

STUDENT TRANSFERS

The Peckham School 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. 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.

New transfers are accepted on a first-come, first-served basis. Students who attend the district on a transfer for the previous year will be automatically accepted pending approval from the district. The student may be denied based on capacity, attendance and discipline issues. The district will not require parents to 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. Transfers for the next school year will be available to fill out on June 1st of that 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. Any brother or sister of a student who transferred in the previous school year may attend the school district to which their sibling transferred as long as the school district has capacity in the grade level and the sibling does not meet a basis for denial as listed below. A separate application must be filed for each student so that the district can timely consider requests in the order applications are received.

A student who has attended school as a resident student for at least three years prior to moving out of the school district may be allowed to transfer into the district regardless of capacity. Such student's application will be reviewed utilizing only disciplinary records and attendance in the determination of the transfer request.

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

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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 10 students in prekindergarten at Peckham Public Schools.

The district has a capacity of 12 students in kindergarten through second grade at Peckham Public Schools.

The district has a capacity of 15 students in third grade through eighth grade at Peckham Public Schools.

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

The district will approve or deny the application and notify the parent of the student of the determination in writing within thirty (30) days of receiving an application. 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 the transfer application is accepted, the district shall notify the parents of the acceptance. The parent shall provide the district with written notification that the student will be enrolling within ten (10) days of notification of acceptance. Failure to notify the school district within ten (10) days of acceptance shall result in the cancellation of the transfer. The district will provide a written notice of the cancellation to the parent of the student immediately upon cancellation. 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 disciplinary reasons or a history of absences. Written notice of the intention to deny continued transfer of the student shall be given to a parent of a student no later than July 15. The parent may appeal the denial of a continued transfer.

If a transfer request is denied by the school district, the district shall provide notification of the denial in writing to the parent by either hand-delivery, by U.S. Mail or electronic mail. The notification shall include:

1. An explanation including but not limited to any citation to the statute, regulation, or school district policy under which the denial was made;
2. A copy of the policy adopted by the district for determining the number of transfer students the school district has the capacity to accept;
3. A copy of 210:10-1-18.1 from the Administrative Code; and
4. The date upon which the appeal will be due.

If a transfer request is denied by the administration, the parent or legal guardian of the student may appeal the denial

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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. The board of education shall accept an otherwise untimely appeal if a parent of a student can establish that they did not receive actual notice of the notification denying the transfer request, and the appeal was submitted within ten (10) days after the parent of the student actually received notice.

The appeal to the board of education shall be submitted to the office of the superintendent. The appeal shall include the following:

1. The name, address and telephone number of the parent of the student and the student for whom the appeal is being taken;
2. The date the district gave notice denying the transfer request;
3. The basis for appealing the decision of the school district; and
4. The name, address and telephone number of the legal representative, if applicable.

During the appeal, the board of education will meet with the administration and parent or legal guardian of the student in executive session. While in executive session the administration will explain why the transfer was denied, and the members of the board will be able to ask questions of the administration. The board will then hear from the parent or legal guardian as to why the transfer should have been approved. The members of the board will be able to ask questions of the parent or legal guardian. The administration and the parent or legal guardian will be excused from the executive session while the board deliberates on the appeal. The board will return to open session and will vote to approve the denial or overturn the denial of the transfer.

If the board of education votes to deny an appeal of a request to transfer, the board of education shall instruct the superintendent to provide notification of denial in writing to the parent of the student by either hand-delivery, by U.S. Mail, or by electronic mail. The notification shall include:

1. An explanation, including the legal citation to the statute, regulation, or school district policy under which the denial was made;
2. A copy of the policy adopted by the board of education for determining the number of transfer students the district has capacity to accept.
3. A copy of the State Board of Education's prescribed form for an appeal; and
4. A copy of 210:10-1-18.1 which identifies the Accreditation standard for appealing the denial of a student transfer.

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. The superintendent shall immediately provide a copy of the appeal to each member of the board of education. Upon receipt of notice of an appeal, but not later than five (5) days prior to the date at which the State Board of Education is scheduled to consider the appeal, the board of education may submit a written response to the appeal. Responses should not exceed five (5) pages. If not submitted by the parent, the board of education shall provide a copy of the policy adopted to determine the number of transfer students the

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district has the capacity to accept each grade level for each school site within the district. The parents and the school district will have an opportunity to appear in person or by authorized representative or by attorney to address the State Board at the meeting.

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.

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. In the event an opening occurs, a decision on the transfer will be made after consideration of the factors above.

Transfers made for the purpose of providing a free appropriate public education (FAPE) to special education students pursuant to OKLA. STAT. tit. 70, § 18-110(E) and OKLA. STAT. tit. 70, § 13-101 are not considered Open Transfers subject to this policy.

If a request to transfer a student with disabilities to a school district other than the school district of residence of the student pursuant to the Education Open Transfer Act is denied, the following provisions shall apply:

1. The parent or legal guardian of a student with disabilities or an adult student with disabilities who is age eighteen (18) or older but under the age of twenty-two (22) may appeal the denial within ten (10) days of notification of the denial to the receiving school district board of education. The receiving school district board of education shall consider the appeal at its next regularly scheduled board meeting; and
2. If the receiving school district board of education denies the appeal, the parent or legal guardian of the student with disabilities or an adult student with disabilities who is age eighteen (18) or older but under the age of twenty-two (22) may appeal the denial within ten (10) days of notification of the appeal denial to the State Board of Education. The parent or legal guardian of the student with disabilities or the adult student with disabilities shall submit to the State Board of Education and the superintendent of the receiving school 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 or legal guardian of the student with disabilities or the adult student with disabilities and a representative from the receiving school district may address the Board. The State Board of Education shall promulgate rules to establish the appeals process authorized by this subsection which shall align with rules promulgated pursuant to 70, § 8-101.2. The district's board of education shall annually submit to the State Department of Education the number of transfer requests for students with disabilities approved and denied and whether each denial was based on availability of programs, staff, or services.

TRANSFER POLICY(Cont.)**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; and

- 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.

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 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. A purchased or leased home or apartment, or
- c. Federal government or public-private venture off-base military housing.

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****State Accreditation Standards 210:10-1-18 and 210:10-1-18.1*****A POLICY ON THIS TOPIC IS REQUIRED BY LAW***