

Descriptor Term: TRANSFERS AND WITHDRAWALS OF STUDENTS

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Rescinds: JBCD

Board Approved: 11/27/2006

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#### NO CHILD LEFT BEHIND ACT

Students who attend a district school identified for improvement, corrective action or restructuring under the No Child Left Behind Act of 2001 (NCLBA) may, as required by law, transfer to another public school in the Gulfport School District that has not been identified for improvement or as persistently dangerous.

Additionally, students who attend a District school identified as persistently dangerous, or who are victims of a violent criminal offense occurring in or on the grounds of the school the student attends, may transfer to a safe school in the District that has not been identified as in need of improvement.

The Board of Trustees recognizes there may be circumstances that arise under the NCLBA, when it is necessary to release a student who resides within the boundaries of the District to attend school in another district that agrees to accept the student. *No other interdistrict transfer of resident students will be permitted. Interdistrict transfers of resident students for other purposes may be permitted, subject to criteria established by the Board.*

The Superintendent will develop administrative regulations, as necessary to implement these requirements under the NCLBA.

#### MISSISSIPPI STATE LAW:

1. a. Except as provided in subsection (2) through (5) of this section, upon the petition in writing of a parent or guardian of an individual student, filed or lodged with the President or Secretary of the school board of a school district in which the pupil has been enrolled or is qualified to be enrolled as a student under Section 37-15-9, or upon the aforesaid petition or the initiative of the school board of a school district as to the transfer of a grade or grades, individual students living in one school district or a grade or grades of a school within the districts may be legally transferred to another school district, by the mutual consent of the school boards of all school districts concerned, said consent to be given in writing and spread upon the minutes of such boards.

b. The school board of the transferring school district to which such petition may be addressed shall act thereon not later than its next regular meeting subsequent to the filing or lodging of said petition, and a failure to act within that time shall constitute a rejection of such request. The school board of the other school district involved, the transferee board, and the county board of education, if applicable under paragraph (b) of this subsection, shall

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act on such request for transfer as soon as possible after the transferor board shall have approved or rejected such transfer and no later than the next regular meeting of the transferee board or county board of education, and a failure of such transferee board to act within such time shall constitute a rejection of such request. If such a transfer should be refused by the school board of either school district or the county board of education, then such decision shall be final.

c. In the event such student transfer involves a school district in a county having an administrative superintendent as defined in Section 37-6-3, Mississippi Code of 1972, said transfer shall also require the approval in writing of the county board of education of such county. If such a transfer should be refused by the school board of either school district, then an appeal may be had to such county board of education. The said county board of education to which said appeal is taken shall act thereon not later than the date of its next regular meeting subsequent to the disapproval or failure to act by the school board of said school district, or not later than the date of its next regular meeting subsequent to the filing of such appeal.

d. Any legal guardianship formed for the purpose of establishing residency for school district attendance purposes shall not be recognized by the affected school board.

2. a. Upon the petition in writing of any parent or guardian who is an instructional or certificated employee of a school district, but not a resident of such district, the board of trustees of the employer school district shall consent to the transfer of such employee's dependent school-age children to its district and shall spread the same upon the minutes of the board.

b. The Board of Trustees of the Gulfport School District does not encourage but will allow the enrollment and attendance of the dependent children of non-instructional and non-certificated employees, who are not residents of their district. Such policy may be reviewed and reconsidered each school year prior to the reopening of school for the following year.

c. The employer transferee school district shall notify in writing the school district from which the pupil or pupils are transferring, and the board of trustees of the transferor school district shall spread the same upon its minutes.

d. Any such agreement by school boards for the legal transfer of a student shall include a provision providing for the transportation of the student. In the absence of such a provision the responsibility for transporting the student to the transferee school district shall be that of the parent or guardian. §37-15-39 (1989)

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3. Transfers from an accredited school (Mississippi Accredited, Southern Association or other regional accreditation, or an accreditation association recognized by the Mississippi Department of Education):
  - a. A student who transfers into the Gulfport School District during the school year shall be enrolled in the appropriate grades and subjects equivalent to the grades and subjects of the previous placement.
  - b. A student who transfers into the Gulfport School district before the beginning of the school year shall be placed at the grade to which he/she has been promoted.
  - c. After careful observation and evaluation of the student's progress and after consultation with the parent or guardian, the student may be reassigned.
  
4. Transfer from any non-accredited school, including home school:
  - a. A student who transfers into the Gulfport School District shall not be placed permanently in a grade or course until the student's academic skills can be evaluated by the principal.
  - b. The principal's evaluation may include the following:
    - (1) the age of the student;
    - (2) the student's performance on a nationally standardized test in areas which, at a minimum, include language, mathematics and reading;
    - (3) in grades 8-12, the student's performance on the district's cumulative tests for the most recently completed courses and for all courses for which Carnegie units are requested; and
    - (4) the student's educational performance at previous school(s).

No transfer of a pupil will be considered for approval until the test has been given and the pupil is assigned according to the grade and class for which the test shows he is best suited. No pupil shall be assigned to a grade and class more than three (3) grades above or below the grade or class that the pupil would have been assigned to had the pupil remained in the school from which the transfer is being made. Pending the administration of the test herein provided for and its grading and an assignment based thereon the superintendent of this school district or the attendance center principal to which the pupil seeks admission may assign the pupil temporarily to a grade and class comparable to that in which the pupil would have been had the pupil continued in the school from which the transfer was being made.

If any student is transferred or reassigned within the school district by order of the

school board of this school district as designated by law of the State of Mississippi and not at his own request, the requirement of that pupil's taking the standardized test shall be waived. Likewise, if a pupil shall transfer from one school district to another

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school district in the manner provided and required by the laws of the State of Mississippi, the requirement of such pupil taking the standardized test shall be waived. §37-15-33 (1988)

5. Legally transferred students going from one school district to another shall be counted for teacher allotment and allotments for supportive services by the school district wherein the pupils attend school, including cost allotments prescribed in Section 37-19-19 and 37-19-31 for school district administrative and clerical salaries and other expenses, but shall be counted for transportation allotment purposes in the school district which furnishes or provides the transportation. The board of trustees of the school districts which approve the transfer of a student under the provisions of Section 37-15-31, shall enter into an agreement and contract for the payment or nonpayment of any portion of their local maintenance funds which they deem fair and equitable in support of any transferred student. Local maintenance funds shall be transferred only to the extent specified in the agreement and contract entered into by the affected school districts. The Gulfport School District shall require maintenance funds to follow transferring students only from transferor districts which require the same from the Gulfport School District. The terms of any local maintenance fund payment transfer contract shall be spread upon the minutes of both of the affected school district boards of trustees. The school district accepting any transfer students shall be authorized to accept tuition from such students and such agreement may remain in effect for any length of time designated in the contract. The terms of such student transfer contracts and the amounts of any tuition charged any transfer student shall be spread upon the minutes of both of the affected boards of trustees (§37-19-27, 1989). The Gulfport School District currently elects not to charge tuition for any transferring students accepted for enrollment in district schools but reserves the right under §37-19-27 to review this matter and revise this policy as need may dictate.