

HOBART PUBLIC SCHOOLS: DISTRICT POLICY

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ADMISSION, RESIDENCY, PLACEMENT, TRANSFER, AND WITHDRAWAL

Admission: The following students shall be admitted to the District if they meet the age, immunization, and good standing requirements set forth in this policy:

- A. Students who are legal residents of the District;
- B. Students who have a legal transfer into the District;
- C. Students who have been accepted by the District on a tuition basis; and
- D. Foreign students who have been accepted by the District as Nonimmigrant (F-1) Students.

A home-schooled student who wishes to be admitted to the District may only be enrolled on a full-time basis. Part-time admission or enrollment is not allowed.

Age Requirements:

- A. Minimum Age: A child must be four (4) years old on or before September 1 in order to enroll in the District's early childhood program. A child must be five (5) years old on or before September 1 in order to enroll in kindergarten. A child must be six (6) years old on or before September 1 in order to enroll in first grade, unless otherwise entitled to enroll by law.
- B. Maximum Age: All students who have not completed the twelfth grade shall be eligible to attend school in the district until they reach twenty-one years of age on or before September 1 of the school year in which enrollment is sought; provided that upon submitting evidence to the Board of Education showing that the student was unable to attend school because of physical disability or service in the United States Armed Forces or auxiliary organizations by reason of which it was impossible to complete the twelfth grade before the age of twenty-one (21), a student may attend school in the District until the student attains the age of twenty-six (26).
- C. Students with Disabilities: Students with disabilities may be entitled to attend school from three (3) years of age. The District's Special Education Director should be contacted to determine eligibility of students with disabilities for early admission.
- D. Proof of Age: Any student who is enrolling in preschool, kindergarten, or the first grade for the first time shall present upon enrollment a birth certificate or hospital record which verifies the student's age. All other students enrolling in the District shall present verification of age when requested by the school for verification of age. If such a document is not presented within four (4) weeks after its request, the student's enrollment shall be terminated until verification is produced.

Immunization Requirements: No student shall be permitted to enroll in the District unless the student presents to the school at the student's initial enrollment either:

- A. Certification from a licensed physician or authorized representative of the State Department of Public Health that such student has received, or is in the process of receiving, immunizations required by the Department of Public Health, or that such student is likely to be immune as a result of the disease; or
- B. A Certificate of Exemption form stating that the child is exempt from the immunization requirements on the ground that (1) the physical condition of the student is such that immunization would endanger the life or health of a student, signed by a physician; (2) the parent, guardian or person having legal custody of the child objects to such tests or immunizations for religious reasons; or (3) the parents, guardian or person having legal custody of the student claims an exemption for personal reasons. A copy of the Certificate of Exemption will be forwarded to the Department of Public Health for review and approval.

Good Standing Requirement: A student must be in good standing at the time of withdrawal from any previous school in order to enroll in the District. A student who has been suspended from a public or private school in the State of Oklahoma or another state for a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or other students shall not be entitled to enroll in the District, and no public school shall be required to enroll such student, until the terms of the suspension have been met or the time of suspension has expired.

Residency Requirements:

- A. Categories of Residency: The following students shall be considered legal residents of the District:
 - 1. Students whose parent, legal guardian or legal custodian holds legal residence in the District.
 - 2. Students who reside with a person within the fourth degree of relationship who has assumed permanent care and custody of the student and who holds legal residence in the District.
 - 3. Students who have been placed in a foster home within the District (a) by the person or agency holding legal custody pursuant to court order, or (b) by a state agency having legal custody; provided that "foster home" means a family home, other than the home of a parent, stepparent, grandparent, brother, sister, uncle, or aunt, which provides full-time care for five or fewer children.
 - 4. Students whose full-time care and custody is held by an orphanage or an eleemosynary child care facility.

5. Students who reside in the District and are supporting themselves entirely by their own efforts.
6. Students who have been placed in a public or private residential child care or treatment facility and whose place of legal residence cannot be determined.
7. Students who are homeless persons as defined by 42 U.S.C. §11302.

The district administration shall attempt to remove existing barriers to school attendance by children in foster care and homeless children:

1. Enrollment requirements that may constitute a barrier to the education of a child in foster care or the homeless child or youth shall be waived. If the district is unable to determine the student's grade level due to missing or incomplete records, the district shall administer tests or utilize other reasonable means to determine the appropriate grade level for the child.
2. Fees and charges that may present a barrier to the enrollment or transfer of a child in foster care or a homeless child or youth shall be waived.
3. Customary transportation policies and regulations shall be waived.
4. Official school records policies and regulations shall be waived.
5. The district shall make a reasonable effort to locate immunization records from information available or shall arrange for students to receive immunizations through health agencies and at district expense if no other recourse is available. Immunizations may, however, be waived for homeless youth only in accordance with provisions of board policy on immunizations. (See Immunization requirements.)
6. Other barriers to school attendance by homeless youth shall be waived.

The district will provide to each homeless child such school services that are comparable to services offered to other students in the district and that are determined to be in the child's best interest. Such services will include:

1. Public preschool programs;
2. Special education, Title I, and limited English proficiency programs for which they are eligible;
3. Vocational education programs;
4. Gifted and talented programs;
5. Before and after school programs;

6. School meal programs; and
7. Transportation services

B. Procedures for Determining Residency - The following procedures shall be used to determine the residency of a student in the District:

1. An admissions form shall be completed for each student initially enrolling to attend school in the District. All other students may be requested to complete an admissions registration form at enrollment or at other times at the discretion of the Administration.
2. In determining the residency of a student, the Administration may require proof of residency and/or affidavits or verification of residency.
3. If a student is denied admission to a school in the District by the Administration, the student shall be notified of the reasons for the denial in writing. The student may appeal the denial to the District's Residency Officer in writing, stating the reasons for the appeal. The District's Residency Officer shall be the Superintendent. The District's Residency Officer shall consider the appeal and shall notify the student of the appeal decision in writing, stating the reasons for the decision. The decision of the District's Residency Officer shall be final.
4. If a student has been admitted to attend school in the District after establishing a bona fide legal residence in the District, and thereafter moves and is no longer a resident of the district, the student shall be permitted to complete the current school year; provided that, if the District determines that the student did not in fact establish a bona fide legal residence in the District, the student's permission to attend school shall be revoked and tuition shall be charged for the days attended.

The Superintendent will designate a Point of Contact (POC) to coordinate activities relating to the District's provision of services to children placed in foster care, including transportation services.

The district will collaborate with Child Welfare Agencies when transportation is required to maintain children placed in foster care in a school of origin outside their usual attendance area or the district when in the best interest of the student. Under the supervision of the Superintendent/designee, the District POC will invite appropriate District officials, Child Welfare Agencies, and officials from other districts or agencies to consider how such transportation is to be promptly arranged and funded in a cost effective manner.

DEFINITIONS

"Foster Care" means 24-hour care and supportive services provided to children placed away from their parents, guardians, or person exercising custodial control or supervision and for whom the foster parent has placement care and responsibility.

“School of origin” means the school in which a child is enrolled at the time of placement in foster care.

“Best interest” means a case-by-case determination of the appropriateness of the current educational setting and the proximity of placement as required by ESEA section 1111(g)(1)(E)(i). Factors to be utilized in this determination include, but are certainly not limited to, the following:

1. Safety considerations
2. Proximity of the resource family to the child’s present school;
3. Age and grade level of the child as it relates to the other best interest factors;
4. Needs of the child, including social adjustment and well-being;
5. Child’s performance, continuity of education and engagement in the school the child presently attends;
6. Child’s special education programming if the child is classified;
7. Point of time in the school year;
8. Child’s permanency goal and likelihood of reunification;
9. Anticipated duration of the placement;
10. Preferences of the child;
11. Preferences of the child’s parent(s) or education decision maker(s);
12. The child’s attachment to the school, including meaningful relationships with staff and peers;
13. Placement of the child’s sibling(s);
14. Influence of the school climate on the child, including safety;
15. Availability and quality of services in the school to meet the child’s educational and socio-emotional needs;
16. History of school transfers and how they have impacted the child;
17. How the length of the commute would impact the child, based on the child’s developmental stage;
18. Whether the child is a student with a disability under the IDEA who is receiving special education and related services or a student with a disability under Section 504 who is receiving special education or related aids and services and, if so, the availability of those required services in a school other than the school of origin; and
19. Whether the child is an EL and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin, consistent with Title VI and EEOA.

Withdrawals: Students who attend school as resident students may be withdrawn from school:

- A. By the submission of proof that the student’s residence for school purposes has changed or is about to change to another school district;
- B. By the submission of proof that the student has attained the age of eighteen (18);
- C. If the student has attained the age of sixteen (16), upon written agreement between the principal and the parent, guardian or custodian of the student that such withdrawal is in the best interests of the student and/or community, and that the student shall thereafter be under the supervision of the parent, guardian or

- custodian until the student has reached the age of eighteen (18); and
- D. By administrative action, if the student has had ten (10) consecutive unexcused absences.

Placement and Assignment: Students, including students who have been home-schooled, shall be assigned to a grade level or class based upon an assessment of the student's age, maturity, grades received, standardized test results, and/or abilities in accordance with Administrative Regulations.

Any third-grade student found not to be reading at grade level as determined by reading assessments administered pursuant to state law a new reading instruction shall be developed and implemented. The parent or guardian of the student shall be notified in writing of the following:

1. That the student has been identified as having a substantial deficiency in reading;
2. A description of the current services that are provided to the student;
3. A description of the proposed supplemental instructional services and supports that will be provided to the student that are designated to remedy the identified area of reading deficiency;
4. That the student will not be promoted to the fourth grade if the reading deficiency is not remedied by the end of the third grade, unless the student is exempt for good cause;
5. Strategies for parents to use in helping their child succeed in reading sufficiency;
6. That while the results of the criterion-referenced test administered are the initial determinant, it is not the sole determiner of promotion and that portfolio reviews and assessments are available; and
7. The specific criteria and policy of the District for midyear promotion.

A teacher who determines a third-grade student is unable to meet competencies required for reading for completion of third grade and promotion to fourth grade, may have the authority, after consultation with the parent or guardian of the student, to recommend that the promotion of the student to the fourth grade is contingent upon the participation in and successful completion of the required competencies for reading by the student at a summer academy or other program. If the student does not successfully complete the competencies in the summer academy or other program, the student may be retained in the third grade.

Retained third grade students may only be promoted midyear prior to November 1, and only upon demonstrating a level of proficiency required to score above the unsatisfactory level on an approved assessment, sufficient to master appropriate fourth grade level skills. Approved assessment (ex. ITBS, Stanford, etc.) will be selected and administered by the school.

A midyear promotion shall be made only upon agreement of the parent or guardian of the student and the school principal. The expense of the test will be paid by the district, unless testing is requested solely by the parent or guardian and the student scores unsatisfactory. If testing is requested solely by the parent or guardian and the student scores unsatisfactory, the expense of the test will be paid by the parent or guardian.

A parent or guardian of multiple-birth siblings may request that the children attend the same school and be placed in the same classroom or in separate classrooms if the children are in the same grade level at the same school and meet the eligibility requirements of the class. The

parent or guardian must request the classroom placement no later than fourteen (14) days after the first day of each school year or fourteen (14) days after the first day of attendance of the children during a school year if the children are enrolled in the school after the school year commences. The school may recommend classroom placement to the parents and provide professional education advice to the parents to assist them in making the best decision for their children's education. A school must provide the placement requested by the children's parent or guardian, unless the Board makes a classroom placement determination following the school principal's request. At the end of the initial grading period, if the school principal, in consultation with the children's classroom teacher, determines that the requested classroom placement is disruptive to the classroom environment, the school principal may request that the Board determine the children's classroom placement.

Student Transfers: Open Transfers previously granted by the school board will remain in effect unless the board of education takes action to deny a future year's attendance based on discipline or attendance as addressed within this policy. The school district will not accept or deny a transfer based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude or athletic ability. The school district will begin accepting applications for the next school year starting January 1 of each calendar year. Receipt of applications will be documented by the district so that the district may review those applications in the order submitted for purposes of capacity limitations. The administration will not approve or deny transfers received for the next school year until after the July 1 capacity data is determined for each grade level and site within the school district. Subject to certain exceptions provided by law, the transfer of a student from the district in which the student resides to District will be granted at any time during the school year unless the requested transfer exceeds the capacity of the grade level sought for each school site within the District. District's Board will meet by the first day of January, April, July and October each year to establish the number of transfer students the school has the capacity to accept in each grade level for each school site within the District. District's capacity will be published on District's website and reported to the State Department of Education ("SDE"). As of January 1, 2022, District's capacity is as follows:

- **Kindergarten and 1st grade:** No more than 20 students per teacher (excluding PE and Music classes), unless an additional class would have fewer than 10 students or unless a teacher's assistant is hired.
- **Grades 2-3:** No more than 22 students per teacher (excluding PE and Music classes), unless an additional class would have fewer than 10 students.
- **Grades 4-5:** No more than 24 students per teacher (excluding PE and Music classes), unless an additional class would have fewer than 10 students.
- **Grade 6:** No more than 55 students per grade (excludes PE and Music Classes).
- **Grade 7:** No more than 55 students per grade (excludes PE and Music Classes).
- **Grade 8:** No more than 55 students per grade (excludes PE and Music Classes).
- **Grade 9:** No more than 60 students per grade (excludes PE and Music Classes).
- **Grade 10:** No more than 60 students per grade (excludes PE and Music Classes).
- **Grade 11:** No more than 60 students per grade (excludes PE and Music Classes).
- **Grade 12:** No more than 60 students per grade (excludes PE and Music Classes).

In order for a student to be transferred, the parents of the student must first submit an application form specified by the State Board of Education (“SBE”) to the District Superintendent. If the capacity of a grade level for each school site within the District is insufficient to enroll all eligible students, District shall select transfer students in the order in which District received the student transfer applications.

A transfer may be denied if it will exceed enrollment capacity, or for student discipline or attendance issues. District will begin receiving applications for the subsequent school year on or after January 1st each school year. District will not approve or deny transfer applications until after the Board’s July 1st capacity determination.

All students attending District on a transfer basis as of December 31, 2021 will not be required to submit a new application, unless the district provides notification to the parent or legal guardian that the transfer is not going to be continued for an upcoming school year due to capacity, disciplinary action or attendance issues. Transfers that have previously been approved by the school district will remain in effect for future school years unless the district provides notification to the parent or legal guardian that the transfer is not going to be continued for an upcoming school year due to disciplinary action or attendance issues. The district will not require parents resubmit a new application each school year and will advance the previous application of an enrolled student amending only the grade placement of the student. District may deny the continued transfer of a student based on the same criteria considered for a new transfer, which includes capacity, student discipline and attendance issues.

If the grade a student is entitled to pursue is not offered in the student’s resident district, the transfer will be automatically approved. In addition, a student whose parent or legal guardian is employed in the District shall be allowed to transfer to the District regardless of capacity. Any student wishing to transfer to the District which has a sibling attending shall be allowed with regard only to discipline and attendance records reviewed in the determination of the sibling transfer request. If a student has attended the District for at least three (3) years prior to moving out of the school district, may be allowed to transfer without regard to transfer capacity. Such student’s application will be reviewed utilizing only disciplinary and attendance records in the determination of the request.

Any child in the custody of the Department of Human Services (“DHS”) in foster care who is living in the home of a student who transfers to the District may attend the District as provided for by law.

A transfer may be requested at any time in the school year. State law does limit the ability of a student to transfer to no more than two (2) times per school year to one or more school districts in which the student does not reside. Exceptions to this limit will exist for students in foster care. Students are legally entitled to reenroll at any time in his or her school district of residence. The brother or sister of a student who transfers to District may attend school in the District so long as the District has capacity and the brother or sister does not meet the criteria as a basis for denial.

Applications will be considered in the order in which they are received by the District and a separate application must be submitted for each student who desires a transfer.

On or before the first day of January, April, July and October, the Superintendent will file with the SBE and each resident district a statement showing the names of the students who were granted transfers, their resident districts and their grade levels.

If a transfer request is denied by the District, the parent of the student may appeal the denial to District's Board within ten (10) days of the notification of the denial as provided for by law and regulation. District's Board will consider the appeal at its next regularly scheduled board meeting so long as the appeal is received prior to the statutory deadline for posting the Board agenda. If the appeal is not received prior to the deadline for posting the agenda, the Board shall schedule a special meeting to consider the appeal. The appeal process will be paper-only and will take place in executive session in order to protect student privacy. During executive session, the Board will review written documentation from the Superintendent regarding reasons for the transfer denial and information from the parent/guardian regarding why the transfer should have been approved. The vote to uphold or reject the Superintendent's transfer denial will be held in open session.

If the Board upholds the denial, the parent may appeal the denial to the SBE within ten (10) days of the notification of the Board's decision. The SBE will adopt guidelines for this process.

Special Education and Gifted Education Transfers: Transfers regarding these students will be considered in accordance with State Department of Education regulations.

Military Parent Transfers: Students who are dependent children of a member of the active uniformed military services of the United States on full-time active duty status and students who are the dependent children of a member of the military reserve on active duty orders shall be eligible for admission to the District regardless of its capacity if: a) at least one (1) parent of the student has a Department of Defense-issued identification card; and b) at least one (1) parent can provide evidence that he or she will be on active duty status or active duty orders, meaning that the parent will be temporarily transferred in compliance with official orders to another location in support of combat, contingency operation, or a natural disaster requiring the use of orders for more than thirty (30) consecutive days.

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