

## STUDENT TRANSFERS

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### Previous Transfers (prior to January 1st, 2022)

Open and Emergency 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.

### Transfer Application Overview & Timeline

The school district will not accept or deny a transfer based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude, or athletic ability. The school district will begin accepting applications for the next school year starting January 4, 2022. 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 does limit the ability of a student 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 his or her 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.

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### Capacity Determination

Capacity, hereafter deemed Program Capacity, determinations are specifically for the purpose of complying with Oklahoma Senate Bill 783 (2021) guidelines to determine the capacity for Welch Public Schools to accept transfer students as defined by this legislation. Program Capacity is not intended to define district decisions related to staffing allocations or class size determinations for non-transfer students.

In making the decision to determine Program 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.

The following calculations will be used to determine Program Capacity for schools not designated as Schoolwide Title I school sites.

- PK-3rd Grades  
By site, the number of teachers per grade level x 20 students = PK-3rd Grade Program Capacity by site and by grade level
- 4th-5th Grades  
By site, the number of teachers per grade level x 20 students = 4th/5th Grade Program capacity, by site and by grade level
- 6th-12th Grades  
By site, the number of English Language Arts Teachers per grade level x 140 students = 6th-12th Grade Program Capacity, by site and by grade level

As it relates to Program Capacity, "Student" is defined as any student currently enrolled in Welch Public Schools (WPS). This includes WPS students participating in any of the following learning formats: traditional in person; head start; homebound; alternative program(s); blended instruction; virtual; concurrent enrollment; career and technology programs, and dual credit.

As it relates to Program Capacity, "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.

As it relates to Program Capacity, the "number" of English Language Arts Teachers will be based on the Full-Time Equivalent (FTE), which is set at 5 sections of English Language Arts core instruction per teacher.

### Transfer Capacity Review

The district will approve or deny the application and notify the parent of the student of the determination in writing within thirty (30) days of receiving an application. 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.

### Transfer of Teachers Children

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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.

### Transfer for Special Education Students

A Special Education student may request a transfer pursuant to the Education Open Transfer Act and WPS Board Policy FEH.

### Uniformed Military Services-Dependent Children

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.

### Transfer Acceptance

If the transfer application is accepted, the district shall notify the parents of the acceptance. The parent shall provide the district with written notification that the student will be enrolling within ten (10) days of notification of acceptance. Failure to notify the school district within ten (10) days of acceptance shall result in the cancellation of the transfer. The district will provide a written notice of the cancellation to the parent of the student immediately upon cancellation. 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. Written notice of the intention to deny continued transfer of the student shall be given to a parent of a student no later than July 15. The parent may appeal the denial of a continued transfer.

### Transfer Denial & Appeal

If a transfer request is denied by the school district, the district shall provide notification of the denial in writing to the parent by either hand-delivery, by U.S. Mail or electronic mail. The notification shall include:

1. An explanation including but not limited to any citation to the statute, regulation, or school district policy under which the denial was made;
2. A copy of the policy adopted by the district for determining the number of transfer students the school district has the capacity to accept;
3. A copy of 210:10-1-18.1 from the Administrative Code; and
4. The date upon which the appeal will be due.

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. If notification was hand-delivered, the appeal period shall begin the day after the notification is delivered. If notification is sent by U.S. Mail, the appeal period shall begin three (3) days after the notification is mailed. If notification is sent via electronic mail, the appeal period shall begin the day after the notification is sent. The board of education shall consider the appeal at its next regularly scheduled board meeting if notice is provided prior to the

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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.~~ The board of education shall accept an otherwise untimely appeal if a parent of a student can establish that they did not receive actual notice of the notification denying the transfer request, and the appeal was submitted within ten (10) days after the parent of the student actually received notice.

The appeal to the board of education shall be submitted to the office of the superintendent. The appeal shall include the following:

1. The name, address and telephone number of the parent of the student and the student for whom the appeal is being taken;
2. The date the district gave notice denying the transfer request;
3. The basis for appealing the decision of the school district; and
4. The name, address and telephone number of the legal representative, if applicable.

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 deny an appeal of a request to transfer, the board of education shall instruct the superintendent to provide notification of denial in writing to the parent of the student by either hand-delivery, by U.S. Mail, or by electronic mail. The notification shall include:

1. An explanation, including the legal citation to the statute, regulation, or school district policy under which the denial was made;
2. A copy of the policy adopted by the board of education for determining the number of transfer students the district has capacity to accept;
3. A copy of the State Board of Education's prescribed form for an appeal; and
4. A copy of 210:10-1-18.1 which identifies the Accreditation standard for appealing the denial of a student 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. The superintendent shall immediately provide a copy of the appeal to each member of the board of education. Upon receipt of notice of an appeal, but not later than five (5) days prior to the date at which the State Board of Education is scheduled to consider the appeal the board of education may submit a written response to the appeal. Responses should not exceed five (5) pages. If not submitted by the parent, the board of education shall provide a copy of the policy adopted to determine the number of transfer students the district has the capacity to accept in each grade level for each school site within the district. The parent and the school district will have an opportunity to appear in person or by authorized representative or by attorney to address the State Board at the meeting.

**STUDENT TRANSFERS****Adoption  
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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.

**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. §24-101, et seq.; §24-102****Family Education Rights and Privacy Act****Atty. Gen. Op. No. 87-134, April 1, 1988****State Accreditation Standards 210:10-1-18 and 210:10-1-18.1**

**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.**

**THIS POLICY REQUIRED BY LAW.**