

POLICY # 1.33
OPEN TRANSFER POLICY

Beginning January 1, 2000, 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 School 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:

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;

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;

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

- E. A transfer will NOT be approved if the student:
- F. 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.
- G. Has violated school regulations
- H. Has committed an act commonly regarded as being immoral
- I. Has been adjudicated as a delinquent for an offense that is not a violent offense under relevant Oklahoma law
- J. Has been adjudicated as a delinquent for an offense that is a violent offense under relevant Oklahoma law
- K. Has been convicted as an adult for an offense defined in relevant Oklahoma law as an exception to a nonviolent offense
- L. Has been convicted as adult for an offense defined in relevant Oklahoma law as a violent offense
- M. 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
- N. 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, a 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, 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:

Fails to complete the Application Form (Attachment "A"), provided 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 that district deems is necessary to review in applying the approval/denial criteria of this policy.

The Superintendent or designee has authority to ammend Attachment "A" 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.

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.

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 February 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, 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:

Determine whether the District currently has appropriate programs, staff, services and placement 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, 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 cooperation 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 April 1 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. This District shall approve or deny the application not later than June 1 of the same year in which the application is submitted, and by June 1 shall also inform the State Board of Education and the resident district 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 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:

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 February 1 of the school year immediately prior to the school year for which the pupil is seeing 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 this receiving District.

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 Applications 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/course/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/COURSE/PROGRAMS IN WHICH THE STUDENT STATED HE OR SHE DESIRED TO ENROLL ON THE TRANSFER APPLICATION WITHOUT SPECIFIC WRITTEN PERMISSION FROM THE SUPERINTENDENT OR 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.

TRANSFER APPLICATION FORM
ATTACHMENT 'A'

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.

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

Date of student's birth:

Current address of student

Full names of parent, guardian, or custodian of the student:

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 address, if know, in which student has ever been enrolled
- D. School
- E. Dates of Attendance
- F. Grade Completed Upon Leaving District
- G. Current or last completed grade of student
- H. Grade in which the student desires to enroll
- I. Courses in which the student desires to enroll in each semester in the coming school year
- J. 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)
- K. Has the student ever been suspended from school or placed in an alternative education program or setting for disciplinary reasons? YES _____ NO _____
If Yes: For each suspension 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 above.
- L. Has the student been adjudicated as a delinquent for an offense that is not a violent 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
- M. Has the student been adjudicated as a delinquent for an offense that is a violent offense under relevant Oklahoma law? YES _____ NO _____
If Yes: Name 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:
- N. Has the student been convinced as an adult for an offense defined in relevant Oklahoma law as an exception to a nonviolent offense?
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

- O. Has the student been convicted as an adult for an offense defined in relevant Oklahoma law as a violent offense? 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
- P. 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 district attended when the act occurred, the approximate date of the act, and describe what occurred.
- Q. 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, a wireless telecommunication device, 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 district attended when the act occurred, the approximate date of the act, and describe what occurred
- R. 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?
YES _____ NO _____
If Yes: State each separate act, state the district attended when the act occurred, the approximate date of the act, and describe what occurred.
- S. 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 IEP, and, if preliminary approval of a transfer is made, to conduct the statutorily-required joint IEP conference with the resident district. Is the student currently, or has the student been, a child with a disability who received an Individualized Education Program: YES _____ NO _____
If Yes: Briefly nature of the disability, the approximate time period in which the student has been or was under an Individualized Education Program(IEP), and the names of the school districts which implemented the student's IEP.
- T. Do you agree to complete the consent for Release of Confidential Information, State Department of Education Form 11, allowing this District to review all educational records of the student from all previous schools

attended by the student.
YES ___ NO _____

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

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

That the undersigned student has a right by law to attend the school district of residence:

That the non-resident student desiring to enroll in this school district has no statutory right to attend this District;

That the District is not required to accept this transfer application, and,

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:

- The student fails to comply with student behavior rules set by the District, school, or teacher
- The parent or student 19 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,
- The student does not have a valid excuse for failure to attend school.

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 19 years of Age or Older

Printed name of student

Open Transfer Policy: Adopted January 01,, 2000

ADDENDUM: SUBJECT: OPEN TRANSFER POLICY
Policy # 1.33, adopted by Eufaula Schools on January 1, 2000.

The following ADDENDUM will be added, and followed in accordance with Eufaula Public Schools current guidelines regarding Open and Emergency Transfers.

The moratorium previously established by the Eufaula Board of Education is hereby lifted. For the 2008-2009 school year and ensuing years, Eufaula Public Schools will allow both OPEN and Emergency transfers from other Oklahoma School Districts. However, those transfers must adhere to all existing Eufaula Board of Education Policies transfer requirements, as contained in Policy Section # 1.33 of the Eufaula Policies and Handbooks; including the requirement for a transferring student's parent or guardian to execute and sign a "Transfer Student Consent To Cancellation of Transfer." All incoming transfers will be considered on a "case by case basis." The final decision as to the approval of a transfer will be made by the superintendent, but only upon positive approval of the site principal, or principals, affected by the transfer.

The only other amendment to current Board Policy is to change the date for application for Open Transfers from "no later than" February 1 to April 1 of the year preceding the year for which the transfer is requested, i.e. requests for Open Transfer for the 2008-2009 school year must be received in the Eufaula superintendent's office no later than April 1, 2008. This policy change brings Eufaula Schools into compliance with current Oklahoma Statute 70 O.S Par. 8-

103. Any transfer after that date will be considered as an Emergency Transfer and will be subject to approval, renewal, or non-renewal, based on current Eufaula Board Policy.

Policy addendum approved by the Eufaula Board of Education at its Regularly Scheduled Meeting on March 10, 2008.