

OPEN TRANSFER
(INTERDISTRICT)

PURPOSE: To define the Open Transfer (Interdistrict) policy.

All requests for transfers into the 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 the District.

Delegation of Authority

The Board delegates the authority to approve or deny a transfer application pursuant to the criteria listed in the policy to the Superintendent or designee in the Public Schools of Choice Office.

First Priority

First priority for transfers will be given to children of Tulsa Public Schools' employees who are nonresident students. Transfer requests for such children will be numbered as received, and considered on a first-come, first-serve basis.

Any currently enrolled District student who is a child of a District employee for whom an open transfer has been approved in the past and siblings of such students will be given priority if an application is filed no later than the annual established date in February, and the first-come, first-serve list will be compiled only after current students and their siblings have been placed on the list.

Second Priority

Second priority for transfers will be given to nonresident students who are children of parents who work in the District. Transfer requests for such children will be numbered as received, and considered on a first-come, first-serve basis.

Any currently enrolled District student who is a child of a parent working within the District for whom an open transfer has been approved in the past and siblings of such students will be given priority if an application is filed no later than the annual established date in February, and the first-come, first-serve list will be compiled only after such current students and their siblings have been placed on the list.

Order of Review Determination

Transfer requests will be numbered as received, and the District shall consider requests on a first-come, first-serve basis. Any currently enrolled District student for whom an open transfer has been approved in the past and siblings of such students will be given priority if an application is filed no later than the annual established date in February. The first-come, first-serve list will be compiled only after such current students and their siblings have been placed on the list.

Students with Disabilities

If a student with disabilities applies for a transfer, the student must supply all documentation of the resident district relating to the student's previous and current Individualized Education Plan (IEP) so that the District may:

- Determine whether the District currently has appropriate programs, staff, placement and services needed to fulfill the current or anticipated IEP of the student; and
- If a preliminary determination is made that the District has the appropriate programs, staff, placement and services 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 the policy, students with disabilities may be educated in the District pursuant to special education cooperative agreements between the District and other school districts. Such transfers will not be deemed to be parent-initiated or student-initiated transfer applications governed by the policy.

Time Deadlines

An application for an open 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 Public Schools of Choice Office not later than the annual established date in February of the school year preceding the school year in which the transfer is requested. On or before MARCH 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. The District shall approve or deny the application not later than JUNE 1 of the same year in which the application is submitted, and by August 1 shall inform the State Board of Education and the resident district of the students who have been granted transfers and the 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 (1) YEAR from

the first day of attendance in the 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 Transfer

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 Public Schools of Choice Office may approve a transfer, subject to approval of the State Board of Education. An emergency shall include proof provided by the parent of:

- 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;
- 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 the annual established date in February of the school year immediately prior to the school year for which the pupil is seeking the transfer;
- 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;
- The total failure of the resident district to provide transportation to and from school; or
- The concurrence of both the resident school district and the District.

Applications for approval of an emergency transfer based upon the reason of approval of the sending district and the requested approval of the District will not be considered unless the parent has secured approval of the sending resident district and has signed the Student Consent to Cancellation of Transfer, which will cancel the transfer if the conditions stated in the attachment occur. The 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 an Emergency Transfer

Approval of transfer is contingent upon the applicant agreeing in writing to cancellation of this transfer by the District during the school year if the student fails to comply with the District's rules and regulations governing 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 hereby delegates to the Public Schools of Choice Office the authority to cancel any transfer previously granted upon a determination that cancellation is appropriate. The consent form may be amended by administrative regulation.

Transfer from a Non-Accredited School or a Home School

Students currently enrolled in a private school not accredited by a state agency or in a home school are not guaranteed enrollment in the District 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:

- Test results are reviewed to determine the appropriate grade/courses/programs for the applicant; and
- The criteria of the policy are 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.

Accepting Assignment/Subsequent Change

Since 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 Public Schools of Choice Office. A transfer student will NOT be allowed at the time of, or after, enrollment to change the grade/courses/programs in which the student enrolled on the transfer application without specific written permission from the Public Schools of Choice Office. 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 Public Schools of Choice Office.

Criteria for Denial

Adoption of 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 the District does not:

- Provide the courses/educational programs in which the applicant desires to enroll or in which the Public Schools of Choice Office deems the student is required to enroll in order to comply with state and federal laws and regulations;
- Have adequate facilities to provide the courses/educational programs in which the applicant desires to enroll or in which the Public Schools of Choice Office deems the student is required to enroll in order to comply with state and federal laws and regulations;

- Have adequate space for the student in the courses/educational programs in which the applicant desires to enroll or in which the Public Schools of Choice Office 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 Public Schools of Choice Office may deny a transfer if approval would:
 - Place a financial or educational burden on District facilities or staff in the courses/educational programs the student would attend;
 - Exceed class size limitations set by state law or District policy in such courses; or
 - Exceed a percentage of such class size limitations as set by the Director of Pupil Accounting. The Public Schools of Choice Office may determine that a percentage of class size mandates should be reserved for later resident enrollment to prevent exceeding class size limits later in the school year due to additional enrollment of reasonably anticipated new resident students.
- Have current personnel needed to provide the grade/courses/programs in which the applicant desires to enroll.

Further, a transfer application will NOT be approved if the student:

- 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:
 - Violated school regulations;
 - Committed an act commonly regarded as being immoral;
 - Was adjudicated as a delinquent for an offense that is not a violent offense under relevant Oklahoma law;
 - Was adjudicated as a delinquent for an offense that is a violent offense under relevant Oklahoma law;
 - Was convicted as an adult for an offense defined in relevant Oklahoma law as an exception to a nonviolent offense;
 - Was convicted as an adult for an offense defined in relevant Oklahoma law as a violent offense;
 - 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;
 - 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
 - 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.

Further, a transfer application will NOT be approved if the applicant:

- Fails to complete the application form, provide the Public Schools of Choice Office with sufficient educational records, or inform the Public Schools of Choice Office 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 in time for the Public Schools of Choice Office 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 the District whatever confidential records the District deems are necessary to review in applying the approval/denial criteria of the policy. The Public Schools of Choice Office has authority to amend the application form by regulation to include additional information needed to review an application request;
- Fails to timely submit a completed application; or
- Provides incorrect information on the application request.

Nondiscrimination

The Public Schools of Choice Office shall not accept or deny an open transfer application based upon the student's ethnicity, national origin, race, religion, gender, gender expression, gender identity income level, disabling condition, proficiency in the English language, measure of achievement, aptitude, or athletic ability. Failure to meet the criteria in the policy for approval will not be deemed to be rejection for a discriminatory reason.

Revised: March 2016

Legal Reference: Title 70 O.S., 8-101-111

Title 70 O.S. 18-110

Cross Reference: 2202, Student Admissions

2207 Page 6 of 6