



SB 783 & Student Transfer FAQ

On March 31, 2021, Gov. Stitt signed [Senate Bill 783](#) into law. The bill makes significant changes to student transfer policies. OSSBA prepared a [sample policy](#) to assist districts in implementing the law. The below information is intended to address many of the questions we've received, 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.*

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

- March 31, 2021: 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.
- Jan. 1, April 1, July 1 and Oct. 1 of each year beginning in 2022: Boards must establish and report capacity to accept transfers at each site and grade level. The capacity to accept transfers at each site and grade level must be published on your district's website by each of these days. Districts may want to update the number of available seats on a rolling basis to provide up-to-date information to families.

Q: What should our district and board be doing now to prepare for the changes?

A: School district governance teams should be having or begin conversations about how to handle student transfers in the future. Some important points to consider:

- Current transfers – how many students are on transfer and how will their transfer status be handled under the new law?
- Student enrollment trends – how might enrollment trends affect a district's capacity to accept transfers?
- Class size and academic goals – will lower class sizes at some grades and sites be needed to help students meet academic goals?
- Appeals – will the district prefer a "paper" appeal process or a process that involves hearing from the administration and family in a school board executive session?

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. After Jan. 1, districts must begin following the new transfer process. The OSSBA [model policy](#) provides a mechanism to retain or "grandfather" students who transferred prior to implementation of the new law.



Legislative Information

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. OSSBA has created [sample policy FE](#) to assist districts.

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. Districts should date and time-stamp applications so they can be acted upon on a first-come, first-serve basis in accordance with state law.

Q: Must a district accept student transfers beginning Jan. 1, 2022?

A: Yes, subject to capacity limits, discipline and attendance.

Q: When should a district begin accepting transfer applications for the 2022-2023 school year?

A: This is a local control decision. OSSBA's sample policy suggests districts set a date for when they begin accepting transfer applications for the next school year. The district may also set a second date for when they will begin acting on transfers. OSSBA's sample policy states districts will not approve or deny transfers until after the July 1 capacity determination.

Q: Does each district need to create its own student transfer application form?

A: No. The state Education Department will create a form to be used by school districts.

Q. Who determines transfer 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.



Legislative Information

Q: How should my district determine how much room we have to accept transfers?

A: The most straightforward approach may be to use the class-size standards in state law ([House Bill 1017 - 1989](#)). However, this is a local control decision. Districts can set capacity limits by site and by grade level. The details must be included in the policy.

Q: What if my districts want to change its capacity to accept transfers?

A: The school board must meet and modify the capacity limits in its student transfer policy.

Q: Do districts need to determine a capacity for virtual programs?

A: No. State law prohibits transfers into a local district from attending a full-time virtual program. No capacity determination is needed for a virtual program/site, and full-time virtual students will not count in a site's student count for capacity purposes.

Q: What are the class-size standards in Oklahoma law? (Please note that penalties for exceeding class-size requirements do not apply to pre-K and are currently waived for grades two and above.)

- **Pre-K:** 20 students per classroom; 10 students per adult in the classroom ([rule](#))
- **Kindergarten:** 20 students per teacher (excludes PE and music classes), unless additional class would have fewer than 10 students or unless a teacher's assistant is hired ([statute](#)) ([rule](#))
- **Grades 1-3:** 20 students per teacher (excludes PE and music classes), unless additional class would have fewer than 10 students or unless a teacher's assistant is hired ([statute](#)) ([rule](#))
- **Grades 4-6:** 20 students per teacher (excludes PE and music classes), unless additional class would have fewer than 16 students ([statute](#)) ([rule](#))
- **Secondary:** 140 students per day (excludes PE and music classes) ([statute](#)) ([rule](#))

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 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



Legislative Information

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: Are transfer requests under the new law considered requests to a specific school site?

A: No. As under the old law, student transfer requests are considered requests to transfer into your district. Requests for a specific school site from a transferring student and intra-district transfers are local control decisions.

Q: Do children of district employees receive preference in the transfer process?

A: SB 783 specifies that a child of a parent/legal guardian employed as a teacher in a district shall be allowed to transfer into that district regardless of capacity. The bill used the [statutory definition of teacher in 70 OS 1-116](#), which includes teachers, nurses, librarians, counselors and administrators who are certified. The law **doesn't** include preferential transfer status for children of support employees. However, districts can ensure the transfer process and timelines are well communicated to all employees.

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.

Q: May students who are dependents of an active member of the military or military reserve on active duty receive preference in the transfer process?

A: Yes. Such students must be admitted to the district of their choice regardless of capacity subject to the following requirements:

- At least one parent of the student has a Department of Defense issued identification card; and
- 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.



Legislative Information

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, OSSBA's sample policy identifies 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 the same criteria considered for a new transfer: capacity, student discipline and 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. OSSBA's sample policy includes language for an appeal to be considered at a special meeting if an appeal isn't received in time for a regular board of education meeting. This may be desirable if a board meets once a month and wants to expedite a decision.

The appeal process will occur in executive session to protect the student's privacy, although the vote on whether to deny or accept the appeal must be conducted in the public meeting. School districts may choose to consistently have a paper-only appeal process or an in-person appeal process. Districts can decide via policy which appeal process it prefers.

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, procedures or the form to be used for this process.



Legislative Information

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.

Q: What happens with a transfer applicant if a grade level or school site is at capacity?

A: A district has two choices:

- Add the student to a waitlist; or
- Deny the transfer.

If a student is placed on a waitlist, a district must accept students in order from the waitlist as space becomes available.



Executive Session Guidance for Student Transfer Appeals

Template Agenda Item Language

Proposed executive session to consider the appeal of a denied student transfer with a review of confidential educational records and transfer requests of students whereby disclosure of any additional information could potentially violate FERPA. 25 O.S. Section 307(B)(7)

Vote to convene or not to convene into executive session.

Acknowledge return to open session.

Executive session minutes compliance announcement.

Vote to accept or overturn decision of Superintendent to deny transfer request of student A.

Executive Session Procedures

Paper appeal process

Present in executive session: School board members

Board deliberation: Board reviews written documentation from superintendent regarding reason(s) for transfer denial and information from parent/legal guardian regarding why the transfer denial violated board policy.

Board vote: The board must return to open session and then vote to either uphold or reject the superintendent's transfer denial.

In-person appeal process

Present in executive session: Superintendent, parent/legal guardian and board of education.

Administration: Superintendent presents board with reasons for the denial of the transfer: 1. Capacity, 2. Discipline, or 3. Attendance. The board may ask superintendent questions regarding decision.

Parent/legal guardian: Parent/legal guardian presents board with reasons why the denial was not in accordance with policy: 1. Capacity, 2. Discipline or 3. Attendance. The board may ask questions of the parent/legal guardian.



Legislative Information

Board deliberation: The board asks superintendent and parent/legal guardian to leave so they can deliberate.

Board vote: The board must return to open session and then vote to either uphold or reject the superintendent's transfer denial.