



ROSENSTEIN, FIST & RINGOLD

RED BANNER UPDATE

- Date:** April 5, 2021
- Re:** SB 783
- Signed:** March 31, 2021
- Effective:** March 31, 2021
- Topic:** Student Transfers
- Summary:** This Act amends and repeals portions of the Education Open Transfer Act, OKLA. STAT. tit. 70, §§ 8-101.1 – 8-113, regarding student transfers.

Student Transfers

The Act provides that, beginning January 1, 2022, transfer students must be accepted at any time of year, unless the number of requested transfers exceeds the grade level capacity for each school site within a school district. If grade level capacity is insufficient to enroll all eligible students, the district must select transfer students in the order in which it received their transfer applications. A district may grant a one-year student transfer, and such students may continue to attend each subsequent school year with the approval of the receiving district. The Act limits students to two (2) transfers per school year to a district where the student does not reside, unless the student is in DHS foster care or transferring back to their residential district. Districts may not accept or deny transfers based on ethnicity, national origin, gender, income level, disabling condition, English language proficiency, measure of achievement, aptitude, or athletic ability.

Transfer Policy

No later than January 1, 2022, the Act requires each school district's board of education to adopt a policy that will be used to determine the number of transfers the district has the capacity to accept in each grade level per school site. This policy may include the following as a basis for denying certain transfers: (1) the acts and reasons outlined in OKLA. STAT. tit. 70, § 24-101.3; and (2) a "history of absences," which the Act defines as ten (10) or more absences that are not excused for the reasons provided for in OKLA. STAT. tit. 70, § 10-105(B) or due to illness. The Act also requires that this policy be posted on the district's website.



Transfer Capacity Determination and Reporting Deadlines

The Act mandates that the board of education must establish the number of transfer students the district has the capacity to accept in each grade level for each school site by the first day of January, April, July, and October; publish these capacities in a prominent place on the district's website; and report to them to the State Department of Education ("OSDE").

Denial of Continued Enrollment for Certain Reasons

At the end of each school year, a school district may deny a transfer student's continued enrollment based on any of the reasons outlined in OKLA. STAT. tit. 70, § 24-101.3, or for a "history of absences," defined as ten (10) or more absences in a semester that are not excused for the reasons provided for in OKLA. STAT. tit. 70, § 10-105(B) or for illness.

Appeals Process for Denials of Transfer Requests

If a school district denies a transfer request, the Act provides that the parent of the student may appeal the denial within ten (10) days of notification of the denial. The appeal will be made to the receiving school district's board of education. The board is required to consider the appeal at its next regularly scheduled board meeting. If the school board denies the appeal, the parent may appeal that denial to the State Board of Education ("OSBE") within ten (10) days of receiving the notification of denial. The parent must submit to the OSBE and the superintendent of the receiving school a notice of appeal on a form prescribed by the OSBE. The appeal must then be considered at the next regularly scheduled meeting of the OSBE. The parent and a representative from the receiving school are permitted to address the OSBE at that meeting. The OSBE will also be responsible for establishing rules for the appeals process.

Data Reporting

The Act requires each school district to report to the OSDE the number of student transfers denied, and whether the denial was based on capacity, for any of the reasons outlined in OKLA. STAT. tit. 70, § 24-101.3, or for a "history of absences," defined as ten (10) or more absences in a semester that are not excused for the reasons provided for in OKLA. STAT. tit. 70, § 10-105(B) or for illness. The Act also requires that, on or before the first day of January, April, July, and October, the superintendent must file, with the OSBE and each resident district, a statement showing the names of the students granted transfers to the school district, the resident school district of the transferred students, and their respective grade levels.

Transfer Application Process

The Act provides that the parents of a student seeking a transfer must complete and submit a transfer application consisting of a form specified by the OSBE. The application must be filed with the superintendent of the receiving school district for transfer to school districts in Oklahoma and with the OSBE for transfers to school districts in another state. The term "parent" is specifically defined as the

parent or person having custody of the student as defined in OKLA. STAT. tit. 70, § 1-113(A)(1).

Transfer Audits

The Office of Educational Quality and Accountability (“OEQA”) will monitor the approval/denial process of districts by an annual random audit of ten percent (10%) of the state’s school districts. If the OEQA finds a school district was inaccurate in its reporting, OEQA will set the capacity for that school district.

Siblings of Transfer Students or of those in DHS Foster Care

The Act allows any brother or sister of a student who transfers to also attend the school district to which the student transferred as long as the school district has capacity and the brother or sister has not been subject to any disciplinary action as outlined in OKLA. STAT. tit. 70, § 24-101.3, or does not have a “history of absences,” defined as ten (10) or more absences in a semester that are not excused for the reasons provided for in OKLA. STAT. tit. 70, § 10-105(B) or illness. Any child in DHS custody in foster care living in the home of a student who transfers may also attend the school district to which that student transferred.

Deaf or Hearing-Impaired Students

If deaf or hearing-impaired students seek transfer to districts with specialized deaf education programs, their transfer applications may be filed any time of year, and they may also transfer any time during the school year.

Mandatory Transfers

The Act provides that students with disabilities must be granted transfers as authorized under OKLA. STAT. tit. 70, § 13-103. Furthermore, if a student is a dependent child of a member of the active uniformed military services on full-time active duty status, or the dependent child of a member of the military reserve on active duty orders, the child shall be eligible for admission to the school district of their choice regardless of district capacities. To be eligible, the Act requires the following: (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, a contingency operation or a natural disaster requiring the use of orders for more than thirty (30) consecutive days. The Act also provides that a transfer must be granted if the grade a student is entitled to pursue is not offered in the student’s residential district.

Transfers to a School District Where a Parent Is Employed

The Act allows students to transfer to a school district in which their parent or legal guardian is employed as a teacher, as defined in OKLA. STAT. tit. 70, § 1-116.



Emergency Transfer Statute Repealed

The Act repeals the provisions related to emergency transfers found at OKLA. STAT. tit. 70, § 8-104.

For more information on this Act, please visit the firm's website to view the signed Act.

Attorneys at the firm are currently reviewing this legislation and will be advising clients as to any recommended changes to existing district policies as well as the new policy required under the Act.