

## **STUDENT TRANSFERS**

A request for a transfer into this district initiated by or on behalf of a nonresident student will be approved or refused in accordance with this policy.

### **A.**

#### **Transfer Application Requests**

1. Applications for transfer shall be completed by the parent of a student on a properly completed application form specified by the State Board of Education. The term “parent” means the parent of a student or person having custody of the student as provided for in OKLA. STAT. tit. 70, § 1-113(A)(1). Upon receipt of the application, the District shall stamp the application with the time and date on which it was received to ensure that the District can review applications in the order in which they are received. The application shall also be filed with the superintendent of the District if the receiving school district is within this state or with the State Board of Education for transfers to school districts in another state.

2. Subject to the special considerations applicable to a student on an Individualized Education Program (“IEP”) pursuant to the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.) (“IDEA”) as set forth below, a transfer shall be automatically approved if a student’s resident district does not offer the grade level the student is entitled to pursue.

3. A transfer shall be automatically approved if a student’s parent or legal guardian is employed as a teacher in the District as defined by OKLA. STAT. tit. 70, § 1-116.

4. A transferring student from another school district that offers the grade the student is entitled to pursue may seek a transfer to the same grade offered by the District. The transferring student will be allowed to attend a District school site that has not exceeded its capacity of the transferring student’s grade level. If there are more than one District school sites available for the transferring student, the District retains the sole discretion to determine the school site the transferring student will attend.

5. Nothing by way of this policy prevents the transfer of a sibling of a transfer student so long as the sibling meets the same criteria as the transfer student for attendance in the District.

6. A sibling of a transferred student, who is in the custody of the Oklahoma Department of Human Services in foster care, may attend the District of the transferred student as long as the District has capacity and the sibling does not meet a basis for denial as set forth in this policy. Except for a student in the custody of the Oklahoma Department of

Human Services in foster care, a student shall not transfer more than two (2) times per school year to one or more school districts in which the student does not reside, provided that the student may always reenroll at any time in his or her school district of residence.

7. A student who is deaf or hearing-impaired and who wishes to transfer to a school district with a specialized deaf education program may submit a transfer application at any time and may transfer to the receiving school district at any time during the school year.

8. In the event the District exceeds its capacity at all school sites for the grade level sought by the transferring student, transfer requests shall be awarded to those students whose properly completed transfer request applications were received by the District in the order in which they were received.

**B.**

**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, pending the District's determination in this section.

**C.**

**Special Considerations as to Transferring Student who are Dependent Children of an Active U.S. Military Member**

1. For purposes of this Section (C):

- a. “Active military duty” means full-time military duty status in the active uniformed service of the United States including members of the National Guard and Military Reserve on active duty orders; and
- b. “Military installation” means a base, camp, post, station, yard, center, homeport facility for any ship or other installation under the jurisdiction of the Department of Defense or the United States Coast Guard.

2. Students who are dependent children of a member of the active uniformed military services of the United States on full-time active duty status and for whom Oklahoma is the home of record and students who are the dependent children of a member of the military reserve on active duty orders and for whom Oklahoma is the home of record, shall be approved for transfer into the District regardless of capacity if:

- a. At least one parent of the student has a Department of Defense-issued identification card;
- b. 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 the 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; and
- c. The student will be residing with a relative of the student who lives in the District or who will be living in the District within six (6) months of the filing of the application for the transfer.

3. A student is in compliance with the residency provisions of this policy if he or she is a student whose parent or legal guardian is transferred or is pending transfer to a military installation within Oklahoma while on active military duty pursuant to an official military order. A parent or legal guardian of such student must provide proof of residency in the District within ten (10) days after the published arrival date provided on official documentation. A parent or legal guardian may use the following addresses as proof of residence:

- a. A temporary on-base billeting facility,
- b. A purchased or leased home or apartment, or
- c. Federal government or public-private venture off-base military housing.

#### **D.**

#### **Denial of a Transfer Request**

1. A transferring student's application will be denied if the transferring student is currently subject to discipline from the transferring student's current school 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.

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

3. 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.

4. A student may be granted a one-year transfer and may 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 the last full

school semester that are not excused due to illness or for the reasons provided for in OKLA. STAT. tit. 70, § 10-105(B).

5. 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.

6. 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.

7. The District shall not accept or deny any transfer application based on the student's race, color, sex, pregnancy, gender, gender expression, national origin, religion, disability, veteran status, sexual orientation, age, genetic information, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude, or athletic ability. Failure to be approved for a transfer as set forth in this policy shall not be deemed to be rejection for a discriminatory reason.

#### **E.**

##### **Determination of Grade Level Capacity**

The superintendent of schools, or his/her designee, shall determine the criteria to be used in determining grade capacity for each school site. The District's capacity determinations are attached hereto as Exhibit A. Each school site's grade level capacity shall be (a) approved by the board of education prior to the first day of January, April, July and October of each school year, and (b) published in a prominent place on the District's website and reported to the State Department of Education.

#### **F.**

##### **District Level Appeal of Denial of Transfer**

A parent may appeal the denial of a transfer request to the clerk of the board of education so long as the appeal is made within ten (10) calendar days of the notification of the written denial. If a timely appeal is made, the appeal shall be considered by the District's board of education at its next regularly scheduled meeting. The appeal shall be considered by the board of education only upon the written submissions of the District and the parent. Such written submissions shall state, at the minimum, the following in a statement not exceeding two pages in length:

- a. The date of the parent's transfer request application;
- b. The reasons for the denial by the District of the transfer request;
- c. The factual reason(s) of the District or parent as to why the transfer request was/was not properly denied; and
- d. The criteria set forth in this policy as to propriety of the denial of the transfer request.

If the District denies the parent's appeal, the parent may appeal the board of education's decision to the Oklahoma State Board of Education within ten (10) calendar days of notification of the denial. The parent shall submit to the State Board of Education and the superintendent of the District a notice of appeal on a form prescribed by the State Board of Education. The appeal shall be considered by the State Board of Education at its next regularly scheduled meeting, where the parent and a representative from the District may address the Board. The State Board of Education shall promulgate rules to establish the appeals process authorized by this subsection.

## **G.**

### **District Reporting to the Oklahoma State Department of Education**

1. Prior to the first day of January, April, July and October of each school year, the District shall report to the State Department of Education the capacity of the grade level of each District school site.

2. Prior to the first day of January, April, July and October of each school year, the superintendent of schools of the District shall report to the State Department of Education a statement showing the names of the students granted transfers to the District, the resident school district of the transferred students, and the transfer student's grade level.

3. At the frequency required by the Oklahoma State Department of Education, the District shall also submit to it (a) the number of student transfers approved and denied, and (b) whether each denial was based on capacity, the acts and reasons outlined in OKLA. STAT. 70, § 24-101.3, or a history of absences in the last full school semester that were not excused due to illness or for the reasons provided for in OKLA. STAT. 70, § 10-105(B).

## **H.**

### **Athletic and Other Competitions**

A transfer student granted enrollment in a school district in which the student is not a resident shall not be eligible to participate in school-related interscholastic competitions governed by the Oklahoma Secondary School Activities Association ("Association") for a period of one (1) year from the first day of attendance at the District, unless the transfer is from a school district not offering the grade the student is entitled to pursue. Whether a student granted a transfer under this policy will be eligible to participate in school-related interscholastic competitions shall be determined by the Association.

Reference: OKLA. STAT. tit. 70, §§ 8-101.1, 8-101.2, 8-103, 8-103.1, 8-103.2  
OKLA. STAT. tit. 70, § 8-113  
OKLA. STAT. tit. 70, § 13-103(B)

# Skiatook Public Schools



## **Transfer Policy Capacity Determinations 2021-2022**

### **Exhibit A:**

Grade level	Maximum Grade Size	Current Grade Size	Transfer Spots Open
Pre-K	120	109	11
Kindergarten	160	161	0
T-1	15	11	4
1st Grade	160	164	0
T-2	15	17	0
2nd Grade	140	141	0
3rd Grade	160	153	7
4th Grade	154	161	0
5th Grade	161	175	0
6th Grade	160	156	4
7th Grade	170	170	0
8th Grade	200	202	0
9th Grade	210	206	4
10th Grade	150	145	5
11th Grade	150	132	12
12th Grade	150	140	10

1. Special Education caseload requirements and class size 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.
2. Skiatook Schools will accept transfer requests for the next school year starting May 1 of the current school year. The transfer request will not be approved or denied until the capacity data is determined for each grade level within the district. The capacity determination for a new school year will take place after the school year begins.
3. Open transfers previously granted by the 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.
4. In addition to completing the application form as specified by the State Board of Education, applicants must submit their discipline and attendance records from their resident district and/or the district they have attended. A transfer application submitted without these required documents will be incomplete and will not be considered.

**Revised Transfer Policy will be implemented as of January 1, 2022**

**Board Approved on December 13, 2021**

**ATTACHMENT A**  
**Application Form**

Completion of this form is required of each applicant for a transfer in order to apply the criteria of this policy. Failure to fully and truthfully complete and timely submit this form to the district will result in a denial of the transfer. Completion of this form will be in addition to completion of any form required by the State Board of Education.

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 names of parent(s), guardian(s), or custodian(s) of the student:  
\_\_\_\_\_
5. Educational history of the student:
  - A. School district in which student currently resides: \_\_\_\_\_
  - B. School in which the student is currently enrolled, if different from above.  
\_\_\_\_\_
  - C. If the student has not exclusively attended the school district in which the student is currently enrolled, list the name of each school district and addresses, if known, in which student has ever been enrolled:  
  
School: \_\_\_\_\_  
Dates of Attendance: \_\_\_\_\_  
Grade Completed Upon Leaving District: \_\_\_\_\_  
  
School: \_\_\_\_\_  
Dates of Attendance: \_\_\_\_\_  
Grade Completed Upon Leaving District: \_\_\_\_\_  
  
School: \_\_\_\_\_  
Dates of Attendance: \_\_\_\_\_  
Grade Completed Upon Leaving District: \_\_\_\_\_
6. Current or last completed grade of student: \_\_\_\_\_
7. Grade in which the student desires to enroll: \_\_\_\_\_
8. Courses in which the student desires to enroll in each semester in the coming school year:  
\_\_\_\_\_  
\_\_\_\_\_
9. Has the student a disciplinary record for violating school regulations?  
  
Yes    \_\_\_\_\_                      No    \_\_\_\_\_

If Yes, state school(s) in which each violation occurred and approximate date(s) of violation(s):

---

---

10. Has the student ever been suspended from school or placed in an alternative education program or setting for disciplinary reasons?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes: For each suspension and alternative program or setting, state the school which suspended or placed the student; the nature of the offense; and approximate date of the suspension or placement, if different from the above:

---

---

11. Has the student been adjudicated as a delinquent for either a violent or nonviolent offense under relevant Oklahoma law?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes: State the name of the court making the adjudication; the time of such adjudication; the nature of offense; whether the student is still under any court supervision; and, if so, the name of the person overseeing such supervision:

---

---

12. Has the student been convicted as an adult for either a violent or nonviolent offense as defined in relevant Oklahoma law?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes: State the name of the court in which the conviction was entered; the time of the conviction; the nature of the offense; the sentence imposed; whether the student is still under any court supervision; and, if so, the name of the parole officer or other supervisor:

---

---

13. Has the student committed on school property, in school transportation, or at a school event, a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or others?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes: State the school district attended when the act occurred; the approximate date of the act; and describe what occurred:

---

---

14. Has the student possessed on school property, in school transportation, or at a school event, an alcoholic beverage; low-point beer, as defined by relevant Oklahoma law; or been involved with missing or stolen property found to have been taken from a student, school employee, or the school during school activities?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes: State, for each separate act, the school district attended when the act occurred; the approximate date of the act; and describe what occurred:

---

---



---

15. Has the student possessed on school property, while in school transportation, or at a school event, a dangerous weapon or a controlled dangerous substance, as defined by relevant Oklahoma law, or a prescription or non-prescription mood-altering substance?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes: State, for each separate act, the school district attended when the act occurred; the approximate date of the act; and describe what occurred:

---

---

16. Has the student ever been removed from any school for making an electronic communication with the intent to terrify, intimidate, harass, or threaten injury or harm to faculty or other students?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes: State, for each separate act, the school district attended when the act occurred; the approximate date of the act; and describe what occurred:

---

---

17. If the student has been identified as a child with a disability, this district will need to review all such records to make a reasonable determination of whether the district has the facilities, programs, staff, and space to implement the student's current or anticipated Individualized Education Program (IEP) or Section 504 Accommodation Plan, and, if preliminary approval of a transfer is made, to conduct the statutorily-required joint IEP or Section 504 conference with the resident school district. Is the student currently, or has the student been, a child with a disability who received an IEP or Section 504 Accommodation Plan?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes: Brief describe the nature of the disability; the approximate time period in which the student has been, or was, under an IEP or Section 504 Accommodation Plan; and the names of the school districts which implemented the student's plan:

---

---

18. 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 \_\_\_\_\_

**ATTACHMENT B**  
**Transfer Student Consent to Cancellation of Transfer**

The undersigned, who is **not** a resident of this district, recognizes:

1. That the undersigned non-resident student has a right by law to attend the school district of residence;
2. That the non-resident student desiring to enroll in this district has **no** statutory right to attend this district;
3. That the district is not required to accept this transfer application; and,
4. That the district does not desire to accept a transfer of a student who will detract from the educational process of resident students or take the place of another transfer applicant who would not detract from that process.

The undersigned hereby agrees that if the district approves a transfer allowing the undersigned student to enroll in this district, the administration of the district has the irrevocable consent of the undersigned to cancel the student's transfer at any time. Reasons for cancellation include, but are not limited to, the following:

1. The student fails to comply with student behavior rules set by the district, school, or teacher;
2. The parent(s), or student 18 years of age or older, fails to promptly pay financial obligations owed to the district, including payments owed, but not limited to, school lunches and for lost or destroyed district property;
3. The student does not have a valid excuse for failure to attend school;
4. The superintendent or board determine that due to a financial shortfall occurring at any time or over-enrollment causing crowded classrooms or programs that it is necessary to cancel any transfer for the best interests of the students who reside in the district; or
5. The best interest of the district.

The undersigned also is informed that this consent to cancellation and waiver of rights to contest cancellation of the transfer is a condition to the granting of the transfer and for continued enrollment after transfer acceptance, and thus the consent may not be withdrawn at any time in the future.

The undersigned also understands that although the administration will notify the parent(s), or student 18 years of age or older, of any cancellation, the undersigned understands and agrees that the determination of the administration that a cancellation is to be effected will be final, that the undersigned will have **no** right to appeal that determination to the board of education, and that after cancellation, the administration will send the educational records of the student to the student's resident school district or to such other school district as the undersigned directs.

By signing this agreement, I affirm that I have read and understand the above conditions concerning acceptance of the transfer application and my consent to district authority to cancel the transfer, if granted, for the reasons stated above.

EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

---

Signature of Parent or Adult Student

Printed Name