

## OPEN TRANSFER POLICY

A request for a transfer into this School 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 School District. In accordance with Oklahoma State title 70, § 8-101, as amended, a student shall be limited to one transfer. Following that transfer, a student may apply for any other kind of transfer for which the student is eligible based on the Education Open Transfer Act.

### 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;
  - 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:

5 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 an offense that is not a violent offense under relevant Oklahoma law;
- D. Has been adjudicated as a delinquent for an offense that is a violent offense under relevant Oklahoma law;
- E. Has been convicted as an adult for an offense defined in relevant Oklahoma law as an exception to a nonviolent offense;
- F. Has been convicted as an adult for an offense defined in relevant Oklahoma law as a violent offense;
- G. 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;
- H. 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, an unauthorized wireless telecommunication device, or missing or stolen property found to have been taken from a student, school employee, or the school during school activities; or;
- I. 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.

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

6 Fails to complete the Transfer Student Consent to Cancellation of Transfer (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, and, if a preliminary approval determination is made, to prepare for and conduct a joint IEP 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 designee has authority to amend Attachment "A" by regulation to include additional information needed to review an application request;

7. Fails to timely submit a completed application; or
8. 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 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 April 1, and the first-come, first-serve list will be compiled only after such current students and their siblings have been placed on this list.

Any disputes as to whether a District employee qualifies for this category of first priority shall be resolved by the District superintendent.

### **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 1, 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 ethnicity, national origin, race, color, religion, gender, income level, disabling condition, and 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 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 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 of the student if the transfer application is approved, conduct the statutorily-required joint IEP 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- 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 superintendent of this District not later than May 1 of the school year preceding the school year in which the transfer is requested. On or before May 1 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 not later than July 15 of the same year in which the application is submitted and shall notify the parents of the students, in writing, of the decision. If the transfer is approved, then by August 1 of the same year the parents of the student must notify this School District, in writing, that the student will be enrolling in this School District. Failure of the parents to notify this School District, in writing, as required 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.

Deaf or hearing impaired students who wish to transfer to a school district with a specialized deaf education program may file an application for transfer at any time during the school year. Upon approval of the receiving school district, the student may transfer to the receiving school district at any time during the school year.

## **Emergency Transfers**

Students may be granted a transfer on an emergency basis. The parent or person with custody must submit a completed application 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;
2. The inability of the resident district to offer the subject the pupil desires to pursue, provided the pupil became a legal resident of the school district after February 1 of the school year immediately prior to the school year for which the pupil is seeking the transfer;
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;
4. The total failure of the resident district to provide transportation to and from school;
5. The concurrence of both the resident school district and this 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 any time in a public school in this State during the previous three school years; or
7. The unavailability of a specialized deaf education program for a student who is deaf or hearing impaired.

Applications for approval of a transfer will not be considered unless the parent has 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.

## **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.



**ATTACHMENT "A"**  
**TRANSFER STUDENT CONSENT TO CANCELLATION OF TRANSFER**

The undersigned, who is not a resident of this School District, recognizes:

1. That the undersigned student has a right by law to attend the school district of residence;
2. That the non-resident student desiring to enroll in this school 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 School 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 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 school property; or,
3. The student does not have a valid excuse for failure to attend school; *or*,
4. The parent/student will be responsible for transportation of their student(s) to and from school; or,
5. Contingent upon the parent's continued employment by the school district (staff personnel only.)

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 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.

Signed this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Signature of parent applying for a transfer

\_\_\_\_\_  
Printed name of parent

\_\_\_\_\_  
Signature of student

\_\_\_\_\_  
Printed name of student