

[District Name] Board of Education Policy
Special Education and Gifted Education Transfers

I. Purpose

The purpose of this policy is to establish clear, consistent procedures for processing special education and gifted education transfers in accordance with [Oklahoma Administrative Code 210:10-1-18](#). This policy ensures compliance with state law and guarantees equitable and transparent transfer processes for all students.

II. Definitions

A. Special Education Transfer:

A transfer authorized under 210:10-1-19(a), which allows a student with an Individualized Education Program (IEP) to attend a district or program outside their resident district when necessary to provide FAPE.

B. Personal electronic device:

A transfer authorized under 210:10-1-19(b), which allows a student identified as gifted under state criteria to access specialized programs in another district if the resident district does not offer equivalent services.

C. IEP Service Agreement:

A formal written agreement between two districts that specifies responsibilities for instruction, services, and funding for a special education student, as outlined in 210:10-1-19(c).

III. Policy Statement

It is the policy of the [District Name] to honor and process special education and gifted education transfer requests in compliance with 210:10-1-19, ensuring equitable access to appropriate programs. The Board further maintains IEP Service Agreements when services are provided in a non-resident district and ensures full compliance with IDEA and related state laws.

IV. Special Education Transfer Procedures

In accordance with 210:10-1-19(a), the district shall:

A. Evaluate Program Capacity

Assess whether the district can provide the required services.

B. Service Options

If services are unavailable, implement one of the following:

1. Provide the services directly.
2. Join a cooperative program with other districts.
3. Establish a contractual agreement with another public or private provider.
4. Enter into an IEP Service Agreement with another district, keeping student funding and Average Daily Membership (ADM) with the resident district.

C. Documentation

Maintain copies of IEPs, agreements, and communications for audit and compliance purposes.

V. Gifted Education Transfer Procedures

Under [210:10-1-19\(b\)](#), the district shall:

- A. Review transfer requests for students identified as gifted by standardized assessments and district criteria.
- B. Determine space and resource availability in requested programs.
- C. Approve transfer requests when such programs better meet the student's academic needs and document any service agreements.
- D. Provide written confirmation to the parent or guardian regarding transfer approval or denial, citing reasons aligned with [210:10-1-19\(b\)](#).

VI. IEP Service Agreement Requirements

As mandated under [210:10-1-19\(c\)](#), any IEP Service Agreement must:

- A. Specify the program, services, and schedule of the receiving district
- B. Outline financial responsibilities, including ADM allocations.
- C. Ensure transportation is arranged when required by the IEP.
- D. Be reviewed annually and approved by both districts' boards

VII. Capacity and Documentation

- A. Post annual capacity publicly by January 1, [70 O.S. § 8-103.1](#); [OAC 210:10-1-18](#).
- B. Maintain transfer records in compliance with the Oklahoma Records Management Act.

VIII. Appeals

Parents may appeal denials to the Superintendent within ten (10) days, [OAC 210:10-1-18](#). Appeals may then be escalated to the State Board of Education per [70 O.S. § 8-103.2](#).

IX. Confidentiality and Compliance

All records shall be treated as confidential student records in compliance with FERPA and [70 O.S. § 24-101.4](#).

X. Training and Notification

Annual training will be provided for staff on the requirements of [OAC 210:10-1-19](#), and families will be notified through the district website and materials.

XI. Legal Authority

This policy is adopted pursuant to [70 O.S. § 8-101.1 – 8-103.1](#), [OAC 210:10-1-18](#), [70 O.S. Article XIII](#), and [70 O.S. Chapter 20](#).

Approved by the [District Name] Board of Education on [Insert Date]

Board President: _____

Superintendent: _____

Legal Reference: [70 O.S. § 8-101.1 – 8-103.1](#), [OAC 210:10-1-18](#), [70 O.S. Article XIII](#), and [70 O.S. Chapter 20](#).