DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

June 2017

# Discretionary Out-of-Boundary Transfers Policy

Chancellor's Directive #103

Version 01

Approved by: Antwan Wilson, Chancellor
John Davis, Chief of Schools
Carla Watson, Chief Operating Officer
Scott Barash, General Counsel

Chancellor's Signature

6/22/17
Date

# Table of Contents

Chancellor's Directive #103 ..... 1

**I. Executive Summary ..... 3**

A. Introduction ..... 3

B. Purpose ..... 3

C. Roadmap ..... 3

**II. Parental and Adult/Emancipated Student Requests for Discretionary Transfers ..... 4**

A. General ..... 4

B. Process ..... 4

1. Parent/guardian or adult/emancipated student submits a discretionary transfer request ..... 4
2. Preliminary screening of requests ..... 5
3. Advisory Committee consideration of discretionary transfer request ..... 5
4. Chancellor consideration of discretionary transfer request ..... 7
5. Record keeping and reporting ..... 7

# I. Executive Summary

| Originating Office:<br>Office of the Chancellor | Number:<br>#103 |
|---|---|
| Subject: Chancellor's Authority to Grant Discretionary Out-of-Boundary Transfers<br>Authority: 5-E DCMR § 2106.6; Mayor's Order 2017-125 | Date: June 22, 2017<br>Rescinds: N/A |

## A. Introduction

Students are assigned by right to one or more neighborhood, in-boundary schools for elementary school, middle school and high school. Students may also be assigned to an out-of-boundary school in the following ways: (i) The My School DC Lottery, which includes all DCPS schools and the vast majority of public charter schools; (ii) Direct DCPS assignments to address school safety,[1] and to accommodate special education needs,[2] student disabilities,[3] and military families;[4] and (iii) The Chancellor's authority to grant out-of-boundary assignments in unique and extenuating circumstances for students and families where the transfer would be in the best interest of the student and the school district.[5]

## B. Purpose

This policy clarifies the criteria under which the Chancellor may exercise his or her limited authority to grant discretionary out-of-boundary transfers to students pursuant to 5-E DCMR § 2106.6, which provides that "[t]he Chancellor, and only the Chancellor, is authorized to grant a discretionary transfer and set the duration of the approval of the transfer when the Chancellor determines that the transfer would be in the best interests of the student, and that the transfer would promote the overall interests of the school system." Discretionary out-of-boundary transfers will only be considered for extenuating and unique circumstances related to an individual student and family. Families may not use this process to circumvent the My School DC Lottery process.

## C. Roadmap

This policy lays out the extremely narrow circumstances under which a discretionary transfer will be considered; the process for requesting a discretionary transfer; the process by which an advisory committee is established to evaluate a discretionary transfer; the Chancellor's authority to approve or deny the committee's recommendation and resolution timeline; and record keeping and reporting requirements.

[1] Pursuant to 5-E DCMR § 3809.
[2] Pursuant to the Individual with Disabilities Education Act.
[3] Pursuant to Section 504 of the Americans with Disabilities Act.
[4] Pursuant to Chancellor's Directive Number 104.
[5] Pursuant to 5-E DCMR § 2106.6.

# II. Parental and Adult/Emancipated Student Requests for Discretionary Transfers

## A. General

The discretionary transfer process is meant to give the Chancellor the ability to grant transfers in extremely limited situations where the extenuating and unique circumstances related to an individual student and family justify the transfer. Many circumstances that a family may find compelling will not be considered a sufficient reason to justify a discretionary transfer.

*This discretionary transfer process is not available for current or former "public officials."[6] Therefore, if the transfer request is for a student whose parent or guardian is a current or former public official, DCPS will deny the request immediately without further consideration.*

*This process is not meant to supplant or substitute school assignment through the My School DC Lottery. In addition, school assignments to address school safety, or to accommodate special education needs, student disabilities, and military families are exempt from the process outlined in this policy.*

This process is not necessary to request an extension of time to finalize enrollment following a successful My School DC Lottery application.

Consistent with 5-E DCMR §§ 2106.6 and 2106.11, students receiving a discretionary transfer through this process may be (i) approved for a transfer for a set duration, (ii) involuntarily transferred, or (iii) removed from a specialized school, program, or academy if the student no longer meets the criteria established for admission to such specialized school, program, or academy.

## B. Process

**1. Parent/guardian or adult/emancipated student submits a discretionary transfer request**

Discretionary transfer requests must be made on the Discretionary Transfer Request Form attached to this policy as Appendix A. The submitted form must be accompanied by a statement describing 1) why the request is being made; 2) how the proposed transfer would be in the best interests of the student; 3) how the proposed transfer would promote the overall interests of the school system; and 4) why the student's in-boundary or current school will not be able to meet the student's needs.

*Only requests that clearly describe why the proposed transfer is due to extenuating circumstances and a unique situation that directly impacts the transferring student will be considered.*

---

[6] "Public official" is defined at Section 101(47) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011. Public officials include candidates for office; the Mayor; Council members; the Attorney General; Advisory Neighborhood Commissioners; and District government employees who make decisions or participate substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or areas of responsibility that may create a conflict of interest or the appearance of a conflict of interest.

Transfer requests for students whose parent or guardian is a current or former public official will be denied immediately without further consideration. Therefore, all requestors must certify on the Discretionary Transfer Request Form that they are not a current or former public official. No discretionary transfer requests will be considered without this certification.

Anyone who makes a request by contacting the Chancellor directly will be instructed to submit their request according to the Discretionary Transfer Request process described above. Only requests that adhere to this process will be considered.

**2. Preliminary screening of requests**

All requests for discretionary transfer pursuant to 5-E DCMR § 2106.6 will initially be screened by the Office of the Chief Operating Officer for completeness and to ensure the accompanying statement contains a description of extenuating and unique circumstances related to the individual student and family, as further explained below in Section 3. The Chancellor's Discretionary Transfer Advisory Committee (the "Advisory Committee"), which has been created pursuant to this policy, will not review requests that fail to meet these criteria.

**3. Advisory Committee consideration of discretionary transfer request**

The Chancellor has created an Advisory Committee to serve in an advisory capacity concerning qualifying discretionary transfer requests. The Advisory Committee solely makes recommendations to the Chancellor to deny or grant each request it reviews. All final decisions to grant discretionary transfers pursuant to 5-E DCMR § 2106.6 shall be made by the Chancellor as the only person with the authority to grant such requests.

The Advisory Committee shall be made up of no fewer than three members and one alternate, and shall at a minimum be comprised of one representative from each of the following DCPS offices:

- Office of the Chief Operating Officer;
- Office of the Chief of Schools; and
- Office of the General Counsel.

The Chancellor may appoint members of the Advisory Committee or delegate his or her authority to appoint Advisory Committee members.

The Advisory Committee will meet to consider and vote on requests that have cleared the pre-screening described in Section 2 above. Each such request will receive a recommendation by the committee to grant or deny the transfer within 15 business days of DCPS receiving the request.

When considering discretionary transfer requests, the Advisory Committee may consult with any necessary DCPS personnel for input and feedback including, for example, principals and members of the enrollment team.

Advisory Committee members having a conflict of interest with respect to the requester will recuse themselves from considering the matter. The Office of the General Counsel will evaluate

determinations regarding whether a conflict of interest exists. In cases of recusal, the Chancellor may appoint another person from the same office to the committee or delegate his or her authority to appoint a new member.

The Advisory Committee will evaluate the factors described below related to each request.

A. Whether the proposed transfer is in the best interests of the student. In making this determination, the Advisory Committee should consider the following criteria:

- Whether the student's unique physical and/or academic needs can only be met by the resources, programming, or the physical building of the proposed receiving school.
- Whether the request demonstrates extenuating circumstances and exceptional hardship for reasons of familial, medical, emotional, or social adjustment.
    - In this instance, independent, ***detailed*** documentation or other information substantiating the circumstances (i.e., from physicians, psychologists, social workers, or counselors) is required and must be attached to the discretionary transfer request;
- Whether the student's unique needs can be met by any available alternative, other than a discretionary transfer.
- Whether the request adequately explains why the student's in-boundary or current school will not be able to meet the student's needs.
- Any other compelling reason(s) or extenuating and unique circumstances that demonstrate why a transfer is in the best interests of the student.

B. Whether the proposed transfer will promote the overall interest of the school system. In making this determination, the Advisory Committee should consider the following criteria:

- Space in the student's proposed classroom at the receiving school.
- Whether the proposed receiving school is over enrollment capacity.
- Whether the transfer would open up an enrollment seat at a school with more demand for enrollment seats than there are available seats.
- Whether the transfer would help promote socio-economic integration in the proposed receiving school.
- The number of students, if any, on the proposed receiving school's waiting list at the time of the discretionary transfer request.
- Time of year that the transfer may occur so as not to be unduly disruptive to instruction.
- Any other compelling reasons or extenuating and unique circumstances that demonstrate why a transfer promotes the overall interest of the school system.

The Advisory Committee will assess the request and determine whether the request for discretionary transfer is recommended for approval or denial by the Chancellor. The Advisory Committee must then document, in writing, the following:

- Whether, and how, the transfer is in the best interests of the student, including consideration of the criteria described above;
- Whether, and how, the transfer would promote the overall interest of the school system, including consideration of the criteria described above;
- If requesting transfer to a specialized school, program, or academy, the Advisory Committee must confirm that the student has been accepted for admission to the school.

The Advisory Committee's recommendation should be sent to the Chancellor within three business days of the committee reaching a recommendation regarding approval or denial of the discretionary transfer request.

**4. Chancellor consideration of discretionary transfer request**

After the Advisory Committee communicates its recommendation to the Chancellor, the Chancellor shall review the recommendation and decide whether to approve or deny the request, noting this decision in writing for the requestor and the committee. *Notwithstanding the Advisory Committee's recommendation, the Chancellor must act impartially in making the approval decision and not give preferential treatment to any individual for any reason, such as their employer or standing in the community.*

The Chancellor may consult with the Board of Ethics and Government Accountability before granting all discretionary transfers pursuant to 5-E DCMR § 2106.6.

The Chancellor's decision to approve or deny a request for discretionary transfer should be made within 7 business days of receiving the Advisory Committee's recommendation. The Office of the Chief Operating Officer shall be responsible for communicating the Chancellor's decision to the requester. The Chancellor's decision is final.

**5. Record keeping and reporting**

All Discretionary Transfer Request Forms and associated documentation submitted to DCPS shall be maintained as confidential education records according to the Family Educational Rights and Privacy Act (FERPA) and be included in appropriate education records file(s) (in paper form or electronically). Such records will be maintained by the Office of the Chief Operating Officer according to the document retention schedule for education records.

DCPS shall annually report on its website no later than July 31 each year the total number of discretionary transfer requests received and the number of discretionary transfers granted and denied. The Deputy Mayor for Education may request additional information about the discretionary transfers considered each year by DCPS and DCPS shall provide such information to the extent allowable by FERPA.

DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Student Discretionary Transfer Request Form June 2017

Instructions

The parent, guardian, adult student, or emancipated student is to complete Part I and submit this request form to student.placement@dc.gov. Please carefully read the information provided in the Discretionary Out-of-Boundaries Transfer Policy before completing this form. Incomplete forms and forms that do not document unique circumstances for the transfer request will not be referred to the Chancellor's Discretionary Transfers Advisory Committee (the "Committee") for consideration. Reference: 5-E DCMR § 2106.6; Mayor's Order 2017-125; Chancellor Discretionary Out-of-Boundary Transfers Policy, Directive #103.

PART I. Student Transfer Request (please print)

**Student Name**

Last Name_____ First Name_____ MI_____

**Date of Birth**

Month_____ Day_____ Year_____

**Requested School Year** *(example: School Year 2017-18)*

School Year_____

**Current Grade** (check one)

PK3____ PK4___ Kindergarten__1_____2_____3_____4_____5_____6_____7_____8_____9_____
10_____11_____12_____Other_____

**Student ID Number** (contact your child's current school for ID numbers)

_____

**FIRST Parent or Guardian Name**

Last Name_____ First Name_____ MI_____

**I certify that I am not and never have been a "public official" in the District of Columbia as defined in section 101(47) of the board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01(47). Public officials include candidates for public election; elected officials; ANC Members, members of the Executive Service; Directors of WMATA; Board or Commission members listed in § 1-523.01(e); and Excepted Service employees in the District government paid over certain salary thresholds.**

_____ [Signature] ***Please note if you are or have been a public official your request will not be referred to the Committee for consideration. Note that you may still be able to apply for a transfer for safety or military reasons.***

□ **Address**

Street_____ City_____ State___ Zip Code_____

**Student's In-Boundary or Current School**

_____

**Home Phone Number** (XXX) XXX-XXXX

_____

**Work Phone Number** (XXX) XXX-XXXX

_____

**SECOND Parent or Guardian Name** (if applicable)

Last Name_____ First Name_____ MI_____

**I certify that I am not and never have been a "public official" in the District of Columbia as defined in section 101(47) of the board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01(47). Public officials include candidates for public election; elected officials; ANC Members, members of the Executive Service; Directors of WMATA; Board or Commission members listed in § 1-523.01(e); and Excepted Service employees in the District government paid over certain salary thresholds.**

_____ [Signature] ***Please note if you are or have been a public official your request will not be referred to the Committee for consideration. Note that you may still be able to apply for a transfer for safety or military reasons.***

**Address**

Street_____ City_____ State___ Zip Code_____

**Student's In-Boundary or Current School**

_____

**Home Phone Number** (XXX) XXX-XXXX

_____

**Work Phone Number** (XXX) XXX-XXXX

_____

**Reason for Request**

*Please attach a written statement explaining the reason for request. Please describe in your statement 1) why the request is being made; 2) how the proposed transfer would be in the best interests of the student; 3) how the proposed transfer would promote the overall interests of the school system, and 4) why the student's in-boundary or current school will not be able to meet*

*the student's needs. Independent,* **detailed** *documentation substantiating the circumstances (i.e., from physicians, psychologists, social workers, or counselors) is required and must be attached. For additional detail on matters that the Committee and Chancellor will consider, please see Chancellor's Directive #103 on the DCPS website. When making a request, please consider whether:*

- The student's unique physical and/or academic needs can only be met by the resources, programming, or the physical building of a specific school.

- Extenuating circumstances and exceptional hardship for reasons of familial, medical, emotional, or social adjustment.

  *In this instance, independent,* **detailed** *documentation substantiating the circumstances (i.e., from physicians, psychologists, social workers, or counselors) is required and must be attached.*

- Other compelling reason(s) or extenuating and unique circumstances that demonstrate why a transfer is in the best interests of the student.

**I certify that all the information on this request form is correct to the best of my knowledge.**
Parent or guardian signature: _____
Month_____ Day_____ Year_____

PART II. Advisory Committee Review and Recommendation
**Decision** (circle one)
Approve
Deny

**Reason**

_____
_____
_____

**Advisory Committee Signatures**
1. _____
2. _____
3. _____

**Date**
Month_____ Day_____ Year_____

PART III. Chancellor Review and Decision

**Decision** (circle one)

Approve

Deny

**Reason**

_____

_____

_____

**Signature**

_____

**Date**

Month_____ Day_____ Year_____