



SECTION IV: STUDENTS

POLICY 4400

STUDENT TRANSFERS

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.

Transfer Application Requests

Applications for transfer shall be completed by the parent of a student on an 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). The application shall be filed with the superintendent or the superintendent’s designee of the receiving school district if the receiving school district is within this state.

In addition to completing the application form as specified by the State Board of Education, applicants must complete and submit ~~both~~ the District’s Online Enrollment Application Form ~~retrieved from~~ retrieved from www.baschools.org/enrollment ~~and the Transfer Student Consent to Cancellation of Transfer~~ retrieved from www.baschools.org/enrollment. The district will not approve an application for a transfer that is submitted without these completed form and online enrollments. The ~~D~~istrict will notify all resident school districts that an application for the transfer has been filed by a student enrolled in the resident school district. ~~The~~ is ~~D~~istrict shall timely approve or deny the application and shall notify the parents of the students, in writing, of the decision. Siblings must apply individually.

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.

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.

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



SECTION IV: STUDENTS

POLICY 4400

STUDENT TRANSFERS

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.

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.

Children of District ~~Employees~~ Teachers

A student shall be allowed to transfer to a school district in which the parent or legal guardian of the student is employed as a teacher as defined in OKLA. STAT. tit. 70, § 1-116.

~~Priority for transfers will be given to applications for the enrollment of nonresident students who are the children of all other District regular full-time and regular part-time employees.~~

First-Come First Serve Basis

Subject to the provisions made for children of District teachers, transfers will be approved on a student-by-student basis in the order in which they are received and in accordance with the policy provisions set out below.

Transportation

Parents will be required to provide transportation to and from school.

Relocation of Family During Term of Transfer

A student whose family relocates from the school district may continue attendance through the end of school year during or for which the transfer was granted. The student may apply for a transfer for subsequent school years.

Nondiscrimination

The district shall not accept or deny any transfer application based upon the student’s race, color, sex, pregnancy, gender, gender expression, national origin, gender identity, 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 meet the criteria in this policy for approval will not be deemed to be rejection for a discriminatory reason.

Approval of Transfers



SECTION IV: STUDENTS

POLICY 4400

STUDENT TRANSFERS

Once an application for a transfer has been submitted to the District, it will be forwarded to the superintendent or the superintendent's designee for review and shall be considered in accordance with the criteria set forth below. The board of education delegates to the superintendent or the superintendent's designee authority to approve or deny a transfer application pursuant to the criteria listed in this policy.

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.

Criteria for Approval or Denial of a Transfer Requests

The fact that the district has adopted a transfer policy does not mean that every transfer application will be accepted. A transfer will be denied if the administration determines the transfer would detract from the educational experience of currently enrolled students.

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



SECTION IV: STUDENTS

POLICY 4400

STUDENT TRANSFERS

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.

In addition to the general criteria listed above, a transfer application will **NOT** be approved if:

- A. This district does not:
 1. Provide the courses/educational program(s) in which the applicant desires to enroll or in which this district deems the student is required to enroll in order to comply with state and federal laws and regulations.
 2. Have adequate facilities or services to provide the courses/educational program(s) in which the applicant desires to enroll or in which this district deems the student is required to enroll in order to comply with state and federal laws and regulations.
 3. Have adequate space for the student in the courses/educational program(s) in which the applicant desires to enroll or in which the district deems the student is required to enroll in order to comply with state and federal laws and regulations. The administration may reserve preferred space for resident students or new resident students reasonably anticipated to move into the district during the school year. Thus, the district may deny a transfer if approval would result in:



SECTION IV: STUDENTS

POLICY 4400

STUDENT TRANSFERS

- A. Placing a financial or education burden on district facilities or staff in the courses/educational programs the student would attend; or
 - B. Exceeding class size limitations set by state law or district policy in such courses; or,
 - C. Exceeding a percentage of such class size limitations as set by the superintendent or designee. The administration may determine that a percentage of class size mandates should be reserved for later resident enrollment to prevent the exceeding of class size limits later in the school year due to additional enrollment of reasonably anticipated new resident students.
4. Have current personnel needed to provide the grade/courses/programs in which the applicant desires to enroll.

~~B. The student:~~

- ~~1. Has a disciplinary record which provides a reasonable basis to determine the applicant would present a discipline problem if enrolled. Such a reasonable basis will exist if school discipline or court records of the student, from any public or private school within or without the State of Oklahoma or any court within or without the State of Oklahoma, show the student at any time:~~
 - ~~A. Has violated school regulations;~~
 - ~~B. Has committed an act commonly regarded as being immoral;~~
 - ~~C. Has been adjudicated as a delinquent for either a violent or nonviolent offense under relevant Oklahoma law;~~
 - ~~D. Has been convicted as an adult for either a violent or nonviolent offense under relevant Oklahoma law;~~
 - ~~E. Has 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;~~



SECTION IV: STUDENTS

POLICY 4400

STUDENT TRANSFERS

~~F. Has possessed on school property, in school transportation, or at a school event any alcoholic beverage, or missing or stolen property found to have been taken from a student, school employee, or the school during school activities; or,~~

~~G. Has 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.~~

~~C. The applicant:~~

- ~~1. Fails to complete and submit the Application Form (retrieved from www.baschools.org/enrollment, provide the district with sufficient educational records, or inform the district in detail of the grades/courses/programs in which the student desires to enroll or participate if the application is accepted so that the criteria above can be applied within the time deadlines set by law for the approval or rejection of a transfer. All such records must be supplied to the district in time for district personnel to make a reasonable review of such records in applying the approval/denial criteria set by this policy. This is particularly important for students with disabilities because all documentation of the resident district will need to be reviewed to make a preliminary determination as to whether the district has the appropriate programs, staff, and services to provide the applicant with the education and services set forth in the student's IEP or Section 504 Accommodation Plan, and, if a preliminary approval determination is made, to prepare for and conduct a joint IEP or Section 504 conference with the resident district prior to any final approval or rejection of the transfer application. All applicants must consent in writing to the release of educational records from previous schools attended, and applicants for students with disabilities must consent in writing to forward to this district whatever confidential records this district deems is necessary to review in applying the approval/denial criteria of this policy. The superintendent or superintendent's designee has authority to amend the application form by regulation to include additional information needed to review an application request.~~
- ~~2. Fails to complete the Transfer Student Consent to Cancellation of Transfer retrieved from www.baschools.org/enrollment;~~
- ~~3. Fails to timely submit a completed application; or,~~



SECTION IV: STUDENTS

POLICY 4400

STUDENT TRANSFERS

- ~~4. Provides incorrect information on the application request.~~

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 published in a prominent place on the District's website and reported to the State Department of Education.

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.



SECTION IV: STUDENTS

POLICY 4400

STUDENT TRANSFERS

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 or designee 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).



SECTION IV: STUDENTS

POLICY 4400

STUDENT TRANSFERS

Students with Disabilities

~~If a student with a disability applies for a transfer, the student must supply all documentation of the resident district relating to the student's previous and current IEPs and Section 504 Accommodation Plans so that this district may:~~

- ~~A. Determine whether the district currently has appropriate programs, staff, services and placement needed to fulfill the current or anticipated IEP or Section 504 Accommodation Plan of the student; and~~
- ~~B. If a preliminary determination is made that the district has the appropriate programs, staff, services and placement needed to fulfill the current IEP or Section 504 Accommodation Plan of the student if the transfer application is approved, conduct the statutorily required joint IEP or Section 504 conference with the district of residence before a final determination of approval or denial is made.~~

~~Notwithstanding the provisions of this policy, students with disabilities may be educated in this district pursuant to special education cooperative agreements between this district and other school districts. Such transfers will not be deemed to be parent initiated or student initiated transfer applications governed by this policy.~~

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.

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

Approval of a Transfer Requires Agreement for Cancellation of Transfer

~~Approval by this district of any transfer is contingent upon the applicant agreeing, in writing, to cancellation of this transfer by the district during the school year if the student does not comply~~



SECTION IV: STUDENTS

POLICY 4400

STUDENT TRANSFERS

~~with the rules and regulations of this district for student behavior, or if the family of the transferred student fails to remain current in financial obligations owed to the district, including, but not limited to, payment for lunches or lost or destroyed district property. The board of education hereby delegates to the superintendent or the superintendent's designee authority to cancel any transfer previously granted by the board of education upon a determination that cancellation is appropriate. The consent form can be retrieved from www.baschools.org/enrollment, which may be amended by administrative regulation.~~

Students Seeking a Transfer from a Non-Accredited School or a Home School

~~Students currently enrolled in a private school not accredited by a state agency or in a home school are not guaranteed enrollment in the grade/programs/courses in which the applicant desires to enroll. Students desiring to transfer from private schools not accredited by a state agency or from a home school will be required to take all placement tests required of resident students enrolling in the district after attendance in private schools not accredited by a state agency or home schools, and the administration will decide the appropriate placement primarily upon placement test results as per district policy. Accordingly, students applying for a transfer from such schools will be granted a provisional transfer until: (a) test results are reviewed to determine the appropriate grade/courses/programs for the applicant; and (b) the criteria of this policy are then applied to determine if the applicant is eligible for transfer approval. An applicant who does not agree to accept placement based upon such test results and criteria review will be deemed ineligible for an approved transfer and the provisional transfer will be of no effect.~~

Acceptance of Assignment Required; Subsequent Change Needs Administrative Approval

Reference: OKLA. STAT. tit. 70, § 1-113(A)(1)

OKLA. STAT. tit. 70, § 1-116

OKLA. STAT. tit. 70, § 10-105(B)

OKLA. STAT. tit. 70, § 24-101.3(A)-(C) & (E)

OKLA. STAT. tit. 70, § 24-101.3(F)(1), 20

U.S.C. §§ 1400 et seq.

34 C.F.R. § 300.8

~~OKLA. STAT. tit. 70 §§ 8-102, 8-103, 8-103.1, 8-113, 13-103~~

Source: *Broken Arrow Board of Education policy adoption, October 11, 2021.*

Broken Arrow Board of Education policy revision, December 6, 2021.



Exhibit A

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 Broken Arrow 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.

The following calculations will be used to determine Program Capacity of schools that do **not** require specialized course study and/or application i.e., Options Academy, Vanguard Academy, Early College High School.

For grades PK through grade 5, student capacity is set at **20** students per classroom. These class size limits are set in accordance with 70 O.S. § 18-113.1. The district will multiply those limits times the number of classroom teachers employed by the school district at each grade level for each school site. 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.

For grades 6-12, capacity is set based on student enrollment in the regular education English Language Arts (ELA) course for each grade level. To be able to plan for in-district growth, provide adequate staffing and ensure that teachers do not exceed class size limits set forth in 70 O.S. § 18-113.3 for other core subjects, the student capacity is set at **28** students per regular ELA section primarily and Science secondarily. The district will multiply those limits times the number of sections taught by certified classroom teachers within the school district at each grade level.

As it relates to Program Capacity, “English Language Arts” and “Science” includes all levels of English and Science instruction for each specific grade level (e.g. English 3 and AP English Language).