



## SECTION III: STUDENT POLICIES

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### Open Transfer Policy

#### **OPEN TRANSFER POLICY**

Effective January 1, 2022, the lawful transfer of a student from the district in which the student resides to Oklahoma Virtual Charter Academy (“OVCA” or “District”) shall be granted at any time in the year unless number of transfers exceeds the capacity of the District as set forth herein.

**Student Transfer:** A student may be granted a one-year transfer and may continue to attend the District each school year to which the student transferred with the approval of the District. At the end of each school year, the District may deny continued transfer of the student for the reasons outlined herein. Any brother or sister of a student who transfers may attend the District to which the student transferred if the District has capacity, and the brother or sister of the transferred student does not meet a basis for denial as outlined herein. Any child in the custody of the Department of Human Services in foster care who is living in the home of a student who transfers may attend the District to which the student transferred.

**Transfer Capacity:** The District’s Board of Education (the “Board”) hereby adopts a policy to determine the number of transfer students the District has the capacity to accept in each grade level for each school site. The Board hereby determines that the capacity of the District is:

<b>Kindergarten</b>	<b>200</b>
<b>1st Grade</b>	<b>250</b>
<b>2nd Grade</b>	<b>225</b>
<b>3rd Grade</b>	<b>280</b>
<b>4th Grade</b>	<b>240</b>
<b>5th Grade</b>	<b>310</b>
<b>6th Grade</b>	<b>350</b>
<b>7th Grade</b>	<b>350</b>
<b>8th Grade</b>	<b>350</b>
<b>High School</b>	<b>1100</b>

The Board shall establish the number of transfer students the District has capacity to accept in each grade level for each school site in the District by the first day of January, April, July and October of each year. The capacity limits set forth herein shall continue until further action of the Board.

**Grounds for Transfer Denial:** The District's Board of Education further determines that in addition to any capacity limitation regarding transfers, the District may deny a transfer for the following reasons: (1) the acts and reasons outlined in Section 24-101.3 of Title 70 of the Oklahoma statutes may be a basis for denial of a transfer; and (2) history of absences may be a basis for denial of a transfer. For the purposes of this policy, "history of absences" means ten or more absences in one semester that are not excused for the reasons provided for in subsection B of Section 10-105 of Title 70 of the Oklahoma Statutes, or due to illness.

**Transfer Publication:** The Board hereby directs the Head of School to: (1) publish in a prominent place on the District website the number of transfer students for each grade level (elementary, middle, and high) that the District has the capacity to accept; and (2) report to the State Department of Education ("SDE") the number of transfer students for each grade level (elementary, middle, and high) that the District has the capacity to accept.

**Appeals:** If a transfer request is denied by the District, the parent of the student may appeal the denial within ten (10) days of notification of the denial to the District Board. The District Board shall consider the appeal at its next regularly scheduled board meeting. If the District Board denies the appeal, the parent may appeal the denial within ten (10) days of notification of the denial to the State Board of Education ("SBE"). The parent shall submit to the SBE and the Head of the School District a notice of appeal on a form prescribed by the SBE.

**Reporting of Transfers and Denials:** The District's Board hereby directs the Head of School to submit to the SDE the number of student transfers approved and denied and whether each denial was based on capacity, acts and reasons outlined in Section 24-101.3 of Title 70 or a history of absences as provided for in paragraph 2 of subsection B of Title 70 as set forth in this policy. The Board further directs the Head of School that on or before the first day of January, April, July, and October to file with the SBE and each resident district of any transfer student, a statement showing the names of the students granted transfers to the District, the resident school district of the transferred students, and their respective grade level.

**Transfer Application:** In order that any student may be transferred, an application form specified by the SBE must be completed by the parents of the student. For purposes of the Education Open Transfer Act ("Act"), the term "parent" means the parent of the student or person having custody of the student as provided for in paragraph 1 of subsection A of Section 1-113 of Title 70 of the Oklahoma Statutes. The transfer application shall be filed with the Head of School of the District and transfers shall not be submitted prior to the District accepting applications for enrollment for a school year. Transfer applications submitted prior to the opening of the application and enrollment window will not be considered.

**Priority of Transfers:** If the number of student transfer applications exceeds the capacity of the District, as determined by subsection A of Section 8-101.2 of Title 70, the District shall select transfer students in the order in which the District received the student transfer applications subject to the District's Application/Enrollment/Lottery Policy and the transfer is in compliance with the Virtual Charter School Reform and Transparency Act. Transfers granted by the District prior to January 1, 2022, will remain in effect and will continue to have priority unless the Board takes action to deny future year's attendance based upon capacity, discipline, or attendance. Siblings and students of teachers that seek a transfer to the District may be given priority by the Board.

**Non-Discrimination:** The 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 Act, transfers of children with disabilities shall be granted as authorized in Section 13-103 of Title 70.

**Military Transfers:** 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 a member of the military reserve on active-duty orders shall be eligible for admission to the District regardless of the capacity of the District. Students shall be eligible 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 natural disaster requiring the use of orders for more than thirty (30) consecutive days.

**Teacher Transfers**: A student shall be allowed to transfer to the District if the parent or legal guardian of the student is employed as a teacher by the District.