

## **STUDENT TRANSFERS**

Open Transfers previously granted by the school 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.

The school district will not accept or deny a transfer based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude or athletic ability. The school district will begin accepting applications for the next school year starting **January 1st**. Receipt of applications will be documented by the district so that the district may review those applications in the order submitted for purposes of capacity limitations. The administration 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 school district.

Transfers that have previously been approved by the school district will remain in effect for future school years unless the district provides notification to the parent or legal guardian that the transfer is not going to be continued for an upcoming school year due to capacity, disciplinary action or attendance issues. The district will not require parents resubmit a new application each school year and will advance the previous application of an enrolled student amending only the grade placement of the student.

A transfer may be requested at any time in the school year. State law does limit the ability of a student to transfer to no more than two (2) times per school year to one or more school districts in which the student does not reside.

Exceptions to this limit will exist for students in foster care. Students are legally entitled to reenroll at any time in his or her school district of residence. A separate application must be filed for each student so that the district can timely consider requests in the order applications are received.

Sibling transfers will be provided preferential treatment and may be approved regardless of capacity with only discipline and attendance records reviewed in the determination of the sibling transfer request.

Children or wards of individuals employed by the school district shall be allowed to transfer into the school district without regard to other transfer policies. A student who enrolls pursuant to this policy shall not be eligible to participate in school-related extramural athletic competition governed by the Oklahoma Secondary School Activities Association for a period of one (1) year from the first day of attendance unless the transfer is from a school district which does not offer the grade the student is entitled to pursue. Eligibility requirements are governed by the Oklahoma Secondary School Activities Association.

**REFERENCE: 70 O.S. §8-113  
70 O.S. §8-103.2**

It is the policy of the board of education that any legally transferring student shall be accepted by the district under the following circumstances:

1. The district has the capacity to accept the student at the grade level at the school site;
2. The transferring student has not been disciplined for:
  - a. violation of a school regulation,

- b. possession of an intoxicating beverage, low-point beer, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, or missing or stolen property if the property is reasonably suspected to have been taken from a student, a school employee, or the school during school activities, or
- c. possession of a dangerous weapon or a controlled dangerous substance while on or within two thousand (2,000) feet of public school property, or at a school event, as defined in the Uniform Controlled Dangerous Substances Act.

3. The transferring student does not have a history of absences. "History of absences" means ten or more absences in one semester that are not excused for the reasons provided in 70 O.S. § 10-105 or due to illness. By the first day of January, April, July and October, the 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 within the district. The number of transfer students for each grade level at each site that the district has the capacity to accept will be posted in a prominent place on the school district's website. The district shall report to the State Department of Education the number of transfer students for each grade level for each school site which the district has the capacity to accept.

The district has a capacity of 90 in Pre-Kindergarten at Poteau Elementary School.

The district has a capacity of 126 in Kindergarten at Poteau Elementary School.

The district has a capacity of 159 in 1<sup>st</sup> grade at Poteau Elementary School.

The district has a capacity of 160 in 2<sup>nd</sup> grade at Poteau Upper Elementary School.

The district has a capacity of 140 in 3<sup>rd</sup> grade at Poteau Upper Elementary School.

The district has a capacity of 140 in 4<sup>th</sup> grade at Poteau Upper Elementary School.

The district has a capacity of 132 in 5<sup>th</sup> grade at Pansy Kidd Middle School.

The district has a capacity of 132 in 6<sup>th</sup> grade at Pansy Kidd Middle School.

The district has a capacity of 154 in 7<sup>th</sup> grade at Poteau seventh and eighth grade center.

The district has a capacity of 176 in 8<sup>th</sup> grade at Poteau seventh and eighth grade center.

The district has a capacity of 200 in 9<sup>th</sup> grade at Poteau High School.

The district has a capacity of 175 in 10<sup>th</sup> grade at Poteau High School.

The district has a capacity of 200 in 11<sup>th</sup> grade at Poteau High School.

The district has a capacity of 125 in 12<sup>th</sup> grade at Poteau High School.

A student shall be allowed to transfer to a district in which the parent or legal guardian of the student is employed as a teacher as per 70 O.S. § 8-113.

The school district shall enroll transfer students in the order in which they submit their applications. If the number of student transfer applications exceeds the capacity of the district, the district shall select transfer students in the order in which the district received the application. Students who are the dependent children of a member of the active uniformed military services of the United States on full-time active-duty status and students who are the dependent children of the military reserve on active duty orders shall be eligible for admission to the school district regardless of capacity of the district. Students shall be eligible for military transfer if:

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, contingency operation or a national disaster requiring the use of orders for more than thirty (30) consecutive days.

If accepted, a student transfer is granted for the existing school year and may continue to attend in future years. At the end of the school year, the district may deny continued transfer of the student due to capacity or for disciplinary reasons or a history of absences.

If a transfer request is denied by the administration, the parent or legal guardian of the student may appeal the denial within ten (10) days of notification of denial to the board of education. The board of education shall consider the appeal at its next regularly scheduled board meeting if notice is provided prior to the statutory deadline for posting the agenda for the meeting. If notice is after the deadline for posting, the board shall consider the appeal at a special meeting of the board of education.

During the appeal, the board will review the action of the administration to make sure that the district policy was followed with regard to the denial of the transfer. The board of education will meet in an executive session to review the educational records of the student. If the policy was not followed, the board of education shall vote to overturn the denial and the transfer will be granted. This will be a paper appeal and will include the written documentation utilized by the school district as well as a written response from the parent or legal guardian which explains why the policy was not followed.

If the board of education votes to uphold the denial of the transfer, the parent or legal guardian may appeal the denial within ten (10) days of the notification of the appeal denial to the State Board of Education. The parent or legal guardian shall submit to the State Board of Education and to the superintendent of the district, a notice of appeal on the form prescribed by the State Board of Education.

A student who enrolls in a school district in which the student is not a resident shall not be eligible to participate in school-related extramural athletic competition governed by the Oklahoma Secondary School Activities Association for a period of one (1) year from the first day of attendance at the receiving school unless the transfer is from a school district which does not offer the grade the student is entitled to pursue as per 70 O.S. § 8-103.2.

**REFERENCE:** 70 O.S. §1-114  
70 O.S. §1-113  
70 O.S. §5-117.1  
70 O.S. §8-101, et seq.  
70 O.S. §24-101, et seq.; §24-102  
Family Education Rights and Privacy Act  
Atty. Gen. Op. No. 87-134, April 1, 1988

**LEGAL NOTE:** Senate Bill 783 repealed 70 O.S. § 8-104 effective March 31, 2021. Oklahoma law no longer allows emergency transfer of students. Oklahoma law regarding transfers will change again on January 1, 2022. A new sample policy has been created which addresses those changes that are effective with regard to student transfers on January 1, 2022.

***THIS POLICY REQUIRED BY LAW.***