

Open Transfers	F.3
<i>Adopted: July 23, 2013 Revised: November 12, 2013; November 11, 2014; September 8, 2015; October 11, 2016</i>	

A request for a transfer into this district initiated by or on behalf of a nonresident student will be approved or refused in accordance with this policy. The transfer of a student whose resident district does not offer the grade the student is entitled to pursue will be approved IF the student resides within the transportation area of this district.

Criteria For Approval Or Denial Of Regular Transfers

The fact that the district has adopted an open transfer policy does not mean that every transfer application will be accepted. A transfer will be denied if the administration determines the transfer would detract from the educational experience of currently enrolled students or place additional financial or space burdens upon the district.

A transfer application will **NOT** be approved if this district does not:

1. Provide the courses/educational program(s) in which the applicant desires to enroll or in which this district deems the student is required to enroll in order to comply with state and federal laws and regulations.
2. Have adequate facilities to provide the courses/educational program(s) in which the applicant desires to enroll or in which this district deems the student is required to enroll in order to comply with state and federal laws and regulations.
3. Have adequate space for the student in the courses/educational program(s) in which the applicant desires to enroll or in which the district deems the student is required to enroll in order to comply with state and federal laws and regulations. The administration may reserve preferred space for resident students or new resident students reasonably anticipated to move into the district during the school year. Thus, the district may deny a transfer if approval would result in:
 - A. Placing a financial or education burden on district facilities or staff in the courses/educational programs the student would attend; or
 - B. Exceeding class size limitations set by state law or district policy in such courses; or,
 - C. Exceeding a percentage of such class size limitations as set by the superintendent or designee. The administration may determine that a percentage of class size mandates should be reserved for later resident enrollment to prevent the exceeding of class size limits later in

the school year due to additional enrollment of reasonably anticipated new resident students.

4. Have current personnel needed to provide the grade/courses/programs in which the applicant desires to enroll.

A transfer will **NOT** be approved if the student:

1. Has a disciplinary record which provides a reasonable basis to determine the applicant would present a discipline problem if enrolled. Such a reasonable basis will exist if school discipline or court records of the student, from any public or private school within or without the State of Oklahoma or any court within or without the State of Oklahoma, show the student at any time:
 - A. Has violated school regulations;
 - B. Has committed an act commonly regarded as being immoral;
 - C. Has been adjudicated as a delinquent for either a violent or nonviolent offense under relevant Oklahoma law;
 - D. Has been convicted as an adult for either a violent or nonviolent offense under relevant Oklahoma law;
 - E. Has committed on school property, in school transportation, or at a school event a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or others;
 - F. Has possessed on school property, in school transportation, or at a school event an alcoholic beverage, low-point beer as defined by relevant Oklahoma law, , or missing or stolen property found to have been taken from a student, school employee, or the school during school activities; or,
 - G. Has possessed on school property, while in school transportation, or at a school event a dangerous weapon or a controlled dangerous substance as defined by relevant Oklahoma law, or a prescription or non-prescription mood altering substance.

A transfer will **NOT** be approved if the applicant:

1. Fails to complete the Application Form (**ATTACHMENT A**), provide the district with sufficient educational records, or inform the district in detail of the grades/courses/programs in which the student desires to enroll or participate if the application is accepted so that the criteria above can be applied within the time deadlines set by law for the approval or rejection of a transfer. All such records must be supplied to the district in time for district personnel to make a reasonable review of such records in applying the approval/denial criteria set by this policy. This is particularly important for students with disabilities because all documentation of the resident district will need to be reviewed to make a preliminary determination as to whether the district has

the appropriate programs, staff, and services to provide the applicant with the education and services set forth in the student's IEP or Section 504 Accommodation Plan, and, if a preliminary approval determination is made, to prepare for and conduct a joint IEP or Section 504 conference with the resident district prior to any final approval or rejection of the transfer application. All applicants must consent in writing to the release of educational records from previous schools attended, and applicants for students with disabilities must consent in writing to forward to this district whatever confidential records this district deems is necessary to review in applying the approval/denial criteria of this policy. The superintendent or superintendent's designee has authority to amend **ATTACHMENT A** by regulation to include additional information needed to review an application request.

2. Fails to timely submit a completed application; or,
3. Provides incorrect information on the application request.

Delegation Of Approval Authority To Superintendent Or Superintendent's Designee

The board of education delegates to the superintendent or the superintendent's designee authority to approve or deny a transfer application pursuant to the criteria listed in this policy.

First Priority For Transfer Openings Will Be Reserved For Children Of District Employees

Subject to the foregoing criteria for approval or denial of regular transfers, priority for transfers first will be given to applications for the enrollment of nonresident students who are children of district employees. Transfer requests for such children will be numbered as received, and the district shall consider requests on a "first-come, first-serve" basis. Any currently-enrolled district student who is a child of a district employee for whom a regular transfer has been approved in the past and any sibling of such student will be given priority if an application is filed before May 31st, and the "first-come, first-serve" list will be compiled only after such current students and their siblings have been placed on the list.

Time Of Receipt Of Applications Determines Order Of Review

Transfer requests will be numbered as received, and the district shall consider requests on a "first-come, first-serve" basis. All transfer applications received by this district shall be dated and time-stamped. Any currently enrolled district student for whom a regular transfer has been approved in the past and any sibling of such student will be given priority if an application is filed before May 31st, and the "first-come, first-serve" list will be compiled only after such current students and their siblings have been placed on the list.

Nondiscrimination

The district shall not accept or deny a regular transfer application based upon the student's race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, genetic information, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude,

or athletic ability. Failure to meet the criteria in this policy for approval will not be deemed to be rejection for a discriminatory reason.

Students With Disabilities

If a student with a disability applies for a transfer, the student must supply all documentation of the resident district relating to the student's previous and current IEPs and Section 504 Accommodation Plans so that this district may:

1. Determine whether the district currently has appropriate programs, staff, services and placement needed to fulfill the current or anticipated IEP or Section 504 Accommodation Plan of the student; and
2. If a preliminary determination is made that the district has the appropriate programs, staff, services and placement needed to fulfill the current IEP or Section 504 Accommodation Plan of the student if the transfer application is approved, conduct the statutorily-required joint IEP or Section 504 conference with the district of residence before a final determination of approval or denial is made.

Notwithstanding the provisions of this policy, students with disabilities may be educated in this district pursuant to special education cooperative agreements between this district and other school districts. Such transfers will not be deemed to be parent-initiated or student-initiated transfer applications governed by this policy.

Time Deadlines For Regular Transfers

An application for a regular transfer must be submitted on a form approved by the State Board of Education, completed by the parent or person having custody of the student, and filed with the district's superintendent not later than May 31st of the school year preceding the school year in which the transfer is requested. On or before May 31st of the school year preceding the school year in which the transfer is requested, the district will notify all resident school districts that an application for the transfer has been filed by a student enrolled in the resident school district. This district shall approve or deny the application by July 15th and shall notify the parents of the students, in writing, of the decision. If the transfer is approved, the student/parent have until August 1 to notify this district, in writing, that the student will be enrolling in this district. **Failure of the parents to notify this district as required, in writing, may result in loss of the student's right to enroll in this district for the ensuing school year.** By September 1, this district will inform the State Board of Education and the resident district, in writing, of the students who have been granted transfers and their grade levels.

Athletic and Other Competition

A transfer student, other than a student granted an emergency transfer, will not be eligible to participate in school-related interscholastic competition governed by the Oklahoma Secondary School Activities Association ("Association") for a period of one year from the first day of attendance at this district, unless the transfer is from a school district not offering the grade the student is entitled to pursue. Whether a student granted an emergency transfer will be eligible to participate in school-related interscholastic competition shall be determined by the Association.

Emergency Transfers

Students may be granted a transfer on an emergency basis. The parent or person with custody must submit a completed application to the superintendent or superintendent's designee on a form approved by the State Board of Education. On an adequate showing of an emergency, the superintendent may approve a transfer, subject to approval of the State Board of Education. An emergency shall include proof provided by the parent of:

1. The inability of the resident district to provide an education to the transfer applicant due to the destruction or partial destruction of a school building attended by the student; or
2. The inability of the resident district to offer the subject the student desires to pursue, PROVIDED the student became a legal resident of this receiving district after February 1 of the school year immediately prior to the school year for which the pupil is seeking the transfer; or
3. A catastrophic medical problem of the student, which means an acute or chronic serious illness, disease, disorder or injury which has a permanent detrimental effect on the body's system or makes the risk of harm unusually hazardous, such that removal from the resident district is medically needed; or
4. The total failure of the resident district to provide transportation to and from school; or
5. The concurrence of both the resident school district and this receiving district; or
6. The unavailability of remote or on-site Internet based instruction by course title in the resident district for a student identified in need of drop-out recovery or alternative education services as a result of the resident district's intake and screening procedures, PROVIDED the student was enrolled at any time in a public school of this state during the previous three (3) school years; or
7. The unavailability of a specialized deaf education program for a student who is deaf or hearing impaired. In coordination with the parent of a transferring student, a transfer on this ground may be processed and treated as an IEP Service Agreement; or
8. The student having been a victim of bullying which was reported to the sending school district. Prior to granting a transfer pursuant to this ground the district will verify that the student was the victim of bullying as defined by the statute and that the sending school district received a report of bullying.

Applications for approval of an emergency transfer will not be deemed complete and submitted to the district for consideration until the parent has submitted to the district both (a) the State Board of Education approved emergency transfer application, and (b) the parent signed **ATTACHMENT B**, which will cancel the transfer if the conditions stated in the Attachment occur. This district shall have complete discretion as to whether to approve or

not to approve an emergency transfer which is based upon prior approval of the resident district.

Prior to cancelling an emergency transfer, this district will notify the parent, in writing, of the date and time when the superintendent or superintendent's designee will be considering the transfer's cancellation.

Approval Of A Transfer Requires Agreement For Cancellation Of Transfer

Approval by this district of any transfer is contingent upon the applicant agreeing, in writing, to cancellation of this transfer by the district during the school year if the student does not comply with the rules and regulations of this district for student behavior, or if the family of the transferred student fails to remain current in financial obligations owed to the district, including, but not limited to, payment for lunches or lost or destroyed district property. The board of education hereby delegates to the superintendent or the superintendent's designee authority to cancel any transfer previously granted by the board of education upon a determination that cancellation is appropriate. The consent form is attached as **ATTACHMENT B**, which may be amended by administrative regulation.

Students Seeking A Transfer From A Non-Accredited School Or A Home School Only Will Be Granted Provisional Approval Pending Review Of Test Results And Application Of Policy Criteria To The Placement Deemed Appropriate

Students currently enrolled in a private school not accredited by a state agency or in a home school are not guaranteed enrollment in the grade/programs/courses in which the applicant desires to enroll. Students desiring to transfer from private schools not accredited by a state agency or from a home school will be required to take all placement tests required of resident students enrolling in the district after attendance in private schools not accredited by a state agency or home schools, and the administration will decide the appropriate placement primarily upon placement test results as per district policy. Accordingly, students applying for a transfer from such schools will be granted a provisional transfer until: (a) test results are reviewed to determine the appropriate grade/courses/programs for the applicant; and (b) the criteria of this policy is then applied to determine if the applicant is eligible for transfer approval. An applicant who does not agree to accept placement based upon such test results and criteria review will be deemed ineligible for an approved transfer and the provisional transfer will be of no effect.

Acceptance Of Assignment Required; Subsequent Change Needs Administrative Approval

Because approval of transfers is based upon criteria of sufficient programs, staffing, and space needs for the particular applicant, a transfer student must accept the school site, courses, and programs to which the student is assigned by the administration. A transfer student will not be allowed, at the time of or after enrollment, to change the grade/courses/programs in which the student state he/she desired to enroll on the transfer application without specific written permission from the superintendent or superintendent's designee. It will be the responsibility of the transfer student or parent to inform the school official from whom approval for a new assignment is requested that the student is a transfer student, and failure to do so will result in cancellation of the transfer unless excused by the superintendent or designee.

Reference: OKLA. STAT. tit. 70 § 8-103

ATTACHMENT A
Application Form

Completion of this form is required of each applicant for a transfer in order to apply the criteria of this policy. Failure to fully and truthfully complete and timely submit this form to the district will result in a denial of the transfer. Completion of this form will be in addition to completion of any form required by the State Board of Education.

1. Full name of student as it appears on the student's birth certificate:

2. Date of student's birth: _____
3. Current address of student: _____

4. Full names of parent(s), guardian(s), or custodian(s) of the student:

5. Educational history of the student:
 - A. School district in which student currently resides: _____
 - B. School in which the student is currently enrolled, if different from above.

 - C. If the student has not exclusively attended the school district in which the student is currently enrolled, list the name of each school district and addresses, if known, in which student has ever been enrolled:

School: _____
Dates of Attendance: _____
Grade Completed Upon Leaving District: _____

School: _____
Dates of Attendance: _____
Grade Completed Upon Leaving District: _____

School: _____
Dates of Attendance: _____
Grade Completed Upon Leaving District: _____
6. Current or last completed grade of student: _____
7. Grade in which the student desires to enroll: _____
8. Courses in which the student desires to enroll in each semester in the coming school year:

9. Has the student a disciplinary record for violating school regulations?

Yes _____ No _____

If Yes, state school(s) in which each violation occurred and approximate date(s) of violation(s):

10. Has the student ever been suspended from school or placed in a alternative education program or setting for disciplinary reasons?

Yes _____ No _____

If Yes: For each and alternative program or setting, state the school which suspended or placed the student; the nature of the offense; and approximate date of the suspension or placement, if different from the above:

11. Has the student been adjudicated as a delinquent for either a violent or nonviolent offense under relevant Oklahoma law?

Yes _____ No _____

If Yes: State the name of the court making the adjudication; the time of such adjudication; the nature of offense; whether the student is still under any court supervision; and, if so, the name of the person overseeing such supervision:

12. Has the student been convicted as an adult for either a violent or nonviolent offense as defined in relevant Oklahoma law ?

Yes _____ No _____

If Yes: State the name of the court in which the conviction was entered; the time of the conviction; the nature of the offense; the sentence imposed; whether the student is still under any court supervision; and, if so, the name of the parole officer or other supervisor:

13. Has the student committed on school property, in school transportation, or at a school event, a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or others?

Yes _____ No _____

If Yes: State the school district attended when the act occurred; the approximate date of the act; and describe what occurred:

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14. Has the student possessed on school property, in school transportation, or at a school event, an alcoholic beverage; low-point beer, as defined by relevant Oklahoma law; or been involved with missing or stolen property found to have been taken from a student, school employee, or the school during school activities?

Yes _____ No _____

If Yes: State, for each separate act, the school district attended when the act occurred; the approximate date of the act; and describe what occurred:

15. Has the student possessed on school property, while in school transportation, or at a school event, a dangerous weapon or a controlled dangerous substance, as defined by relevant Oklahoma law, or a prescription or non-prescription mood altering substance?

Yes _____ No _____

If Yes: State, for each separate act, the school district attended when the act occurred; the approximate date of the act; and describe what occurred:

16. Has the student ever been removed from any school for making an electronic communication with the intent to terrify, intimidate, harass, or threaten injury or harm to faculty or other students?

Yes _____ No _____

If Yes: State, for each separate act, the school district attended when the act occurred; the approximate date of the act; and describe what occurred:

17. If the student has been identified as a child with a disability, this district will need to review all such records to make a reasonable determination of whether the district has the facilities, programs, staff, and space to implement the student's current or anticipated Individualized Education Program (IEP) or Section 504 Accommodation Plan, and, if preliminary approval of a transfer is made, to conduct the statutorily-required joint IEP or Section 504 conference with the resident school district. Is the student currently, or has the student been, a child with a disability who received an IEP or Section 504 Accommodation Plan?

Yes _____ No _____

If Yes: Brief describe the nature of the disability; the approximate time period in which the student has been, or was, under an IEP or Section 504 Accommodation Plan; and the names of the school districts which implemented the student's plan:

18. Do you agree to complete the Consent For Release Of Confidential Information, allowing this district to review all educational records of the student from all previous schools attended by the student?

Yes _____ No _____

ATTACHMENT B
Transfer Student Consent to Cancellation of Transfer

The undersigned, who is **not** a resident of this district, recognizes:

1. That the undersigned non-resident student has a right by law to attend the school district of residence;
2. That the non-resident student desiring to enroll in this district has **no** statutory right to attend this district;
3. That the district is not required to accept this transfer application; and,
4. That the district does not desire to accept a transfer of a student who will detract from the educational process of resident students or take the place of another transfer applicant who would not detract from that process.

The undersigned hereby agrees that if the district approves a transfer allowing the undersigned student to enroll in this district, the administration of the district has the consent of the undersigned to cancel the transfer during the approved enrollment school year if:

1. The student fails to comply with student behavior rules set by the district, school, or teacher;
2. The parent(s), or student 18 years of age or older, fails to promptly pay financial obligations owed to the district, including payments owed, but not limited to, school lunches and for lost or destroyed district property; or,
3. The student does not have a valid excuse for failure to attend school.
4. The superintendent or board determine that due to a financial shortfall occurring at any time or over-enrollment causing crowded classrooms or programs that it is necessary to cancel any transfer for the best interests of the students who reside in the district.

The undersigned hereby agrees that if the student receives a transfer based on a parent's status as a district employee the transfer will be automatically canceled at the conclusion of the school year in which the parent ceases to be an employee.

The undersigned also is informed that this consent to cancellation is a necessary component for continued enrollment after transfer acceptance, and thus the consent may not be withdrawn at any time in the future.

The undersigned also understands that although the administration will notify the parent(s), or student 18 years of age or older, of any cancellation, the undersigned understands and agrees that the determination of the administration that a cancellation is to be effected will be final, that the undersigned will have **no** right to appeal that determination to the board of education, and that after cancellation, the administration will send the educational records of the student to the student's resident school district or to such other school district as the undersigned directs.

By signing this agreement, I affirm that I have read and understand the above conditions concerning acceptance of the transfer application and my consent to district authority to cancel the transfer, if granted, for the reasons stated above.

EXECUTED this _____ day of _____, 2_____.

Signature of Parent (or Adult Student) Applying for Transfer

Printed Name of Parent (or Adult Student) Applying for Transfer