



Sandy Garrett  
State Superintendent of Public Instruction  
Oklahoma State Department of Education - Student Transportation and Transfers Section  
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**"Student Transfers and Related Student Transportation:  
State Law and Procedures required by the State Department of Education"**

The office of the Student Transfers Section is in the State Department of Education (SDE), within the Finance Division. Persons with questions concerning the transfer of any public school student (Early Childhood through Grade 12) may call the Student Transfers Section office at (405) 521-3472.

- Office hours are 8 a.m. to 4:30 p.m. Monday through Friday.
- Send correspondence by e-mail to Mr. Randy McLerran, State Director of Student Transportation and Transfers, at <[Randy\\_Mclerran@sde.state.ok.us](mailto:Randy_Mclerran@sde.state.ok.us)>.
- The *Parent's Application for an Open Transfer of Student* and the *Parent's Application for Transfer Due to an Emergency* forms are available online. To access, log on to <[www.sde.state.ok.us](http://www.sde.state.ok.us)> and select the "Site Index" button. Using the alphabetical listing, choose "Transportation/Student Transfers" for a current listing of documents and forms.

*70 O.S. § 8-101.1. Short Title: Sections 20 through 29 of this act shall be known and may be cited as the "Education Open Transfer Act."*  
*70 O.S. Supp. 2004 § 8-103, 8-104, 8-106; and Transportation 70 O.S. § 9-101.*

Please note that "Student Transfers" referred to in this document do not apply to:

- Students desiring to transfer to another school within the same school district.
- Students attending an Oklahoma private or parochial school.

Athletic Eligibility for Transfer Students (Grades K-12)

Clarification regarding a transfer student in athletics can be found in 70 O.S. § 8-103.2.

Questions regarding extramural athletic competition for transfer students not residing in the school district should be directed to the *Oklahoma Secondary School Activities Association* in Oklahoma City at (405) 840-1116.



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Application for Transfer Procedure (70 O.S. § 8-103)

- A. In order that any student may be transferred, an application form specified by the State Board of Education must be completed by the parents of the student. For purposes of the Education Open Transfer Act, the term "parent" means parents of the student or person having custody of the student as provided for in paragraph 1 of subsection A of Section 1-113 of this title. The application shall be obtained from, and filed with, the superintendent of the receiving school district for transfers to school districts in the State of Oklahoma and with the State Board of Education for transfers to school districts in another state.
- Applications shall be filed no later than **April 1** of the preceding school year for which the transfer is desired.
  - By **April 1** of the same school year, the receiving school district shall notify the resident district that an application for transfer has been filed by a student enrolled in the resident district.
  - No later than **June 1** of the same year, the board of education of the receiving school district shall approve or deny applications for transfer and shall notify the parent(s) of the student(s) of the decision.
  - By **July 1** of the same year, the parent of the student shall notify the receiving school district that the student will be enrolling. Failure of parent to notify the receiving district as required may result in loss of student's right to enroll in the district for that year.
- B. On or before **September 1**, it shall be the duty of the superintendent of the receiving school district to file with the State Board of Education and each resident district, a "Statement of Open Transfers" showing the names of the student(s) granted a transfer to their school district, the student's resident district, and their respective grade level.
- C. The receiving school district of a student transferred pursuant to the provisions of this act shall notify the resident school district and parents of the student of a cancellation of the transfer. Such notice shall be made by **June 1** prior to the school year for which the cancellation is applicable.



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Transfer of Student Not Residing in District - Open Transfer Policy Required (70 O.S. § 8-103.1)

- A. A local school district's board of education that receives a request (written application form) for a transfer for a student who does not reside in the school district, *may* refuse the transfer in accordance with the provisions of an "Open Transfer Policy" adopted by their local school district's board of education.
- B. Each local board of education shall adopt an "Open Transfer Policy" for their school district, which specifies their criteria and standards for approval of transfers of students who do not reside in the district. The policy shall include, but not be limited to, provisions relating to the availability of the program, staff, or space as criteria for approval or denial of transfers. A school district may include in the policy, as the basis for denial of a transfer, the reasons outlined in 70 O.S. § 24-101.3.
- In considering requests for students to transfer into a school district, the receiving district's board of education shall consider requests on a first-come, first-served basis.
  - A school district shall 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.
  - Notwithstanding the provisions of the Education Open Transfer Act, transfers of children with disabilities shall be granted as authorized in 70 O.S. § 13-103.
  - A student shall be allowed to transfer to a school district in which the parent or legal guardian of the student is employed as a teacher, as defined in 70 O.S. § 1-116, upon approval of the receiving district only.

Section 206.1 Transfers - Parent employed as teacher: A student shall be allowed to transfer to a school district in which the parent or legal guardian of the student is employed as a teacher, as defined in Section 1-116 of Title 70 of the Oklahoma Statutes, upon the approval of the receiving district only (70 O.S. § 8-113).



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Transfer of Student from their Residential School District (70 O.S. § 8-101.2)

- B. On and after **January 1, 2000**, the transfer of a student from the district in which the student resides to another school district furnishing instruction, in the grade the student is entitled to pursue, shall be granted if the transfer has the approval of the receiving district's board of education.
- A student granted a transfer may continue to attend the school to which the student transferred with the approval of the receiving district only, and any brother or sister of such student may attend such school with the approval of the receiving district.
  - No student shall be permitted to transfer more than once in any school year.
  - If the grade a student is entitled to pursue is not offered in the district where the student resides, the transfer shall be automatically approved.
- C. When a student has been transferred and later changes residence to another school district in the State of Oklahoma, the student shall be entitled to continue to attend school in the district to which the student was transferred.
- If a change of residence is to the district to which the student was transferred, upon affidavit of the parent of the student, that district shall become the resident district.
  - If a student changes residence to another district during the school year, which is not the same district the student transferred to, the student shall be entitled to attend school in either the receiving district or the new district of residence for the remainder of the current year.
- D. Any student transfer approved for any reason prior to **January 1, 2000**, shall continue to be valid and shall not be subject to the Education Open Transfer Act unless the parent having custody chooses otherwise.



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Emergency Transfers - Emergency Defined and Transfer Cancellations (70 O.S. § 8-104)

In addition to the transfer process provided in Section 8-103 of this title, students may be transferred on an emergency basis.

- A written application for an emergency transfer, designating the district to which the transfer is desired, shall be made by the parent and filed with the superintendent of the receiving district.
- On an adequate showing of emergency, the superintendent of the receiving district may make and order a transfer, subject to approval by the State Board of Education.
- An emergency transfer shall include only:
  1. The destruction or partial destruction of a school building;
  2. The inability to offer the subject a pupil desires to pursue, if the pupil becomes a legal resident of a school district after **February 1** of the school year for which the pupil is seeking the transfer;
  3. A catastrophic medical problem of a student, which for purposes of this section shall mean acute or chronic serious illness, disease, disorder, or injury which has a permanently detrimental effect on the body's system or renders the risk unusually hazardous;
  4. The total failure of transportation facilities;
  5. The concurrence of both the resident/sending district and the receiving district;
  6. The unavailability of remote or on-site Internet-based instruction by course title in the district of residence for a student identified as in need of drop-out recovery or alternative education services, provided such student was enrolled at anytime in a public school in Oklahoma during the previous three school years;
  7. The unavailability of a specialized deaf education program for a student who is deaf or hearing impaired;
  8. Special Needs student services not offered; or
  9. Grade not offered.

An emergency transfer previously made may be canceled with the concurrence of the board of the receiving district and the parent.



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Student Right to Transfer - Costs of Transfer (70 O.S. Supp. 2004 § 8-101)

Any student residing in a school district that does not offer the grade which such child is entitled to pursue shall be entitled to be transferred to any school district, inside or outside of the transportation area in which the student resides, which offers the grade the student is entitled to pursue.

- The district to which the student transfers shall be referred to as the "Receiving District."
- A student shall be limited to one transfer pursuant to this section. Thereafter, a student may apply for any other kind of transfer for which the student is eligible as provided for in the Education Open Transfer Act.
- Nothing in this section shall be construed as preventing the approval of any other kind of transfer for which the student is eligible as elsewhere provided by law.
- The due and outstanding obligation of any school district to any transfer fee required by this section for the attendance of a student in the year prior to the effective date of this act is hereby canceled.

Student Transfer Fees Abolished - Other Fees Unaffected - Contract to Waive Transfer Fees Prohibited-Transfer Forms (70 O.S. § 8-112)

- A. Except as provided in subsection B of Section 8-112, on and after July 1, 1990, a school district shall not be required to pay, and a school district shall not charge any other school district a fee for the transfer of a student. Specifically, transfer fees shall not be permitted for transfers between independent school districts, or for transfers between independent school districts and elementary (dependent) school districts.
- B. Nothing herein shall prevent the payment or charging of any other fee of a student as required by law. Except as otherwise provided for in the Education Open Transfer Act, school districts shall not be permitted to contract to waive transfer fees with regard to special education pupil transfers.
- C. The State Board of Education shall establish the necessary and appropriate application forms sufficient to enable school districts to accomplish transfers and to comply with the provisions of Sections 8-101 through 8-106 of this title. Upon establishment of such forms, the State Board of Education shall notify each school district of the content thereof.



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"School Bus Service Regarding Transfer Students"

Transportation Provided (70 O.S. § 9-101)

- A. Any school district may provide transportation for any child who is participating in
- Prekindergarten, or
  - Early childhood program operated by the school district, or
  - Any childhood program operated by the school district, or
  - Any child who is participating in a Head Start program within the school district.
- B. Upon a request for a student transfer pursuant to the provisions of the Education Open Transfer Act, if the parent of the student requests that the receiving district provide transportation for the student, and if the receiving district grants the transfer, then the receiving district may provide such transportation only within the boundaries of the receiving school district.
- A receiving school district shall not cross school district boundaries to transport a kindergarten through eighth-grade student transferred pursuant to the Education Open Transfer Act except as otherwise authorized in 70 O.S. § 9-105 (B-2).

When by resolution of the board of education of two participating districts, the districts agree that one or both of the districts may extend its transportation program into other participating district to provide transportation for students who reside in such other participating district and who, by agreement of the participating districts, are, or will be, attending school in the district that has agreed to furnish transportation for the students.  
70 O.S. § 9-105

- C. Any school district may provide transportation for each student who should attend any public elementary or secondary school when, and only when, transportation is necessary for accomplishment of one of the following purposes:
1. To provide adequate educational facilities and opportunities which otherwise would not be available, which shall include those purposes provided in the Education Open Transfer Act; and
  2. To transport a student whose home is more than a reasonable walking distance, as defined by regulations of the State Board of Education, from the school attended by such student. Provided, that no state funds shall be paid for the transportation of a student whose residence is within and one and one-half (1 ½) miles from the school attended by such student.