



## Students – Series 3000 Procedure In-District Student Transfers – 3130p

### **Application**

- (a) **In General**: These procedures take effect following the second reading of amendment to Policy 3130 in October 2002 and apply to all future school year enrollments.
- (b) **Application Window**: The period during which applications for transfer for the next school year will be taken is April 1 to April 30. Applications will also be accepted thereafter for current students when and if the student/parent can show good cause why the application was not submitted in a timely manner. Applications will also continue to be accepted as received from newly resident students.
- (c) The application process will be published in newspaper(s), school newsletters and other local publications at least one month before the application window that begins April 1.
- (d) On an annual basis, by the end of April, all current transfer students, both in-district and out-of-district, must reapply for continued transfer rights.
- (e) By the end of June of each year, the district will review all requests for transfer and will notify the student and parent(s) as to attendance status for the subsequent school year. In conducting this review, staff will utilize criterion included in Policy 3130, Sections I and II. For the 2016-17 school year, the notification date will be extended to July 15, 2016, due to elementary redistricting and class size reduction initiatives.
- (f) Any request for transfer received after August 1st will not be considered until after the first 10 days of school.
- (g) **District Programs**: Students enrolled in the elementary-level self-contained gifted 2-3 and 4-5 programs, at Voyager and Minter are (as to consideration of residence), unconditionally entitled to continue to participate in that program through completion of the 5<sup>th</sup> grade. These students have continuing transfer rights to a middle school outside of their attendance area if they choose to remain with their highly capable cohort as they transition to 6<sup>th</sup> grade.

### **Determination of When Class, Core Class or Program is Full**

Transfers are allowed when criterion 1. through 3., page 1, Policy 3130 are applied. This determination shall be based upon the following processes:

1. **Class/Program Size**: For student transfer purposes only, at the K – 1st level, seat cut-off of 19 will be used. At the 2<sup>nd</sup> -3<sup>rd</sup> level, seat cut-off of 21 will be used. At the 4<sup>th</sup> -5<sup>th</sup> grade level, a class seat cut-off of 25 shall be used. At the 6<sup>th</sup>-12<sup>th</sup> level, an average class seat size of 28 in core classes; Language Arts, Social Studies, Math and Science shall be used.

2. Program Size: The determination of seat availability will be made each spring by the Assistant Superintendent K-12 Ed with consultation by the principal of each building based on enrollment and staffing projections.
3. Maximum Class/Building Size for Transfers: Maximum class/building sizes for transfer purposes will be determined by the Chief Financial Officer and the Assistant Superintendent K-12 Ed with advice from building principals. A decision that a building is full will preclude further transfers into that building even if there is space available in a particular class or core class. Decisions as to class size of district-level programs will be made by the Assistant Superintendent K-12 Ed.
4. When a decision affects or impacts programs under the auspices of the Director of Student Services or the 504 Compliance Officer, as the case may be, that official will also be involved in the program capacity decision making process.
5. Class/building projection figures will remain in effect until the end of the first 10 days of school.
6. These rules may not apply under unique circumstances such as building construction projects or other emergency issues that would seriously impact student capacity.
7. If the transfer request is granted, it will be the responsibility of the family to transport the student(s) to and from the school or an established bus stop which services the school.

### **Preferences**

Enforcement of Policy 3130 requires that the following preferences be ranked and related as follows:

1. Attendance Area Resident Students: Those students who reside within the building's prescribed attendance area have an unqualified right to attend the neighborhood school. This includes both students who begin the school year in that school and those who enroll at mid-year. Both categories are treated alike.
2. District Resident – Continuing In-District Transfer Students: Students who reside outside the prescribed attendance area but reside within the School District and have applied to continue at the transfer school. For the 2016-17 school year, students who have been re-districted and have applied for transfers to remain in their current school will be considered continuing In-District Transfer Students. The student's attendance rights are subject to the right described in Policy 3130, Section I.A-B.
3. District Resident – In-District Non-Continuing Students: Students who reside outside the prescribed attendance area but reside within the School District and have applied to attend the transfer school. The student's attendance rights are subject to the right described in Policy 3130, Section I.A-B.
4. Continuing Nonresident Students: These students' attendance rights are subject to the rights described in Policy 3140, Out of District Transfer Students.
5. Non-Continuing, Non-Resident Students: These students' attendance rights are subject to the rights described in Policy 3140, Out of District Transfer Students.
6. Special Considerations: No special considerations will be allowed on account of past or present sibling enrollment or for co-curricular preference. As it relates to student

athletes who attend two high schools part time, such athlete will compete at the high school where he/she lives. As it relates to home based or private school students who have legal rights to participate in district athletic programs, such athletes shall participate only at the resident school that the student would normally attend. As this is a rule of the Washington Interscholastic Activities Association (WIAA), there will be no exceptions to this requirement (Rule 18.5.2 and 18.5.3).

7. Waiting Lists: When, following application of Section IA 1-3 of Policy 3130, the number of students seeking enrollment exceeds the available seats in a particular class, core class, program or school, the following procedures will be used to determine who is eligible for admission:
  - (a) Resident Students Resident students seeking an in-district transfer will be selected through a district lottery to be held no later than June 30. For the 2016-17 school year, the lottery date is extended to July 8, 2016, due to elementary re-districting and class size reduction initiatives. The waiting list shall remain in effect until the list is exhausted.
  - (b) Nonresident Students: Nonresident students may be moved to another school at any time the Superintendent or designee determines that such a move must be made to make space available for resident students in a particular class, core class, program or building.
8. Students Moving Out of Attendance Area: Any student who moves out of the attendance area after the beginning of the school year will be allowed to apply for transfer in the original school as a continuing transfer student. In the event that overcrowding exists in the student's classroom or grade level, the district reserves the right to deny the transfer.
9. Students of District Employees: Changes in Washington State law provide school district employees with certain preferential transfer rights. (RCW 28A.225.270) The district shall permit the children of school district employees to enroll at:
  - (a) The school to which the employee is assigned; or
  - (b) A school within the feeder school system for the school to which the employee is assigned.
  - (c) The student will have continuing transfer rights to the feeder schools for the school to which the employee is assigned through grade 12.

10. Kopachuck Middle School: As to Kopachuck Middle School, based upon patron reliance on prior representations of some school officials, a special amnesty is established: All students who reside within the Kopachuck Middle School attendance area but who are also within the Peninsula High School attendance area are entitled to go on to Gig Harbor High School if they wish. This amnesty will remain in effect until such time as the school board adopts new school district attendance boundaries.
11. Rules and Regulations: The transferring student must comply with all rules and regulations regarding student conduct and attendance of the receiving school. Failure to do so would result in the transfer being rescinded, and the student would be required to return to his/her attendance area school.

### **Student/Parent Residence**

Student residence means the physical location of a student's principal abode, i.e., where the student lives the majority of the time.

1. Street Address: The student's residence determines the student's attendance area. Although the student or student's parents may use a post office box or mail receiving station address as their mailing address, the mailing address does not prove residence. The student/parent must provide the street address of the student's principal place of abode. In rural areas, a description of the site with relation to the nearest road junctions sufficient to determine the appropriate bus stop may be used.
2. The following documentation may be used by school office staffs to verify residence:
  - Electric or phone bill
  - Purchase agreement – for a house, not for land
3. Refusal to Provide Street Address: The refusal to provide a street address or the inability to provide documentation of residency at an address may be considered sufficient cause to begin an appeal process calling the student/parent to a due process hearing. The burden will be on the student/parent to prove the physical location of the principal place of abode. If the student/parent is able to do that to the satisfaction of the designated hearing officer, the student will be allowed to enroll. If the student/parent are given adequate notice of the hearing and fail to appear for hearing, the hearing may nonetheless proceed.
4. Determination of Proper Attendance Area: Attendance area means the designated attendance area for a particular school in which the student's residence is located. A nonresident student is one whose actual residence is outside the designated attendance area for that particular school. See WACs 392-137-120 and 125.
5. Agreements Between Parents and Others: Where the student lives a majority of the time may be different than a divorce decree, parenting plan, custody agreement, or other agreement between the student's parents and others. School staff shall not be expected to interpret or enforce such documents in determining a student's residence.

## 6. Circumvention of Process:

- (a) Referral to Hearing: When either District-level or Building-level staff has reason to believe that a student/parent have circumvented the transfer process written notice will be given to the Superintendent or designee. The student/parent will then be provided with notice and basis for concern and invited to a due process hearing before a designated hearing officer to determine whether or not the student is properly enrolled in school. The enrollment of the student in a particular school will then abide the outcome of that process; while the process is exhausted, the student will continue to attend at the school at which the student is then enrolled. This process will apply to both those students suspected of actually residing in another attendance area within the School District and those suspected of actually residing outside the School District.
- (b) Intent to Circumvent: The placement of the student may or may not be intentionally inappropriate. For example, parents may have accepted the representation of a real estate agent, neighbor or relative regarding appropriate school. Intent, however, is not relevant to this procedure when a student is identified who may not be attending the appropriate school, referral to a due process hearing is appropriate.

### **Authority of Staff**

Except as provided following, neither Building nor District staff has authority to waive the provisions of Policy 3130 or this Procedure. Waivers may only be made by written action of the Superintendent or designee. Policy or Procedure interpretations will be made in writing. As to students who are classified or treated as within the Individuals With Disabilities Education Act (IDEA) or The Rehabilitation Act of 1973 (Sec. 504), the Director of Student/Special Services, or designee shall have authority to make placements without regard to this procedure and the 504 Compliance Officer shall have authority to make placements without regard to this procedure.

### **Equal Treatment**

Policy 3130 will be implemented without regard to prior enrollment or parent/custodian status. All decisions will be made without regard to the enrollment of siblings. Except as provided to the children of school district employees, all decisions will be made without regard to employment status of the student's parent or guardian.

## **Appeal Procedures**

The following procedures are intended to resolve disputes, which remain after application of this procedure. These procedures may be implemented by the student/parent or guardian as an appeal from a denial of admission to a particular school or by School District staff seeking to clarify whether or not a particular student is properly enrolled in a particular school.

1. If a student and/or the parents/guardians wish to appeal a denial of admission to a particular school, a written request within 5 working days of the denial of the transfer request must be submitted to the Superintendent or designee. When a request is received, a hearing before a designated hearing officer will be promptly called. At hearing, staff will generally have the burden of proving the propriety of denial of a parent request for admission. However, when the issue deals with circumvention, the student/parent will have the burden of proving that the student is, in fact, enrolled in the proper school.
2. The designated hearing officer will issue a written decision within three (3) school business days after hearing (not counting day of hearing). When that decision is adverse to the position put forward by the student/parent, the hearing officer's decision will be automatically forwarded to the Superintendent for review.
3. The Superintendent will review the hearing officer's decision and such other documents and will, within seven business days following receipt, issue a written decision. The Superintendent's review will be a review of existing written documents pertaining to the transfer, unless the Superintendent asks for a hearing with the petitioner. The decision of the Superintendent will be final.
4. Enrollment Pending Appeal: All students age 8 to 18 must attend school. Therefore, the student will be enrolled in the resident school pending exhaustion of the District appeal procedures.

Revised: 7/2008

Updated: 7/2011

Updated: 1/2015

Updated: 3/2016