



Students – Series 3000 Procedure **CHOICE Transfer for Out of District Students -- 3140p**

Application

- (a) On an annual basis, from April 1 to April 30, all CHOICE transfer students must apply and in the case of current CHOICE transfer students reapply.
- (b) Student athletes are responsible for ensuring their eligibility following WIAA regulations and are prohibited from participating in varsity athletic competitions during their initial year of transfer unless eligibility is granted by the WIAA.
- (c) 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 CHOICE students.
- (d) 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.
- (e) By August 1st of each year, the District will review all requests for transfer and will notify the student/parent as to his/her attendance status for the subsequent school year.
- (f) Any request for transfer received after August 1st will not be considered prior to the first 10 days of school.
- (g) The District will review all requests for transfer in a timely manner and will notify the student/parent in writing as to his/her attendance status for the subsequent school year. In conducting this review, staff will be guided by the following criterion:
 - 1. Subject to preference for In-District students enrolled in a school outside their attendance area, CHOICE students enrolled in a particular elementary, middle or high school shall generally be allowed to finish the grade in which currently enrolled.
 - 2. Annually, a new CHOICE transfer request will be required; a new review process will be undertaken; and a new decision on admission will be made. See Preferences, Section d, below.
 - 3. The prior or current enrollment of siblings may be considered as a factor in the transfer request process, but will not guarantee approval.

4. CHOICE students who are allowed to continue enrollment, and who are students classified within the Individuals With Disabilities Act (IDEA) or the Rehabilitation Act of 1973 (Sec. 504), will be placed in the next higher level school which staff determines will provide that student with meaningful educational benefit.
5. Should the District choose to discontinue serving a student at any time, the parent(s) will be notified of the reason for denial and their rights to appeal. During any appeal procedure, the student may remain in their previously approved placement until the appeal is resolved at the Superintendent's level.

Determination of When Class, Core Class or Program is Full

- (a) **Class/Program Size:** For student transfer purposes only, at the K-3 level, seat cut-off of 23 will be used. At the 4th grade level, a class seat cut-off of 25 shall be used. At the 5-8 level an average class seat size of 28 shall be used. At the 9-12 level an average class seat size of 28 shall be used.
- (b) **Program Size:** The determination of seat availability will be made each spring by the Assistant Superintendent for K-12 Programs with consultation by the principal of each building based on enrollment and staffing projections.
- (c) **Maximum Class/Building Size for Transfers:** Maximum class/building sizes for transfer purposes will be determined by the Assistant Superintendent for K-12 Programs 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 for K-12 Programs.

Preferences

- (a) **In-District Students:** Those students who reside within the building's prescribed attendance area have a 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.
- (b) **Continuing In-District Transfer Students:** Students who reside outside the prescribed attendance area but reside within the District and have requested to continue at the transfer school. The student's attendance rights are subject to the right described in Policy 3130, Section I.A-B.
- (c) **Non-Continuing In-District Transfer Students:** Students who reside outside the prescribed attendance area but reside within the District and have requested to attend the transfer school. The student's attendance rights are subject to the right described in Policy 3130, Section I.A-B.

- (d) Continuing CHOICE Students: These students' attendance rights are subject to the rights described in Policy 3140, CHOICE Transfer Students. Students who do not reside in the District have limited rights. Their right to be considered for building admission is subject to the higher right of all In-District students, including all such students on a waiting list. When an CHOICE student is admitted to a particular building that admission is qualified and subject, during the school year, to bumping when and if In-District student enrollment exceeds capacity. CHOICE students may be moved to another school at any time the Assistant Superintendent determines that such a move must be made to make space available for In-District students in a particular class, core class, program or building.
- (e) Non-Continuing CHOICE Transfer Students: Students who do not reside in the District have limited rights. Their right to be considered for building admission is subject to the higher right of all In-District students, including all such students on a waiting list. When an CHOICE student is admitted to a particular building that admission is qualified and subject, during the school year, to bumping when and if In-District student enrollment exceeds capacity. CHOICE students may be moved to another school at any time the Assistant Superintendent determines that such a move must be made to make space available for In-District students in a particular class, core class, program or building.
- (f) CHOICE students matriculating from an elementary school to a middle school or a middle school to a high school are expected to attend the feeder middle school or high school servicing the student's current assigned school.

Impact on CHOICE Students Currently Enrolled

CHOICE students who are currently enrolled are subject to mid-year transfer to another building, when necessary, to guarantee the attendance rights of those students residing in a building's attendance area.

High School Juniors and Seniors

High school students who have moved Out-of-District after the beginning of their junior or senior year with appropriate release from their home district will be allowed to graduate with their class.

Students Moving Out-of-District

Any student, other than high school juniors or seniors as noted above, that moves Out-of-District after the beginning of the school year will, with appropriate release from their home district, be allowed to complete that year only at the school in which they are enrolled. In the event that overcrowding occurs in the student's classroom or grade level, the District reserves the right to rescind the transfer. At the completion of the school year, the student would be considered Out-of-District subject to the CHOICE transfer application process.

Students of District Employees

Changes in Washington State law provide District employees with certain preferential transfer rights. (RCW 28A.225.225(1)) Therefore, except for students who reside out of state, the District shall permit the children of District certificated and classified 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.

The District may reject applications under this section if:

- (a) The student's disciplinary records indicate a history of convictions for offenses or crimes, violent or disruptive behavior, or gang membership.
- (b) The student has been expelled or suspended from a public school for more than ten (10) consecutive days.
- (c) Enrollment of the child in a school would displace another child who is an In-District student and who lives within that service area. However, if the child has already been admitted under this section, he/she will be permitted to remain at the school or the District's Kindergarten through 12 continuum until the completion of his/her schooling.

Consideration of Residency

A student's residence means the physical location of the student's principal abode: i.e., the home, house, apartment, facility, structure, or location, etc., where the student lives the majority of the time. The following shall be considered in determining residency:

- (a) The mailing address of the student, e.g., parents' address or post office box, may be different than the student's principal abode.
- (b) The student's principal abode may be different than the principal abode of the student's parent(s).
- (c) The lack of a mailing (street) address for a student does not preclude an assertion of residency. The burden is on the student to prove residency.
- (d) When residency is asserted, the District will generally require that the student's residence is different than that of the parent(s) as result of a judicial order or decree or a Washington Superior Court order designating foster care placement, a parenting plan issued in the course of marital dissolution, or a court authorized transfer of guardianship.

- (e) A student whose principal residence is located within the District will be treated as an In-District student. Out-of-District attendance area considerations, applied generally to all other In-District students will apply equally to such students.

Authority of Staff

Except as provided following, neither Building nor District staff has authority to waive the provisions of Policy 3140 or this Procedure. Waivers may only be made by written action of the Assistant Superintendent, the Superintendent, or designee. Policy or Procedure interpretations will be made in writing.

Appeal Procedures

- (a) The following due process procedures are intended to resolve disputes, which remain after application of this procedure. These due process procedures may be implemented by the student/parent or guardian as an appeal from a denial of admission to a particular school or by District staff seeking to clarify whether or not a particular student is properly enrolled in a particular school. All students age 8 to 18 must attend school. Therefore, the student will be enrolled in the school in which he/she is a resident pending exhaustion of the District appeal procedures.
1. If a student and/or the parents/guardians wish to appeal a denial of admission to the District, a written request within 5 working days of the denial of the transfer request must be submitted to the Office of the Assistant Superintendent. 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 proof and 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 his/her 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 decision will be final.

4. OSPI Appeal Available: For CHOICE transfer appeals, an aggrieved student/parent may appeal to the Office of the Superintendent of Public Instruction. “An aggrieved student/parent may appeal a denial of admission or release to the Office of the Superintendent of Public Instruction. Appeals from a denial of admission can only be brought based on the District’s failure to comply with statutory standards and procedures adopted under RCW28A.225.225. See RCW28A.225.300(3); WAC 392-137-200; WA 392-137-205

Revised: June 2009

Updated: February 2010

Revised: July 2011

Revised: October 2013

January 2015