be considered.

(h) **Reporting transfers.** On or before September 1 of each school year, the Superintendent of each receiving school district shall file a statement with the State Board of Education and each resident school district showing the name and grade level of each student granted a transfer to the receiving school district.