



## **SECTION IV: STUDENTS**

## **POLICY 4400**

### **STUDENT TRANSFERS**

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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 the District’s Online Enrollment Application retrieved from, [www.baschools.org/enrollment](http://www.baschools.org/enrollment). The district will not approve an application for a transfer that is submitted without the completed form and online enrollment. The District 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 District 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 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.



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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 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.

#### 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

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



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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.

#### Denial of a Transfer Request

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 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



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- 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:
    - 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,



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- 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.

#### 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



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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.

#### 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).

#### 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, § 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

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).