

CONTROL AND DISCIPLINE POLICY

The board of education believes that the school's primary goal is to educate, not discipline. However, when the behavior of an individual student interferes with the rights of others, corrective action may be necessary for the benefit of the individual as well as the school.

Oklahoma Law, Title 70, Section 6-114, provides teachers with the same rights as parents to control and discipline school children within local school policies. The following schedule of infractions is provided as an aid to teachers in exercising control and discipline of students. The schedule is not intended to include all possible infractions. Therefore, behavior which is not included in the following schedule may warrant appropriate disciplinary measures. The following schedule shall not be used in determining discipline for any child on an IEP or Section 504 plan until such time as the student's IEP team has determined that the infraction is in no way a manifestation of that student's disability.

Infractions

Level I

1. Unexcused tardiness.
2. Disruption of class or assembly.
3. Lunchroom misconduct.
4. Bus/playground misconduct.
5. Negligence in completing classwork.

Level II:

1. Cutting class (check absentee policy).
2. Leaving school without permission.
3. Truancy (check absentee policy).
4. Tobacco on school grounds.

Level III:

1. Theft.
2. Assault-physical or verbal.
3. Fighting.
4. Destruction of property.
5. Other offenses - possession of deadly weapons, use of drugs or alcohol.
6. Distribution of obscene material, obscene language, action, etc.
7. Refusal to obey school officials.

Code Numbers

1. Warn Students.
2. Remove from class or group (temporary or permanent).
3. Parental conference (phone or personal).
4. Detention.
5. In-House suspension.
6. Financial restitution.

STUDENTS

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CONTROL AND DISCIPLINE POLICY (Cont.)

7. Involve law enforcement.
8. Refer to other social agencies.
9. Suspension (1-3 days, no school makeup).
10. Expulsion (follow due process).
11. Any other disciplinary action deemed appropriate under the circumstances.
12. Loss of points/course credit.

Control and Discipline Policy Schedule

1st Violation	2nd Violation	3rd Violation
Level I		
1. 1	1,3,4	3,4,5,9,11
2. 1,2,3,9	1,2,3,4,5,9	2,3,5,9,10,11
3. 1,2,3,4	1,2,3,4,9	2,3,5,9,11
4. 1,2,3,9	2,3,4,5,9,11	2,3,5,9,10
5. 1	1,3,4	1,3,4,9,11,12
Level II		
1. 1,4,11,12	3,4,5,9,12	3,5,9,10,12
2. 1,4,11,12	3,4,5,9,12	3,5,9,10,12
3. 1,3,4,5,11,12	3,4,5,9,12	3,5,9,10,12
4. 1,3,4,5,9	3,5,9	5,9,10
Level III		
1. 3,4,6,7,8,9,10	3,6,7,8,9,10	6,7,8,9,10
2. 3,4,5,7,9,10	3,5,7,9,10	3,5,7,9,10
3. 3,5,9	3,5,9,10	3,5,9,10
4. 3,5,6,7,8,9,10	3,5,8,9	3,5,6,10
5. 3,5,9,10	3,5,8,9	3,10
6. 3,5,9,10	3,8,9	3,9,10
7. 1 through 12	1 through 12	1 through 12

The above schedule is a list of alternatives, of which one or more may be used as the principal or designees deems just, given the circumstances of the individual case. Alternatives are not necessarily selected in numerical order, but are to be determined by the principal or teacher according to the severity of the offense.

Additionally, administrators shall have the authority to enforce other reasonable disciplinary action which they find warranted by situations not covered in the disciplinary policy schedule.

SPECIAL EDUCATION

It is the policy of this school district to provide special education to all exceptional children who reside in the school district. This duty will be satisfied by Choctaw-Nicoma Park Schools.

Children from age birth through two years (0-24 months_ of age who meet the eligibility criteria specified in Section 3 of the Oklahoma Early Intervention Act, shall be served pursuant to the provisions of the Oklahoma Early Intervention Act; further provided that any children served shall be bona fide resident of this state, who conditions are such that it is impractical or impossible for them to benefit from or participate in the regular classroom program of the public schools in the district in which they reside and whose education required a modification of the classroom program. Provided that the attendance of said children in special education classes shall be included in the average daily attendance computations for State Aid purposes.

If valid and reliable testing and full and individual evaluation materials appear to have led to the overrepresentations of students who are members of a particular race, national origin or cultural group in any special education category, then the school district shall conduct a thorough self-evaluation in order to determine:

1. Whether additional or substitute materials and procedures, which have at least equal predictive validity, but do not have such an adverse effect on members of a particular racial, national origin or cultural group, can be identified.
2. Whether any of the following resulted in racial or cultural bias:
 - a) The use of tests with inherent content and/or language bias;
 - b) The use of tests that lack validity for a group of persons with whom or the purposes for which they are used;
 - c) The use of tests that lack reliability for a group of persons with whom they are used;
 - d) The presence of culturally and linguistically incompetent test administration;
 - e) Student unfamiliarity with test behaviors and assumptions;
 - f) Student discomfort with the test administrator and/or testing environment;
 - g) Lack of student motivation to perform well; and or
 - h) The failure to integrate full and individual evaluation information from multiple sources and/or to reconcile inconsistent full and individual evaluation results.

SPECIAL EDUCATION

The school district will utilize the policies and procedures for Special Education Services set forth by the Oklahoma State Department of Education.

REFERENCE: 70 O.S. §1-107
70 O.S. §13-101 Through §13-113
70 O.S. §18-109.5
Individuals with Disabilities Education Act, 20 USC §1400, et seq.

EXTENDED SCHOOL YEAR PROGRAM STANDARDS (REGULATIONS)

In accordance with the policy of the board of education, the following regulations shall govern the standards for the Extended School Year (ESY) program. The school district will strictly follow the requirements as set forth in *Policies and Procedures for Special Education in Oklahoma* and the technical assistance document *Extended School Year (ESY) Services for Children and Youth with Disabilities*.

Individuals over the age of twenty-one and under the age of twenty-six years, who are legal resident of this school district, may be entitled to receive educational privileges and opportunities in order to complete a secondary education program when they have been unable to complete the twelfth grade due to physical disability or military service. Legal residents of this school district nineteen years of age or older, who are not enrolled in a high school program and have not completed the twelfth grade, may attend adult high school completion programs if such programs are established by the school district and approved by the Oklahoma State Department of Education SDE). This school district is responsible for providing Free Appropriate Public Education (FAPE) for children ages 3 through 21 years when it is determined by the individualized education program (IEP) team that the services are needed to receive FAPE. Extended school year (ESY) services are defined as special education and related services provided by this school district to children with disabilities beyond the regular instructional year as a necessary part of FAPE. The type, amount, or duration of ESY services may not be unilaterally limited, but must be determined on an individual basis by the IEP team. The time period during which ESY may be offered may not be restrict, but will be determined on an individual basis by each student's IEP team. A handicapped student will be eligible for ESY services when it is determined that in the absence of such services the student will regress to such a marked degree that the student will be unable to recoup the loss within a reasonable time. Many Factors will be considered in evaluation a student's need for an ESY program. Some of these factors are:

1. **Nature of the Handicapping Condition:** Certain children, by the nature of their handicap, may be predisposed to severe regression and limited recoupment. However, ESY services will not be limited based upon particular categories of disabilities.
2. **Severity of Handicapping Condition:** Children more severely handicapped are most likely to need services.
3. **Availability of Home Stimulus During Summer Months:** In many instances it is feasible for a parent to monitor and implement a child's program during the summer break. When such a non-school program can be implemented by the student's parents and/or peers, it may provide a child the dual benefit of a vacation break without severe regression.
4. **Other factors:** Other factors to be considered in determining the need for ESY include, but are not limited to: the degree of the child's disability; the parents' ability to provide education in the home; the child's rate of progress; the child's need for interaction with nondisabled peers and vocational training; and whether the requested services are an integral part of a program for children with similar disabilities.

**EXTENDED SCHOOL YEAR PROGRAM STANDARDS
(REGULATIONS)**

The following factors **must** be considered by the Individual Education Program (IEP) team in determining need for ESY programming:

- Degree of impairment;
- Degree of regression;
- Recovering time from this regression;
- Ability of parents to provide educational structure at home;
- Child's rate of progress;
- Child's behavioral problems;
- Child's physical problems;
- Availability of alternative resources;
- Ability of the child to interact with children and youth who are not disabled;
- Area(s) in curriculum that need continuous attention;
- Child's vocational needs;
- Whether the requested service is extraordinary for the child's condition, as opposed to an integral part of a program for those with the child's condition; and
- Other relevant factors as determined by the IEP team.

Determination of the need for ESY services must be made on an individual basis and addressed appropriately on the IEP. ESY services may also be appropriate for some children who have received SoonerStart Services. To determine need for ESY services, the Individualized Family Service (IFSP) and IEP teams (including family members) will meet and consider all pertinent information including background information, current evaluations, and information provided by SoonerStart. IEP team participants will include:

- an administrator or administrative representative;
- the child's regular education teacher;
- a special education teacher qualified to provide special education in the area of the suspected disability.
- the child's parent(s);
- the child, as appropriate;
- other individuals at the discretion of the parent(s) or this district; and
- a member of the multidisciplinary evaluation team or a representative of the district of some other person who is knowledgeable about the evaluation procedures and the results.

ESY Review Procedures

The IEP review may occur at any time the team and members(s) considers appropriate. However, a review must occur on or before the anniversary date of the IEP (i.e., at least once a year). The review requires participate of team members as described under Team Participants in t his section. Any team member, including a parent, may initiate a review of placement when revision of the IEP is needed. The IEP should reflect the specific amount and type of special education and related services provided to a child at all times.

**EXTENDED SCHOOL YEAR PROGRAM STANDARDS
(REGULATIONS) (Cont.)**

The educational process and appropriateness of the placement for each eligible child shall be reviewed on at least an annual basis. The review of the IEP shall be accomplished with reference to the schedules and procedures for evaluation of the goals and objectives specified in the IEP. The IEP team continues to provide: ongoing review of the effectiveness and appropriateness of the child's special education and related services; need for changes in type, frequency or duration of services; and whether the child's placement continues to be the least restrictive environment or needs to be changed.

A review of placement meeting should occur following reevaluation or consideration of new information concerning the educational program of the child. The purpose of this meeting would be to review the present placement, services and any necessary change in services in relation to the new information.

Extended School Year (ESY) services are provided to children with disabilities who meet requirement of this ESY policy. ESY services must be determined and documented through the IEP. Special education and related services shall be provided beyond the regular instructional year as a necessary part of a free and appropriate public education, for individual children determined eligible for ESY. Such determinations shall be made on an individual basis.

All special education students will be considered for an ESY program and screened upon request of a parent or other member of the IEP team. However, because of their propensity toward severe regression and slow recoupment, multi-handicapped and trainable mentally handicapped students will automatically be screened, each year, for the need of ESY.

Data and Evaluation Information to Determine ESY Needs

The IEP team must determine a child's need for ESY services by collecting, reviewing, and analyzing existing information and pertinent data, including, but not limited to, the child's disability, educational history, and present levels of performance/educational functioning and needs. Examples of data and information could involve a review of the following:

Criterion-referenced and standardized tests, including pretest and posttest data of a student's progress;

Functional assessments used in natural environments (e.g., home, community, work, school);

Analysis of data collected on a regular basis;

Evaluations and progress records for related services;

Parent, student, and/or service provider information;

Attendance records;

Behavior and disciplinary records;

**EXTENDED SCHOOL YEAR PROGRAM STANDARDS
(REGULATIONS) (Cont.)**

Health/medical information;

Interviews with teachers and parents, student; and

Progress reports and assessments to determine the child's performance of IEP annual goals and objectives or benchmarks across time.

Screening Process

1. All special education students will be considered for an ESY program at their annual IEP team meeting and provision will be made on the IEP at that time if the team determines that an ESY program is necessary. Likewise, notation will be made on the IEP if a determination has been made that the student does not need or desire an ESY program.
2. The district will compile a list of those students requiring additional consideration and analyze possible service needs.
3. For those students identified as in need of ESY, the district will prepare recommendations as to the nature, duration, and frequency of services needed to assure that significant regression will not occur to such a degree that recoupment cannot be accomplished within a reasonable period of time.
4. At either the spring IEP review or a specially convened IEP team meeting, the team shall be advised of the referral for ESY and the recommendation, if any, that the student be placed in an ESY program for the summer. The advantages and disadvantages of such a program shall be explained to the parent as well as the basis for referral and recommendation.

If the parent rejects the ESY, such should be recorded on the IEP. If the parent accepts the recommendation for an ESY, the IEP team should complete an amendment to the IEP with regard to services to be provided.

ESY services may be necessary for a free appropriate public education; therefore, procedural safeguards include the right to request a due process hearing. Parents or guardian may request a hearing to challenge the identification, evaluation, or educational placement. Mediation must be available as an option whenever a hearing is requested. However, parents and schools may use mediation to resolve a dispute regarding ESY without a request for a due process hearing.

EXTENDED SCHOOL YEAR SERVICES

In recognition that some children need educational services in excess of the 180 days provided during the traditional school year, the Choctaw-Nicoma Park Public Schools has developed an extended school year program in order to provide students with a free, appropriate, public education. Whether a student is entitled to extended year services will be determined on a case-by-case basis. Once a student is deemed to require additional education services, the student's IEP team will determine what areas of the curriculum will be included in each individual student's extended school year program. This program and its attendance procedures to not supersede or preempt the prerogative of the individualized education planning team. The intent is to assure through review and careful consideration of the individual needs of our student population who will benefit from extended school year services.

**CHILD IDENTIFICATION, LOCATION, SCREENING AND EVALUATION
NOTICE TO PARENTS**

The Choctaw-Nicoma Park Public Schools makes a continuing effort to locate any children in the district ages 3-21 who may be disabled and/or developmentally delayed who are not currently being served by the school. State law recognizes the following qualifying conditions: autism, deaf-blindness, hearing impairment, other health impairment, serious emotional disturbance, specific learning disability, speech or language impairment, traumatic brain injury, visual impairment, or development delay.

Anyone knowing a child who might be in need of services is asked to notify the local superintendent, assistant superintendent of student services or site principals.90->?

This notice is to inform parents of the child identification, location, screening, and evaluation activities to be conducted throughout the year by the local school district in coordination with the Oklahoma State Department of Education. Personally, identifiable information shall be collected and maintained in a confidential manner in carrying out the following activities.

Referral

Preschool children, ages 3-5, and students enrolled in K-12 who are suspected of having disabilities which may require special education and related services may be referred for screening and evaluation through the local schools. Local school districts coordinate with the Sooner Start Early Intervention Program in referrals for identification and evaluation of infants and toddlers who may be eligible for early intervention services beginning at three years of age. The Oklahoma Areawide Service Information System (OASIS), through a toll-free number (1-800-42-OASIS), also provides state-wide information and referrals to local schools and other service providers.

Screening

Screening activities may include vision, hearing, and health. Other screening activities may include: review of records and education history, interviews, observations, and specially developed readiness or educational screening instruments.

Evaluation

Evaluation means procedures used in accordance with federal laws and regulations to determine whether a child has a disability and the nature and extend of the special education and related services that the child needs. The term means procedures used with all children in a school, grade, or class. Written consent of the parent or legal guardian for such evaluation must be on file with the local school district prior to any child receiving an initial evaluation for special education and related services.

**CHILD IDENTIFICATION, LOCATION, SCREENING AND EVALUATION
NOTICE TO PARENTS**Collection of Personally Identifiable Information

Educational records containing personally identifiable information collected by the schools in the identification, location, screening, and evaluation of children shall be maintained in accordance with the Family Educational Rights and Privacy Act (FERPA) and the Policies and Procedures for Special Education in Oklahoma. School districts develop and implement a local policy regarding the collection, storage, disclosure, and the destruction of confidential student records. Parents may obtain a copy of the local policy from the local school administrator.

**COMPLIANCE WITH FAMILY EDUCATION
RIGHTS AND PRIVACY ACT OF 1974
(REGULATION)**

In accordance with the policy of the board of education, the following regulation shall govern the release of student records to students and members of the student's family, legal custodian, or legal guardian.

DEFINITIONS

For the purpose of this regulation the school district has used the following definitions of terms:

Student

Any person who attends or has attended a program of instruction sponsored by the board of education of this school district.

Eligible Student

A student or former student who has reached age 18 or is attending a post-secondary School, and who is no longer dependent of the parent for federal tax purposes.

Parent

Either natural parent of a student unless his/her rights under the Family Education Rights to Privacy Act (FERPA) have been removed by a court order, a guardian, or an individual acting as a parent or guardian in the absence of the student's parent or guardian.

Education Records

Any item of information or record (in handwriting, print, computer medical or audio tape, file, microfilm, microfiche, or other medium) maintained by the school district, an employee of the district, or an agent of the district which is directly related to an identifiable student except:

1. A personal record, including informal notes, kept by a school staff member which meets the following tests:
 - A. It was made as a personal memory aid.
 - B. It is in the sole possession of the individual who made it, or,
 - C. Information contained in it has never been revealed or made available to any other person except the maker's temporary substitute.
2. An employment record which is used only in relation to a student's employment by the school district (employment for this purpose does not include activities for which a student receives a grade or credit in a course), or,
3. Alumni records which relate to the student after the student no longer attends classes provided by the school district and the records do not relate to the person as a student.

**COMPLIANCE WITH FAMILY EDUCATION RIGHTS AND
PRIVACY ACT OF 1974, REGULATION (Cont.)****Personal Identifier**

Any data or information that makes the subject of a record known. This includes the student's name, the student's parents or other family member's name, the student's address, the student's social security number, a student number, a list of personal characteristics, or any other information which would make the student's identity known.

ANNUAL NOTIFICATION

Within the first three weeks of each school year, the school district will publish a notice to parents and eligible students of their rights under the FERPA and this policy. The district will also send home with each student a bulletin listing these rights and the bulletin will be included with a packet of material provided parents or an eligible student when the student enrolls during the school year.

The notice will include the following:

1. The right of a student's parent or eligible student to inspect and review the student's education records.
2. The intent of the school district is to limit the disclosure of information contained in a student's education records except: 1) by the prior written consent of the student's parent or the eligible student, 2) as directory information, or, 3) under certain limited circumstances, as permitted by the FERPA.
3. The right of a student's parent or an eligible student to seek to correct parts of the student's education records which he or she believes to be inaccurate, misleading, or in violation of student rights (this right includes the right to a hearing to present evidence that the record should be changed if the district decides not to alter it according to the parent's or eligible student's request and the right to insert in the student's permanent records an explanatory statement giving reason for disagreeing with the decision);
4. The right of any person to file a complaint with the Department of Education if the school district violates the FERPA; and
5. The procedure that a student's parent or an eligible student should follow to obtain copies of this policy and the locations where copies may be obtained.

The district will arrange to provide translations of this notice to non-English speaking parents in their native language.

STATEMENT OF RIGHTS

Parents and eligible students have the following rights under the Family Education rights and Privacy Act and this policy:

**COMPLIANCE WITH FAMILY EDUCATION
RIGHTS AND PRIVACY ACT OF 1974
(REGULATION) (Cont.)**

1. The right to inspect and review the student's education record;
2. The right to exercise a limited control over other people's access to the student's education record;
3. The right to seek to correct the student's education record in a hearing, if necessary;
4. The right to report violations of the FERPA to the Department of Education; and,
5. The right to be informed about FERPA rights.

All rights and protections given parents under the FERPA and this policy transfer to the student when the student reaches 18 or enrolls in a post-secondary school.

LOCATIONS OF EDUCATION RECORDS

TYPES	LOCATION	CUSTODIAN
Cumulative School Records	_____	_____
Cumulative School Records (Former Students)	_____	_____
Health Records	_____	_____
School Transportation Records	_____	_____
Speech Therapy Records	_____	_____
Psychological Records	_____	_____

PROCEDURE TO INSPECT EDUCATION RECORDS

The parent of a student or an eligible student may inspect the student's education records upon request. In some circumstances, it may be mutually more convenient for the record custodian to provide copies of records. See the schedule of fees for copies below.

Since a student's records may be maintained in several locations, the school principals will offer to collect copies of records or the records themselves from locations other than a student's school, so they may be inspected at one site. However, if a parent or eligible student wishes to inspect records where they are maintained, school principals will make every effort to accommodate the wishes.

**COMPLIANCE WITH FAMILY EDUCATION RIGHTS AND PRIVACY
ACT OF 194, REGULATION (Cont.)**

The parent or eligible student should submit to the student's school principal a written request which identifies, as precisely as possible, the record or records he or she wishes to inspect.

The principal (or other record custodian) will contact the parent of the student or the eligible student to discuss how access will be best arranged (copies, at the exact location, or records brought to a single site).

The principal (or other record custodian) will make the needed arrangements as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. This procedure must be completed in 45 days or less from the receipt of the request for access.

If for any valid reason such as working hours, distance between record location sites, or health, a parent or eligible student cannot personally inspect and review a student's education record, the school district will arrange for the parent or eligible student to obtain copies of the record. See below for information regarding fees for copies of records.

When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of the other students.

FEES FOR COPIES OF RECORDS

The school district will not deny parents or eligible students any rights to copies of records because of the following published fees. Where the fee represents an unusual hardship, it may be waived in part, or in whole, by the record custodian. However, the district reserves the right to charge for copies, such as transcripts, it forwards to potential employers or to colleges and universities for employment or admission purposes. The school district may deny copies of records (except for those required by the FERPA) in the following situations:

1. The student has an unpaid financial obligation to the school.
2. There is an unresolved disciplinary action against the student which warrants the denial of copies.

The FERPA requires the school district to provide copies of records:

1. When the refusal to provide copies effectively denies access to the records by a parent or eligible student.
2. At the request of the parent or eligible students when the school district has provided the records to third parties by the prior consent of the parent or eligible student.

**COMPLIANCE WITH FAMILY EDUCATION RIGHTS AND PRIVACY
ACT OF 1974, REGULATION (Cont.)**

3. At the request of the parent or eligible student when the school district has forwarded the records to another school where the student seek or intends to enroll.

The fee for copies provided under the FERPA may not include the costs for search and retrieval. The fee will be from no cost to ten cents per page. (Actual copying cost, less hardship factor.)

The fee for all other copies, such as copies of records forwarded to third parties with prior consent or those provided to parents as a convenience, will be from ten cents to thirty-five cents per page (actual search, retrieval, and copying cost) plus postage, if incurred.

DIRECTORY INFORMATION

The school district proposes to designate the following personally identifiable information contained in a student's education record as "directory information,"

1. The student's name;
2. The student's class designation (i.e., first grade, tenth grade, etc.);
3. The student's extracurricular participation;
4. The student's achievement awards or honors;
5. The student's weight and height if a member of an athletic team;
6. The student's photograph.

Within the first three weeks of each school year, the school district will publish the above list, or a revised list, of items of directory information it proposes to designate as directory information. for students enrolling after the notice is published, the list will be given to the student's parent or the eligible student at the time and place of enrollment.

After the parent or eligible student has been notified, he or she will have two weeks to advise the school district in writing (a letter to the school superintendent's office) of any or all of the items they refuse to permit the district to designate as directory information about the student.

At the end of the two- week period, each student's record will be appropriately marked by the record custodian to indicate the items the district will designate as directory information about the student. This designation will remain in effect until it is modified by the written direction of the student's parent or the eligible student.

USE OF STUDENT EDUCATION RECORDS

To carry out their responsibilities, school officials will have access to student education records for legitimate educational purposes. The school district will use the following criteria to determine who are school officials. An official is:

**COMPLIANCE WITH FAMILY EDUCATION RIGHTS AND PRIVACY
ACT OF 1974, REGULATION (Cont.)**

1. A person duly elected to the school board;
2. A person certified by the state and appointed by the school board to an administrative or supervisory position;
3. A person certified by the state and under contract to the school board as an instructor;
4. A person employed by the school board as a temporary substitute for administrative, supervisory, or instructional personnel for the period of his or her performance as a substitute; or
5. A person employed by, or under contract to, the school board to perform a special task such as a secretary, a clerk, the school board attorney or auditor, for the period of his or her performance as an employee or contractor.

School officials who meet the criteria listed above will have access to a student's records if they have a legitimate educational interest in doing so. A "legitimate educational interest" is the person's need to know in order to:

1. Perform an administrative task required in the school employee's position description approved by the school board;
2. Perform a supervisory or instructional task directly related to the student's education; or
3. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid.

The school district will only release information from, or permit access to, a student's education record with a parent's or eligible student's prior written consent except that the school superintendent, or a person designated in writing by the superintendent, may permit disclosure:

1. When a student seeks or intends to enroll in another school district or a post-secondary school (the district will not further notify the parent or eligible student prior to such a transfer of records; the parent or eligible student has a right to obtain copies of records transferred under this provision).
2. When certain federal and state officials need information in order to audit or enforce legal conditions related to federally supported education programs in the district.
3. The parties who provide or may provide financial aid to a student to:
 - A. Establish the student's eligibility for the aid;
 - B. Determine the amount of financial aid;
 - C. Establish the conditions for the receipt of the financial aid;
 - D. Enforce the agreement between the provider and the receiver of financial aid;

**COMPLIANCE WITH FAMILY EDUCATION RIGHTS AND PRIVACY
ACT OF 1974, REGULATION (Cont.)**

4. When the school district has entered into a written agreement or contract for an organization to conduct studies on the school district's behalf to develop tests, administer student aid, or improve instruction;
5. To accrediting organizations to carry out their accrediting functions;
6. To comply with a judicial order or lawfully issued subpoena (the district will make a reasonable effort to notify the student's parent or the eligible student before making a disclosure under this provision);
7. If the disclosure is an item of directory informational, and the student's parent or eligible student has not refused to allow the district to designate that item as directory information for the student; or
8. In response to an ex parte order of the Attorney General of the United States or his/her designee in connection with the investigation or prosecution of terrorism crimes;

The school district will permit any of its officials to make the needed disclosure from student education records in a health or safety emergency if:

1. He or she deems it is warranted by the seriousness of the threat to the health or safety of the student or other persons;
2. The information is necessary and needed to meet the emergency;
3. The persons to whom the information is to be disclosed are qualified and, in a position, to deal with the emergency; or
4. Time is an important and limiting factor in dealing with the emergency.

The school district officials may release information from a student's education record if the student's parent or the eligible student gives prior written consent for disclosure. The written consent must include at least:

1. A specification of the records to be released;
2. The reasons for the disclosure;
3. The person organization, or the class or organizations to whom the disclosure is to be made;
4. The parent's or eligible student's signature; and.
5. The date of the consent and, if appropriate, a date when the consent is to be terminated.

**COMPLIANCE WITH FAMILY EDUCATION RIGHTS AND PRIVACY
ACT OF 1974, REGULATION (Cont.)**

The student's parent or the eligible student may obtain a copy of any records disclosed under this provision.

The school district will not release information contained in a student's education records, except directory information, to any third parties except its own officials, unless those parties agree that the information will not be redisclosed without the parent's or eligible student's prior written consent.

**RECORDS OF REQUESTS FOR ACCESS AND DISCLOSURES MADE
FROM EDUCATION RECORDS**

The school district will maintain an accurate record of all requests for it to disclose information from, or to permit access to, a student's education records and of information it discloses and access it permits with some exceptions listed below. This record will be kept with, but will not be a part of, the student's cumulative school records. It will be available only to the record custodian, the eligible student, the parent of the student, or to federal, state, and local officials for the purpose of auditing or enforcing federally supported educational programs.

The record will include at least:

1. The name of the person or agency that made the request;
2. The interest the person or agency had in the information;
3. The date the person or agency made the request; and
4. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

The district will maintain this record as long as it maintains the student's education record.

The record will not include:

1. Requests for access or access granted to the parent of the student or to an eligible student;
2. Request for access granted to officials of the school district who have a legitimate educational interest in the student;
3. Requests for, or disclosures of, information contained in the student's education record if the request is accompanied by the prior written consent of a parent of the student or the eligible student or if the disclosure is authorized by such prior consent;
4. Request for, or disclosure of, directory information designated for that student.

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5. Request for, or disclosure of, information contained in the student's education record if the request is in response to an ex parte order of the Attorney General of the United States or his/her designee in connection with the investigation or prosecution of terrorism crimes.

PROCEDURES TO SEEK TO CORRECT EDUCATION RECORDS

The parent of a student or an eligible student has a right to seek to change any part of the student's record believed to be inaccurate, misleading, or in violation of student rights. (NOTE: under the FERPA, the district may decline to consider a request to change the grade a teacher assigns for a course.)

For the purpose of outlining the procedure to seek to correct education records, the term "incorrect" will be used to describe a record that is inaccurate, misleading, or in violation of student rights. The term "correct" will be used to describe a record that is accurate, not misleading, and not in violation of student rights. Also, in this section, the term "requester" will be used to describe the parent of a student or the eligible student who is asking the school district to correct a record.

To establish an orderly process to review and correct an education record for a requester, the district may make a decision to comply with the request for change at several levels in the procedure.

First Level Decision

When a parent of a student or an eligible student finds an item in the student's education record which he or she believes is inaccurate, misleading, or in violation of student's rights, he or she should immediately ask the record custodian to correct it. If the record because of an obvious error and it is a simple matter to make the record change at this level, the record custodian will make the correction. However, if the record is changed at this level, the method and result must satisfy the requester.

If the record custodian cannot change the record to the requester's satisfaction, or if the record does not appear to be obviously incorrect, the record custodian will:

1. Provide the requester a copy of the questioned record at no cost;
2. Ask the requester to initiate a written request for the change; and
3. Follow the procedure for a second level decision.

Second Level Decision

The written request to correct a student's education record through the procedure at this level should specify the correction the requester wishes the district to make. It should at least identify the item the requester believes is incorrect and state whether he or she believes the item:

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1. Is inaccurate and why;
2. Is misleading and why; and/or
3. Violates student rights and why.

The request will be dated and signed by the requester.

Within two weeks after the record custodian receives a written request, he or she will: study the request discuss it with other school officials (the person who made the record or those who may have a professional concern about the district's response to the request), make a decision to comply or decline to comply with the request, and complete the appropriate steps to notify the requester or move the request to the next level for a decision.

If, as a result of this review and discussion, the record custodian decides the record should be corrected, he or she will effect the change and notify the requester in writing that the change has been made. Each such notice will include an invitation for the requester to inspect and review the student's education record to make certain the record is in order and the correction is satisfactory.

If the record custodian decides the record is correct, he or she will make a written summary of any discussions with other officials and of the findings in the matter. the record custodian will transmit this summary and a copy of the written request to the school superintendent.

Third Level Decision

The school superintendent will review the material provided by the record custodian and, if necessary, discuss the matter with other officials such as the school attorney, or the school board (in executive session). The superintendent will then make a decision concerning the request and complete the steps at this decision level.

Ordinarily, this level of the procedure should be completed within two weeks. If it takes longer, the superintendent will notify the requester, in writing, of the reasons for the delay and a date when the decision will be made.

If the superintendent decides the record is incorrect and should be changed, he or she will advise the record custodian to make the changes. The record custodian will advise the requester of the change as at the second level.

If the superintendent decides the record is correct, he or she will prepare a letter to the requester which will include:

1. The school district's decision that the record is correct and the basis for the decision;
2. A notice to the requester that he or she has a right to ask for a hearing to present evidence that the record is incorrect and that the district will grant such a hearing;

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3. Instructions for the requester to contact the superintendent, or an official he or she designates, to discuss acceptable hearing officers, convenient times, and a satisfactory site for the hearing (the district will not be bound by the requester's positions on these items, but will, so far as possible, arrange the hearing as the requester wishes); and
4. Advise that the request may be represented or assisted in the hearing by other parties, including an attorney at the requester's expense.

Fourth Level Decision

After the requester has submitted (orally, or in writing) his or her wishes concerning the hearing officer and the time and place for the hearing, the superintendent will, within a week, notify the requester when and where the district will hold the hearing and who it has designated as the hearing officer. At the hearing, the hearing officer will provide the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education record is incorrect as shown in the requester's written request for a change in the record (second level).

Within a week after the hearing, the hearing officer will submit to the school superintendent a written summary of the evidence submitted at the hearing. Along with the summary, the hearing officer will submit his or her recommendation, based solely on the evidence presented at the hearing, that the record should be changed or remain unchanged.

The school superintendent will prepare the district's decision within two weeks of the hearing. The decision will be based on the summary of the evidence presented at the hearing and the hearing officer's recommendation. However, the district's decision will be based solely on the evidence presented at the hearing. Therefore, the superintendent may overrule the hearing officer if the superintendent believes the hearing officer's recommendation is not consistent with the evidence presented. As a result of the district's decision, the superintendent will take one of the following actions:

1. If the decision is that the district will change the record, the superintendent will instruct the record custodian to correct the record. The record custodian will correct the record and notify the requester as at the second level decision.
2. If the decision is that the district will not change the record, the superintendent will prepare a written notice to the requester which will include:
 - A. The school district's decision that the record is correct and will not be changed.
 - B. A copy of a summary of the evidence presented at the hearing and a written statement of the reasons for the district's decision.
 - C. Advice to the requester that he or she may place in the student's education record an explanatory statement which gives the reasons he or she disagrees with the school district's decision and/or the reasons he or she believes the record is incorrect.

TRANSFERS FOR SPECIAL EDUCATION STUDENTS

If a transfer application is received for a child with disabilities to a school district other than the district of residence of the child pursuant to the Education Open Transfer Act, the following provision shall apply:

1. The school district shall establish availability of the appropriate program, staff, and services prior to approval of the transfer.
2. Prior to the approval of the transfer of a student on an Individualized Education Program (IEP), a joint IEP conference shall be required between the district of residence and the receiving district; and
3. Upon approval of the transfer, the receiving district shall claim the student in the average daily membership for state and for federal funding purposes and shall assume all responsibility for education of the student. For state funding purposes, the State Department of Education shall include the appropriate grade level weight and all category weights to which the pupil is assigned pursuant to the provision of Section 18-201.1 of this title when calculating State Aid pursuant to the provisions of Section 18-200.1 of this title, regardless of whether the receiving district provides education to the student using traditional in-class means or via online instruction. When applicable, the receiving district may apply to the Oklahoma Special Education Assistance Fund for assistance in meeting any extraordinary cost incurred.

Once a student transfer application is received, the superintendent or their designee shall review the application. The review process shall include:

1. A joint IEP conference between the previous district and the receiving district to review the services the student has received at their previous district;
2. A determination as to whether the district has the availability of the appropriate program, staff and services to provide appropriate services to the student who has applied for a transfer.

If a transfer request is denied by the school district, the district shall provide notification of the denial in writing to the parent by either hand-delivery, by U.S. Mail or electronic mail. The notification shall include:

1. An explanation including but not limited to any citation of the statute, regulation, or school district policy under which the denial was made;
2. A copy of the policy adopted by the district for transfers of students with disabilities;
3. A copy of the State Board of Education rule governing appeals (after adoption); and
4. The date upon which the appeal will be due.

The parent or legal guardian of a student with disabilities or an adult student with disabilities who is age 18 or older but under the age of 22 may appeal the denial within 10 days of notification of the denial to the board of education. The board shall consider the appeal at its next regularly scheduled board meeting. If notification was hand-delivered, the appeal period shall begin the

TRANSFERS FOR SPECIAL EDUCATION STUDENTS (Cont.)

day after the notification is delivered. If notification is sent by U.S. Mail, the appeal period shall begin three (3) days after the notification was mailed. If notification is sent via electronic mail, the appeal period shall begin the day after the notification is sent. The board of education shall consider the appeal at its next regularly scheduled board meeting if notice is provided prior to the statutory deadline for posting the agenda for the meeting. The board of education shall accept an otherwise untimely appeal if a parent of a student can establish that the did not receive actual notice of the notification denying the transfer request, and the appeal was submitted within 10 days after the parent of the student received notice.

The appeal to the board of education shall be submitted to the office of the superintendent. The appeal shall include the following:

1. The name, address and telephone number of the parent of the student and the student for whom the appeal is being taken;
2. The date the district gave notice denying the transfer request;
3. The basis for appealing the decision of the school district; and
4. The name, address and telephone number of the legal representative, if applicable.

During the appeal, the board will review the action of the administration and the appeal paperwork submitted by the parent of the student to make sure that the district policy was followed with regard to the denial of the transfer. The board of education will meet in executive session to review the educational records of the student. If the policy was not followed, the board of education shall return to open session to vote to overturn the denial and the transfer will be granted. This will be a paper appeal and will include the written documentation utilized by the school district as well as a written response from the parent or legal guardian which explains which the policy was not followed.

If the board of education votes to deny an appeal of a request to transfer, the board of education shall instruct the superintendent to provide notification of denial in writing to the parent of the student by either hand-delivery, by U.S. Mail, or by electronic mail. The notification shall include:

1. An explanation, including the legal citation, regulation, or school district policy under which the denial was made;
2. A copy of the policy adopted by the board of education for determining the number of transfer student the district has capacity to accept;
3. A copy of the State Board of Education prescribed form for an appeal; and
4. A copy of the rule adopted by the State Board of Education which identifies the Accreditation standard for appealing the denial of a student transfer.

If the board of education denied the appeal, the parent of legal guardian of the student with disabilities or adult student with disabilities who is age eighteen (18) or older but under the age of twenty-two (22) may appeal the denial within ten (10) days of notification of the appeal denial to the State Board of Education. The appeal shall be considered by the State Board of Education at its next regularly scheduled meeting.

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The parent or legal guardian shall submit to the State Board of Education and to the superintendent of the district, a notice of appeal on the form prescribed by the State Board of Education. The superintendent shall immediately provide a copy of the appeal to each member of the board of education. Upon receive of notice of an appeal, but not later than five days prior to the date at which the State Board of Education is schedule to consider the appeal, the board of education may submit a written response to the appeal. Responses should not exceed five (5) pages. If not submitted by the parent, the board of education shall provide a copy of the policy adopted to determine the number of transfer students the district has the capacity to accept in each grade level for each school site within the district. The parent and the school district will have an opportunity to appear in person or by authorized representative or by attorney to address the State Board at the meeting.

REFERENCE: 70 O.S. §13-103