

Adopted: May 4, 2015
Revised: August 3, 2015; August 11, 2016;
August 5, 2019; August 2, 2021;
December 6, 2021; February 7, 2022;
August 1, 2022

STUDENT TRANSFERS

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 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 May 1. Applications may be emailed, hand delivered, or mailed to the Cleveland Administration office. 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 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. A separate application must be filed for each student so that the district can timely consider requests in the order applications are received.

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.

Any child in the custody of the Oklahoma Department of Human Services in foster care who is living in the home of a student who transfers, may attend the District of the transferred student as long as the District has capacity and the child does not meet a basis for denial as set forth in this policy.

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.
4. A transfer shall be automatically approved if a student's parent or legal guardian is employed by the District, regardless of District capacity, and so long as the student does not meet one or more of the bases for a transfer denial as set forth in this policy.
5. Any brother or sister of a student who transfers into the District may also attend the District regardless of capacity, so long as the brother or sister of the transferred student does not meet one or more of the bases for a transfer denial as set forth in this policy.
6. A student who has attended the District as a resident student for at least three (3) years prior to then becoming eligible to apply as a transfer student shall be allowed to transfer into the District regardless of capacity, and so long as the student does not meet one or more of the bases for a transfer denial as set forth in this policy.

Transfer Application Request Notifications

1. The District will prominently post on its website the dates on which it will begin accepting transfer applications for the current and upcoming school year.
2. The District shall approve or deny the transfer application and notify the parent or legal guardian of the student within thirty (30) days of receiving an application.
3. If the District accepts a transfer application, the parent or legal guardian of the student must provide written notification to the District that the student will be

enrolling within ten (10) days of receiving notice that the transfer application was approved. Failure of the parent or legal guardian to notify the District may result in the loss of the student's right to enroll in the District for that year only. If the parent or legal guardian fails to notify the District that the student will be enrolling, and the District chooses to cancel the transfer, the District shall provide written notice of the cancellation to the parent or legal guardian of the student immediately upon cancellation.

4. If the District receives notice that a student will be transferring, the District shall notify the student's resident school district within ten (10) days of receiving notice of the acceptance of the transfer.

Capacity Determination

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 including the capacity for any full-time virtual education program offered by the District. The number of transfer students for each grade level at each site that the district has the capacity to accept and the capacity of any full-time virtual education program offered by the District 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.

The district has a capacity of 20 in Grades Pre-K - 2 at Cleveland Primary School.

The district has a capacity of 20 in Grades 3 - 5 at Cleveland Intermediate School.

The district has a capacity of 130 in Grades 6 - 8, per core subject, at Cleveland Middle School.

The district has a capacity of 130 in Grades 9 - 12, per core subject, at Cleveland High School.

Special Considerations as to Transferring Student on an IEP

Prior to approving an application for a transfer student who is a child with a disability, as defined in 34 C.F.R. § 300.8, the District will establish (a) the availability of the appropriate program, staff, and services for the transferring student, and (b) conduct a joint conference with the IEP team at the transferring student's current school. The purpose of conducting these activities is to determine whether—at the time the transferring student's application is received—the District can provide the transferring student with a free appropriate public education in the least restrictive environment as required by the IDEA. In the event the District exceeds its capacity at all school sites for the grade level of a transferring child with a disability, the District shall "hold" a place for the transferring student in the order in which the transferring student submitted his or her properly completed application. In the event an opening occurs, a decision on the transfer will be made after consideration of the factors above.

Transfers made for the purpose of providing a free appropriate public education (FAPE) to special education students pursuant to OKLA. STAT. tit. 70, § 18-110(E) and OKLA. STAT. tit. 70, § 13-101 are not considered Open Transfers subject to this policy.

Special Education caseload requirements will also be used to determine student capacity for students on Individual Education Plans (IEP). Parent's failure to provide

current Special Education records and identify their child as having an IEP, will invalidate the transfer request.

Transfers of Teachers Children

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.

Transfers of Dependent Children of Active Uniformed Military

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 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.

Transportation for Transfer Students

Parents/legal guardians of transferred students must provide transportation to and from school.

Transfer Denial and Appeal

A transferring student's application may be denied if the transferring student is or has been subject to discipline for any of the acts and reasons outlined in OKLA. STAT. tit. 70, § 24-101.3(A)-(C) & (E). A transferring student's application shall be denied for any of the acts and reasons outlined in OKLA. STAT. tit. 70, § 24-101.3(F)(1) until such time as the District determines that the transferring student no longer poses a threat to self, other students, or District faculty or employees.

A transferring student's application may be denied if the transferring student has ten or more absences in one semester that are not excused due to illness or for the reasons provided for in OKLA. STAT. tit. 70, § 10-105(B).

An IDEA-qualified transferring student's application will be denied if—as of the time of

the transferring student's application is received—the District determines that it cannot provide the transferring student with a free appropriate public education in the least restrictive environment as required by the IDEA.

A student may be granted a one-year transfer and may automatically continue to attend the District each school year with the approval of the District. At the end of each school year, the District may deny the continued transfer of the student for the reasons outlined in OKLA. STAT. tit. 70, § 24-101.3(A)-(C) & (E), or if the student has ten or more absences in one semester that are not excused due to illness or for the reasons provided for in OKLA. STAT. tit. 70, § 10-105(B). Written notice of the District's intention to deny the continued transfer shall be given to the parent or legal guardian of the student no later than July 15.

A transferring student's application will not be considered if incomplete and will be denied if the parent makes a fraudulent, intentional, or material misrepresentation on the application.

The denial of a transfer request from a student seeking a transfer shall be communicated in writing to the parent, as defined in OKLA. STAT. tit. 70, § 1-113(A)(1). Proof of the date of mailing or transmission of the denial by electronic means shall constitute proof of communication of the denial to the parent.

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

During the appeal, the board will review the action of the administration to make sure that the district policy was followed with regard to the denial of the transfer. The board of education will meet in an executive session to review the educational records of the student. If the policy was not followed, the board of education shall vote to overturn the denial and the transfer will be granted. This will be a paper appeal and will include the written documentation utilized by the school district as well as a written response from the parent or legal guardian which explains why the policy was not followed.

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.

Athletics

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 granted a hardship waiver from the OSSAA, or 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. §24-101, et seq.; §24-102
Family Education Rights and Privacy Act
Atty. Gen. Op. No. 87-134, April 1, 1988
OKLA. STAT. tit. 70, §§ 8-101.1, 8-101.2, 8-103, 8-103.1, 8-103.2
OKLA. STAT. tit. 70, § 18-110(E)
OKLA. STAT. tit. 70, § 8-113
OKLA. STAT. tit. 70, § 13-103(B)
OKLA. STAT. tit. 70, § 13-101
O.A.C. 210: 10-1-18

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.

**TRANSFERS PURSUANT TO THE
DEPLOYED PARENTS SCHOOL ACT OF 2013**

The district will grant a transfer to a student of a military family, regardless of the capacity of the district, if the following criteria are met:

1. The student's parent is a member of the active U.S. uniformed military service on full-time active duty; or the parent is a member of the military reserve on active duty orders; and
2. At least 1 parent has a Department of Defense issued ID card; and
3. At least 1 parent provides evidence that he/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 natural disaster requiring the use of orders for more than thirty (30) consecutive days.

In lieu of applying for a transfer under the Act, students of military families may also establish residency in the district and enroll in the district as outlined in the district's residency policy.

Reference: OKLA. STAT. tit. 70 § 8-103.1 (2021)

**APPLICATION FOR TRANSFER UNDER THE
DEPLOYED PARENTS SCHOOL ACT OF 2013**

1. Full name of student as it appears on the student's birth certificate:

2. Date of student's birth: _____
3. Current address of student: _____
4. Full name(s) of student's parent(s): _____
5. Name of parent on active duty (copy of Department of Defense ID card required):

6. Full name of student's custodian(s) during parent's active duty:

7. Address of custodian(s):

8. Period of parent's active duty (copy of orders required):

9. School district in which student currently resides: _____
10. School district which student attends, if different from above: _____
11. Current or last completed grade of student: _____
12. Grade in which the student desires to enroll: _____
13. Courses in which the student desires to enroll in each semester in the coming school year:

14. If the student has been identified as a child with a disability, this district will need to review all such records to implement the student's current or anticipated Individualized Education Program (IEP) and conduct the statutorily-required joint IEP conference with the resident school district. Is the student currently, or has the student been, a child with a disability who received an IEP?
Yes _____ No _____

If Yes: Briefly describe the nature of the disability; the approximate time period in which the student has been, or was, under an IEP; and the names of the school districts which implemented the student's IEP:

15. Do you agree to complete the Consent for Release of Confidential Information, allowing this district to review all educational records of the student from all previous schools attended by the student?

Yes _____ No _____

