

## **TRANSFERS**

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

### **Previous Transfers (approved prior to January 1, 2022)**

Open and Emergency Transfers previously granted by the Clayton Board of Education will remain in effect unless action is taken to deny a future transfer based upon an annual review of discipline and attendance as addressed within this policy or if it is determined that the application contains fraudulent, intentional, or material misrepresentation.

### **Transfer Application Overview, Process, and Timeline**

Transfer applications must be properly completed online to be considered. The District shall not accept or deny any transfer application based on the student's race, color, religion, sex, sexual orientation, gender expression, gender identify, genetic information, pregnancy, age, national origin, veteran status, disability, income level, 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.

### **A. Transfer Application Requests**

1. 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 District shall review applications in the order in which they are received. The application shall also be filed with the Superintendent or designee of the District if the receiving school district is within this state or with the Oklahoma 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 Plan ("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 student shall be allowed to exceed capacity to transfer to Clayton Public Schools if a student's parent or legal guardian is employed in the District. If the student is on an IEP, he/she will be subject to provisions in Section B. In the event that an employee with a student on a transfer approved after January 1, 2022 is no longer employed within the District, the student may complete the current school year but will not be allowed to exceed capacity to continue on a transfer for the following school year. The student may apply for a continued transfer subject to meeting requirements for capacity, discipline, and attendance outlined in this policy.
4. A student who has attended Clayton Public Schools for three years or more, but then moves to another district, may continue enrollment in Clayton Public Schools on a transfer, regardless of capacity if the student meets attendance and discipline requirements.
5. 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. Siblings must apply individually but may be granted a transfer regardless of capacity if the student meets attendance and discipline requirements. If the student is on an IEP, he/she will be subject to provisions in Section B.
6. If the grade a student is entitled to pursue is not offered in the district where the student resides, the transfer shall be approved.

7. 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.
8. A student shall not transfer more than two (2) times per school year to one (1) or more school districts in which the student does not reside, provided that the student may always return at any time to his or her school district of residence.
9. 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. Students in the custody of the Oklahoma Department of Human Services in foster care, may transfer more than two (2) times per school year to one or more school districts in which the student does not reside.
10. A student who is deaf or hard of hearing 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.
11. The District will begin accepting applications for the next school year starting July 1 of the current school year. The District 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 District.

#### **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 Students 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 a 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. purchased or leased home or apartment, or
  - c. Federal government or public-private venture off-base military housing.

#### **D. Determination of Grade Level Capacity**

The District has set capacities to plan for late summer enrollment and in-District growth, provide adequate staffing, and ensure that teachers' class sizes do not exceed limits set forth in 70 O.S. §18-113.2-3. Pre-kindergarten (PK) class size capacity is set at an average of 15 students per class. Kindergarten (K) class size capacity is set at an average of 17 students per class. For first through sixth-grade class size capacity is set at an average of 20 students per class. For seventh through twelfth-grade classes, capacity limits are set based on enrollment in regular English Language Arts (ELA) courses. These capacity limits include space for any student enrolled in a specialized course study (alternative placement, concurrent enrollment, individualized education plans, virtual placement, etc.) who may transition to regular education courses during the school year. Class size averages in other core subjects (science, math, social studies) are significantly higher due to the specialized placement of students in ELA courses. For seventh and eighth-grade students, class size capacity limits are based upon a seven-period day and are set at an average of 22 students. For ninth through twelfth-grade students, capacity limits are based upon a six-period day and set at an average of 25 students per class. Based on these criteria, the Clayton Public School's Board of Education has established the following grade level capacities:

- PK- average class size of 15
- K-average class size of 17
- 1st-4<sup>th</sup> grades-average class size of 20
- 5<sup>th</sup>-6<sup>th</sup> grades-average class size of 20
- 7<sup>th</sup>-8<sup>th</sup> grades-average of 22 in English classes
- 9<sup>th</sup>-12<sup>th</sup> grades-average of 25 in English classes

Prior to the first day of January, April, July, and October of each school year, the Clayton Public Schools 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. The grade-level capacity reflecting these dates will be published on the District's website and reported to the Oklahoma State Department of Education.

### **E. Approval of Transfer Request**

1. If approved, a student transfer is granted for the existing school year and may continue for future years based on an annual review of capacity, discipline, and attendance. 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).
2. If approved, parent(s)/guardian(s) will be required to provide transportation to and from school.

### **F. Denial of a Transfer Request**

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. A transfer request may be denied based on the following:

1. Capacity-
  - a. A transferring student's application will be denied if the District does not have the capacity in the grade level at the school site(s).
  - 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.
2. Discipline-
  - a. 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).
  - b. A transferring student's application shall be denied if the student has a disciplinary record that 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 transferring student has been disciplined for any of the acts and reasons outlined in OKLA. STAT. tit. 70, § 24-101.3(A)-(C) & (E).
3. Attendance-

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).
4. Fraudulent Information-

A transferring student's application will be denied at any point in the school year if the application contains fraudulent, intentional, or material misrepresentation.

### **G. District Level Transfer Denial and Appeal Process**

A parent may appeal the denial of a transfer request to the clerk of the Clayton Public Schools 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 Clayton Public Schools Board of Education at its next regularly scheduled meeting. The appeal shall be considered by the Clayton Public Schools 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:

1. The date of the parent/guardian's transfer request application;
2. The District's reason(s) for the denial of the transfer request;
3. The parent/guardian will provide the factual reason(s) why the parent/guardian believes the transfer request was denied;
4. The District will provide the factual reason(s) for the District's denial of the transfer; and
5. 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 Clayton Public Schools 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 Jenks Public Schools 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 Oklahoma State Board of Education shall promulgate rules to establish the appeals process authorized by this subsection.

#### **H. 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 Oklahoma State Department of Education the transfer 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 District Superintendent or designee shall report to the Oklahoma State Department of Education a statement showing the names of the student(s) granted transfers to the District, the resident school district of the transferred student(s), and the grade level of the transfer student(s).
3. At the frequency required by the Oklahoma State Department of Education, the District shall also submit the number of student transfers approved and denied, and 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).

#### **I. 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)