

**SECTION 900**  
**STUDENTS: RESIDENCY, TRANSFERS**  
**AND TRANSPORTATION**

STUDENT RESIDENCY

It is the policy of the Cimarron Board of Education that the residence of any child for school purposes shall be the legal residence of the parents, guardian, or person having legal custody within the district as defined in 70 O.S. §1-113 (C). Provided that such parent, legal guardian, person, or institution having legal custody contributes in a major degree to the support of such child. Provided, further, that any child residing in the district who is entirely self-supporting shall be considered a resident of the school district if the child works and attends school in the school district. Questions concerning legal residence of children shall be determined pursuant to procedures utilized by the State Department of Education in accordance with 70 O.S. §1-113.

*(This paragraph is optional)*

An adult who does not fall within the categories listed above, who holds legal residence in the district, and who has assumed permanent care and custody of the child may file an affidavit with the school district attesting that custody has been assumed. The affidavit must include the reasons for assuming custody. The residency officer shall consider the facts of each case and shall approve residency only if it is demonstrated that the custody arrangement is permanent and the adult contributes in a major degree to the support of the child.

The superintendent or designee may require the submission of evidence of residency in order to determine whether the student is eligible to attend the public schools or programs without payment of nonresident tuition. Such evidence may include, but is not necessarily limited to, the following:

1. Proof of payment of local personal income tax or ad valorem taxes;
2. Title to residential property in the district, or a valid unexpired lease agreement, or receipts for payment of rent on a district residence in which the applicant actually resides;
3. Proof of provisions of utilities;
4. A valid, unexpired motor vehicle operator's permit or motor vehicle registration;
5. Maintenance of voter registration;
6. Notarized affidavit verifying residency and that the affiant has assumed the permanent care and custody of the student. (The filing of a false affidavit shall be subject to punishment in accordance with 70 O.S. §1113(A)(1).)

Homeless Students

In accordance with the Federal McKinney Homeless Assistance Act, homeless children shall have access to the same free and appropriate public education as provided to other children. The board shall make reasonable efforts to identify homeless children within the district, encourage their enrollment, and eliminate existing barriers to their education that may exist in district policies or practices. No child or youth shall be discriminated against in this school district because of homelessness.

Children are deemed to be homeless under the following conditions:

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1. A child who is lacking a fixed regular and adequate nighttime residence and who has a primary nighttime residence that is a publicly or privately operated shelter designed to provide temporary living accommodations, a  
**STUDENT RESIDENCY (Cont.)**

temporary residence prior to institutionalization, or a place not designed or ordinarily used as a regular sleeping accommodation for human beings.

- 2. A child who is placed in a transitional or emergency shelter before placement in a foster home or home for neglected children.
- 3. A child who is temporarily living in a trailer park or camping area due to lack of adequate living accommodations.
- 4. A child who is living in doubled-up accommodations due to loss of housing or other similar situation.
- ~~5. A child who is placed in a foster home for lack of shelter space.~~
- 6. A migratory child who is staying in accommodations not fit for habitation.
- 7. A child who has run away from home and lives in a runaway shelter, abandoned building, the street, or other inadequate accommodations.
- 8. A child who is placed in a state institution because s/he has no other place to live.
- 9. A child who has been abandoned by his/her family and who is staying in a hospital.
- 10. A child whose parents or guardian will not permit him/her to live at home and who lives on the street, in a shelter, or in other transitional or inadequate accommodation.
- 11. School-age unwed mothers or expectant mothers who are living in homes for unwed mothers because they have no other available living accommodations.

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 ~~may~~ be waived ~~at the discretion of the superintendent.~~ 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 ~~may~~ be waived ~~at the discretion of the superintendent.~~
- 3. Customary transportation policies and regulations ~~may~~ shall be waived ~~at the discretion of the superintendent.~~

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4. Official school records policies and regulations may shall be waived ~~at the discretion of the superintendent.~~

**STUDENT RESIDENCY (Cont.)**

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 policy FFAB.)

6. Other barriers to school attendance by a child in foster care or a homeless youth ~~shall~~ may be waived ~~at the discretion of the superintendent.~~

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.

Residency Officer

The school district designates \_\_\_\_\_ as residency officer. The residency officer may be contacted by calling the school district at 580-796-2204 or by writing to the residency officer at the following address, or by personally visiting the residency officer at \_\_\_\_\_  
Cimarron Public School, P.O. Box 8, Lahoma, OK 73754

If this school district denies admittance of a student who claims to be a resident of the district, the parent, guardian, or person having care and custody of the student may request a review of the residency officer's decision. Such request for review shall be in writing and must be received by the residency officer within three school days of the denial of admittance. The request for review shall include any additional pertinent information that may justify the admittance of the child to the school district.

Upon receipt of a written request for review, the residency officer will render a decision and notify the parent of the decision within three school days of the receipt of the request for review.

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If the parent disagrees with the findings of the residency officer, the parent will notify the residency officer within three school days of the receipt of the decision. The residency officer will submit his/her findings and all documents reviewed to the board of education.

### STUDENT RESIDENCY (Cont.)

The board of education will review the decision and the documents submitted by both the residency officer and the student and render a decision at the next board meeting. The board's decision may be appealed only pursuant to procedures utilized by the State Department of Education.

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 for children placed in foster care to attend the 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 be utilized in this determination include, but are certainly not limited to, the following:

1. Safety considerations;
2. Proximity of the resource family home to the child's present school;
3. Age and grade level of the child as it relates to the other best interests 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 the 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;

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17. How the length of the commute would impact the child, based on the child's developmental stage;

**STUDENT RESIDENCY (Cont.)**

- 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 the EEOA.

REFERENCE: 70 O.S. §1-113, §1-114  
70 O.S. §18-111

*A POLICY ON THIS TOPIC IS REQUIRED BY LAW.*

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**General**

Any child residing in a school district that does not offer the grade which such child is entitled to pursue shall be entitled to be transferred to any school district inside or outside of the transportation area in which such student resides which offers the grade which he/she is entitled to pursue, hereinafter "receiving district." Nothing in this policy shall be construed as preventing the approval of any other kind of transfer for which such student is eligible as elsewhere provided by law.

**Homeless Students**

Students identified as homeless under the McKinney-Vento Act will be allowed immediate enrollment and transfer to the school district and will be eligible for school activities and curriculum. Under the Act, students must remain in their school of origin to the extent feasible, unless their parents prefer the local school. Feasibility is an individualized, student-centered determination.

**Open Transfer Policy**

The Board of Education of the District will comply with the provisions set forth in the Education Open Transfer Act, 70 O.S. § 8-101.1 et seq. (the "Act"). The purpose of this Board Policy is to specify the criteria and standards for approval of transfers requested under the Education Open Transfer Act. Transfers requested pursuant to emergency situations and other criteria not falling under the Education Open Transfer act will be handled according to the statutory provisions governing such requests. Eligibility for extramural activity participation for students transferring under the Act will be determined by the Oklahoma Secondary School Activities Association. Notwithstanding the provisions of the Education Open Transfer Act, transfers of children with disabilities shall be granted as authorized in Section 13-103 of Title 70 of the Oklahoma Statutes.

This policy includes provisions relating to the availability of programs, staff or space as criteria for approval or denial of transfers. Nothing in this Board Policy shall be construed to be in conflict with the provisions of the Act. Transfers approved for any reason prior to January 1, 2000 continue to remain valid and are not subject to the provisions of the Act unless the custodial parent chooses otherwise.

**Filing and Notification Deadlines**

1. Students wishing to transfer into the District may obtain transfer request applications at the Office of the Superintendent. Written application for any transfer shall be made by the parent(s) of the student. For purposes of the Education Open Transfer Act, the term "parent" means the parent of the student or person having custody of the student.

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2. In order for any transfer request to be considered by the Board, the request must be received at the Office of the Superintendent on or before February 1 of the school year preceding the school year for which the transfer is desired. Any transfer requests received at the Office of the Superintendent later than February 1 will not be considered. By March 1 of the school year preceding the school year for which the transfer is desired, the District shall notify the resident school district that an application for transfer has been filed by a student enrolled in the resident school district.
  3. The Board of Education shall approve or deny the application for transfer on or before June 1 of the school year preceding the school for which the transfer is desired. On or before July 1, the student's parents must notify the district that the student intends to enroll in the district. Failure of the parents to notify the district by July 1 may result in the student losing his/her right to enroll.

#### Consideration of Open Transfer Applications

1. Transfer requests will be reviewed and transfers approved or denied on a first-come, first-served basis. Transfers will not be accepted or rejected based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude or athletic ability.
2. Quality of education for students residing in the District is the first priority of the Board of Education. Accordingly, the Board reserves the right to leave open additional spaces in any program with the anticipation that said spaces are to be filled by resident students. Any requests for transfer will be considered secondary to such spaces being held for resident students. Only when the Board has determined that the additional spaces are not going to be filled will it consider filling such spaces with transfer students from another district.
3. Under no circumstances will a transfer be allowed which would necessitate the hiring of additional staff to handle the student or students or which would over-load an existing program or class. Under no circumstances will a transfer be allowed if there is not adequate physical space for the student or students wishing to transfer.
4. Discipline records of students applying to transfer to the District will be requested as part of the student's records. It shall be within the discretion of the Board of Education and/or the Board's authorized representative to determine, based upon the student's disciplinary records, whether a transfer will be approved or denied.
  - a. Students with negative discipline records or those deemed "not in good standing" at the sending school will generally not be approved for transfer to this district.



- b. Any transfer application by a student who has previously been suspended from school for being found guilty of an act as outlined in 70 O.S. § 24-101.3 will automatically be rejected.

**Agreement for Cancellation of Transfer**

1. Approval of any transfer to this district is contingent upon the applicant agreeing in writing to cancellation of this transfer by the district during the school year if the student does not comply with the rules and regulations of the district for student behavior, or if the family of the transferred student fails to remain current in financial obligations owed to the district including, but not limited to, payment for lunches or payment for lost or destroyed district property.
2. The superintendent or designee has been granted board approval to revoke a previously-granted transfer at his/her discretion.

**Emergency Transfers**

In addition to the transfer process provided above, students may be transferred on an emergency basis. A written application for an emergency transfer designating the district to which the transfer is desired shall be made by the parent and filed with the superintendent of the receiving school district. On an adequate showing of emergency the superintendent of the receiving school district may make and order a transfer, subject to approval by the State Board of Education. An emergency shall include only:

1. The destruction or partial destruction of a school building;
2. The inability to offer the subject a pupil desires to pursue, if the pupil becomes a legal resident of the school district after February 1 of the school year immediately prior to the school year for which the pupil is seeking the transfer;
3. A catastrophic medical problem of a student, which for purposes of this section shall mean an acute or chronic serious illness, disease, disorder or injury which has a permanently detrimental effect on the body's system or renders the risk unusually hazardous;
4. The total failure of transportation facilities; or
5. The concurrence of both the sending and the receiving school districts.

An emergency transfer previously made may be canceled, with the concurrence of the board of the receiving district and the parent.

## SCHOOL TRANSPORTATION

The Cimarron school district recognizes that in Oklahoma, student transportation is a service that may be provided for its students by the school district. The school district wishes to assure its citizens that any transportation services provided by the district are to accomplish three goals:

1. To ensure that children of our district school are transported in the safest manner possible (see also policy CNAB);
2. To ensure that the transportation services provided are cost effective to our district's taxpayers;
3. To ensure that all transportation services are rendered in an equitable manner.

The school district will accomplish these goals through strict enforcement of its school transportation policies.

Definitions: For the purposes of clarification, the following terms are defined.

1. Supervisor of Transportation--the person appointed by the board of education responsible for the operation of student transportation services.
2. School bus driver--any person who operates a vehicle transporting school children under the direct auspices of the board of education.
3. School bus, transportation equipment--any vehicle or conveyance used to transport school children from their homes to school and from school to their homes.
4. Auxiliary transportation equipment--includes, but is not limited to, equipment used for transporting students to and from extracurricular activities, but does not include transportation equipment used for transporting students from their homes to school and from school to their homes.

Drivers of all school transportation equipment will abide by state laws, rules, and regulations and shall make appropriate reports as required.

(Optional language) The school district will install and operate a video-monitoring system in or on the school buses or the bus stop-arms operated by the school district or may contract with a private vendor to do so for the purpose of recording violations of state law related to drivers overtaking school buses that are stopped to take on or discharge school children and the red loading signals are in operation.

REFERENCE: 70 O.S. §9-104  
47 O.S. § 11-705

**BUS DRIVERS AND USE OF TECHNOLOGY**

School bus drivers are prohibited from text messaging and/or using cell phones while driving a school bus or school owned vehicle. If an emergency situation arises, the bus driver shall remove the bus from the roadway and place an emergency call to the appropriate legal authorities. Any bus driver found to have engaged in text messaging or the nonschool emergency use of a cell phone while driving a school vehicle shall be subject to disciplinary measures which could include termination of employment.

It is not illegal for a school bus driver to utilize a hand-held device when necessary to communicate with the central dispatch school transportation department or its equivalent.

REFERENCE: 47 O.S. § 11-901C

## STUDENT RESIDENCY DISPUTE PROCEDURES

The superintendent of schools shall serve as the district residency officer.

If a dispute arises regarding a student's residency, or residency status as "homeless" under the McKinney-Vento Homeless Assurance Act, the parent or guardian may request a review of the ruling by the superintendent. Any question or dispute as to the residence of a student shall be determined by the superintendent pursuant to the following procedures:

1. If the school district initially denies admittance of a student who claims to be a resident of the district, the parent, guardian, or person having care and custody (hereafter parent) of the student shall be informed that a request may be made for a review of the decision of the local residency officer.
2. If, during the course of the school year, a dispute arises as to the residence of a student who is enrolled and attending school, the student shall be allowed to continue attending Cimarron schools until these dispute procedures have been exhausted.
3. The parent of the student may request a review by notifying the residency officer in writing within three (3) school days from denial of admittance. Upon receipt of a request for review, the residency officer shall allow the parent to provide additional pertinent information in accordance with the district's criteria and the statutory provisions regarding residency. The information must be submitted with the request for review.
4. Within three (3) school days of the receipt of the request for review, the residency officer must render a decision and notify the parent, in writing, of the decision and the reasoning therefor.
5. In the event the parent disagrees with the decision, the parent shall notify the residency officer within three (3) school days of receipt of the residency officer's decision. The residency officer will submit to the board of education his or her findings and all documents reviewed. The board of education will review the decision and the documents submitted on behalf of the district and the student and render a decision at the next board meeting. The board's decision shall be the final administrative decision.
6. In an effort to place students in school as quickly as possible, timelines shall be followed unless, due to emergency circumstances, both parties agree to an extension of timelines.

Any question as to the place of residence of any child for school purposes shall be decided pursuant to procedures utilized by the State Department of Education.

**Legal Reference:** 42 U.S.C. 11432

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