



Legislative Information

SB 783 & Open Transfer FAQ

On March 31, 2021, Gov. Stitt signed [Senate Bill 783](#) into law. The bill makes significant changes to student transfer policies. OSSBA is in the process of preparing sample policies to assist districts in implementing the law. The below information is intended to address many of the questions we've received over the last few weeks, and we'll provide updated information as it becomes available. *Please note that the below information could change if there are additional changes in law or new guidance from state education officials.*

Preparing for the New Law

Q: What are the important dates my district needs to be aware of related to SB 783?

- March 31: SB 783 went into effect on this day when the bill was signed by the governor.
- Jan. 1, 2022: Deadline for school boards to adopt a new student transfer policy that complies with the provisions of SB 783.

Q: What changes now regarding student transfers?

A: While some of SB 783's provisions won't immediately change the student transfer process, the bill immediately eliminated the emergency transfer provision in state law. However, since the new transfer provisions don't become effective until Jan. 1, a district may continue to accept emergency transfers for the 2021-2022 school year if it wishes to do so.

Q: What happens to students who are currently attending my district on an *emergency* transfer?

A: The existing student transfer was granted for the entire 2020-2021 school year so there's no immediate change for students. However, districts can require students on emergency transfer to apply for a new transfer for next school year. The new transfer process will not take effect until Jan. 1, 2022. Until then, districts can receive and accept transfer requests in accordance with district policy.

Q: What happens to students who are currently attending my district on an *open* transfer?

A: The new transfer process will not take effect until Jan. 1, 2022. Until then, districts can receive and accept transfer requests in accordance with existing state law and district policy.



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Q: What policy action should my board take now?

A: Districts may wish to update policies that reference emergency transfers for students since the statutory change eliminates emergency transfer provisions. The board may also wish to update policy language regarding its continued acceptance of students currently attending on a transfer and communicate to families any changes to its transfer process for the upcoming school year.

Q: When will the board need to change its transfer policy?

A: Districts must have an updated policy in place by Jan. 1, 2022, that complies with the transfer law changes. That means boards will likely want to adopt an updated policy this fall that would go into effect on Jan. 1. This would give school staff and families time to understand and prepare for the new process.

Q: What should school districts share with parents inquiring about transfers now?

A: Families will be understandably interested in how transfers will work moving forward. Since the new transfer process does not take effect until Jan. 1, 2022, it is likely best to explain and offer opportunities to use the district's current transfer process. If parents ask specifically about the changes, explain the legislation's details and rules are still being developed at the state and local level, and more information will be made widely available in the future.

Implementing the New Law

Q: What reporting obligations will districts have related to transfers?

A: Beginning Jan. 1, districts must report publicly and to the state Education Department the capacity to accept transfers for each grade level at each school site by the first day of January, April, July and October. Data on the number of transfers by grade level and site must be reported to the state Education Department. Districts also must submit data to the SDE on transfer denials, including the reason for denial.

Q: Under the new law, is there a statutory transfer window?

A: SB 783 requires districts to accept transfers at any time of the school year subject to capacity limits. OSSBA's forthcoming policy will include suggested timelines for managing the application process at the beginning of a new school year.



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Q: A school's capacity to accept transfer students is a key piece of the new law. How should my district determine how much room we have to accept transfers?

A: OSSBA's forthcoming sample policies will provide a few options for districts to consider when determining capacity. The most straightforward approach may be to use the class-size standards in state law (House Bill 1017 - 1989).

Q. Who determines capacity for each school district?

A: The law provides that the district's board of education shall determine capacity based upon the policy required by the new law. The district must establish the number of transfer students the school district has the capacity to accept in each grade level for each school site within a school district by the first day of January, April, July and October each year. That information must be published to the district's website. However, the Office of Educational Quality and Accountability will be required annually to randomly select ten percent (10%) of the school districts in the state and conduct an audit of each district's approved and denied transfers based on the provisions of the policies adopted by the district's board of education. If the Office finds inaccurate reporting of capacity levels by a school district, the Office has the authority to set the capacity for the school district.

Q: Under what circumstances can districts deny a new student applying for a transfer?

A: Transfers must be accepted in the order in which applications are submitted. Transfers may only be denied if the district has exceeded its enrollment capacity or for student discipline or attendance issues. A student who applies for a transfer and whose parent/guardian is an active member of the military or a member of the military reserve on active duty cannot be denied a transfer because of capacity limitations.

Q: May siblings of current students receive any preference in the transfer process?

A: No. Though siblings may be granted a transfer as long as the school district has capacity and the sibling is not otherwise disqualified due to attendance or misconduct, the new law requires that all applications be considered in the order that they are received by the district.



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Q: Under the new student transfer law, will transfer students be required to apply for a new transfer every year?

A: The new law specifies transfers are for one year. However, we anticipate OSSBA's sample policy will identify continuing transfers in good standing as automatic applicants for transfer.

Q: Under what circumstances can a district deny a continuing transfer?

A: School districts can decline to grant a continuing transfer to a student based on capacity, student discipline or attendance issues.

Q: How does the new law affect athletic eligibility?

A: SB 783 did not change athletic eligibility rules for students who transfer to another district. A transfer student may not participate in Oklahoma Secondary School Activities Association extramural athletic competitions for one full year unless granted a hardship waiver by the OSSAA. However, the student may participate if he or she transfers from a school district that does not offer the grade the student is entitled to pursue as per 70 O.S. § 8-103.2.

Q: What happens if a district denies a transfer?

A: After school district administration denies a transfer, the parent or legal guardian of the student has 10 days to appeal the denial to the local board of education. The board must 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 must consider the appeal at a special meeting of the board of education.

The appeal process will occur in executive session to protect the student's privacy. School districts may choose to consistently have a paper-only appeal process or an in-person appeal process. OSSBA will include both options in its forthcoming policy.

Q: What if the local school board upholds the denial of the transfer?

A: If this occurs, the parent or legal guardian may appeal the denial to the state Board of Education within 10 days of receiving notice of the local board's decision. The state Board of Education has not yet adopted rules or procedures for this process.



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Q: Does the new law change transfers for special education students?

A: No. Districts should continue to follow existing law and policy.

Q. Under the change, is the receiving or sending school district required to provide transportation?

A: No. Busing is not required for a student who is granted a transfer to another district.