

Special Meeting of The Board of Education Independent School District Number 33,
Creek County
Tuesday, June 25, 2024 12:00 PM
Washington Administration Center Board Room, 511 E Lee, Sapulpa, OK 74066

- I. Call the Meeting to Order
- II. Action Items
 - II.A. Discussion, motion, and vote on a motion to approve/disapprove of adopting new Policy 531 Intra-District Transfers.
 - II.B. Discussion, motion, and vote on a motion to approve/disapprove of adopting new Policy 946.1 Staff Members and Social Networking Sites.
 - II.C. Discussion, motion, and vote on a motion to approve/disapprove of adopting new Policy 532 Transfers for Special Education Students.
- III. Adjourn

531 INTRA-DISTRICT TRANSFERS (Approved 6.25.2024)

Under certain circumstances, Oklahoma law allows students that reside in a school district to transfer from their assigned site to any site within the district, also known as an intra-district transfer. By the first day of January, April, July and October of each year, the board of education shall establish the number of intra-district transfer students the district has the capacity to accept in each grade level for each school site within the district. Once established, the intra-district capacity numbers will be posted in a prominent place on the school district website and shall be reported to the State Department of Education.

An intra-district transfer may be requested at any time in the school year, unless the grade level of the receiving school site has reached capacity. If the capacity at a grade level is insufficient to enroll all eligible students, the school district shall select intra-district transfer students based on the following preferences and then in the order in which the intra-district applications were received:

This policy applies to students who reside within the school district and creates an enrollment preference and reserve capacity for:

1. Students who reside in the school site boundary;
2. Students who attended the school site the prior school year;
3. Siblings of students who are already enrolled at the school site;
4. Children of school district employees who wish to attend a different school site within the school district; and
5. Students who change residence within a school district and who wish to attend the same school site.

An intra-district transfer may be requested at any time in the school year. State law does limit the ability of a student to transfer to other school sites within the school district where the student resides to no more than two (2) times per school year. Exceptions to this limit will exist for students in foster care. A student is legally entitled to re-enroll at any time in their school district's site of residence.

Any sibling of a student who transfers may attend the school district to which their sibling transferred as long as the school district has capacity in the grade level and the sibling does not meet a basis for denial as listed below. A separate application must be filed for each student so that the district can timely consider requests in the order applications are received.

The child of a school district employee who resides in the school district but wishes to attend a different school site within the school district where the student resides may be granted an intra-district transfer if the student does not meet a basis for denial as listed below.

It is the policy of the board of education that any legally transferring student shall be accepted by the district under the following circumstances:

1. The district has the capacity to accept the student at the grade level at the school site;
2. The transferring student has not been disciplined for:
 - a. violation of a school regulation,
 - b. possession of an intoxicating beverage, low-point beer, as defined by [Section 163.2](#) of Title 37 of the Oklahoma Statutes, or missing or stolen property if the property is reasonably suspected to have been taken from a student, a school employee, or the school during school activities, or

- c. possession of a dangerous weapon or a controlled dangerous substance while on or within two thousand (2,000) feet of public school property, or at a school event, as defined in the Uniform Controlled Dangerous Substances Act.
3. The transferring student does not have a history of absences. "History of absences" means 10 or more absences in one semester that are not excused for the reasons provided in 70 O.S. § 10-105 or due to illness.

The district will approve or deny the application and notify the parent of the student of the determination in writing within thirty (30) days of receiving an application. The school district shall enroll transfer students based on the preferences outlined above and then in the order in which they submit their applications. If the number of student transfer applications exceeds the capacity of the district, the district shall select transfer students based on the preferences outlined above and then in the order in which the district received the application.

LEGAL REFERENCE: 70 O.S. Section 8-114.

INTRA-DISTRICT TRANSFERS

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INTRA-DISTRICT TRANSFER (CON'T)

2. The transferring student has not been disciplined for:
 - a. violation of a school regulation.
 - b. possession of an intoxicating beverage, low-point beer, as defined by [Section 163.2](#) of Title 37 of the Oklahoma Statutes, or missing or stolen property if the property is reasonably suspected to have been taken from a student, a school employee, or the school during school activities, or
 - c. possession of a dangerous weapon or a controlled dangerous substance while on or within two thousand (2,000) feet of public school property, or at a school event, as defined in the Uniform Controlled Dangerous Substances Act.
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LEGAL REFERENCE: 70 O.S. Section 8-114.

STAFF MEMBERS AND SOCIAL NETWORKING SITES

The Superintendent and the School Principals will annually remind staff members and orient new staff members concerning the importance of maintaining proper decorum in the on-line, digital world as well as in person. Employees must conduct themselves in ways that do not distract from or disrupt the educational process. The orientation and reminders will give special emphasis to the following prohibited behaviors:

1. Improper fraternization with students using Facebook and similar internet sites or social networks, or via cell phone, texting or telephone.
 - a. Teachers may not list current students as “friends” on networking sites.
 - b. All e-contacts with students should be through the district’s computer and telephone system and shall include the parent or legal guardian of the student.
 - c. All contacts and messages by coaches with team members shall be sent to all team members, except messages involving medical or academic privacy matters, in which case the messages will be copied to the parent or legal guardian, the athletic director and the school principal.
 - d. Teachers will not give out their private cell phone or home phone numbers to students without prior written approval of the district and the parent of the minor student.
 - e. Improper private contact via e-mail or phone is prohibited.
2. Inappropriateness of posting items with sexual content
3. Inappropriateness of posting items exhibiting or advocating use of drugs and alcohol
4. Monitoring and penalties for improper use of district computers and technology

As per state law, employees are discouraged from sharing content or comments containing the following when directed at a citizen of the State of Oklahoma:

- 1) Obscene sexual content or links to obscene sexual content;
- 2) Abusive behavior and bullying language or tone;
- 3) Conduct or encouragement of illegal activity; and
- 4) Disclosure of any information required to be maintained as confidential by law, regulation, or internal policy.

“Social networking or “social media” means interaction with external websites or services based upon participant contributions to the content. Types of social media include social and professional networks, blogs, micro blogs, video or phone sharing and social bookmarking; and

“Comment” means a response to an article or social media content submitted by a commenter.

The Superintendent or designees will periodically conduct internet searches to see if teachers have posted inappropriate materials on-line. When inappropriate use of computers and websites is discovered, the School Principals and Superintendent will download the offensive material and promptly bring that misconduct to the attention of the school district’s legal counsel for review.

School personnel engaging in electronic or digital communication with an individual student shall include the student’s parent or guardian in any electronic or digital communication, unless such communication is on a school-approved platform and related to school and academic communications. The only exception to this requirement may be made in case of an emergency, subject to subsequent notification to the parent or guardian. School employee

STAFF MEMBERS AND SOCIAL NETWORKING SITES (CON'T)

shall make reasonable efforts to use school-approved platforms, systems, or applications that allow automatic inclusion of parents or guardians in communications with students.

School employees reported to have engaged in electronic or digital communications that would violate this policy and state law shall be placed on administrative leave while the school district investigates the incident. If the investigation finds that no misconduct occurred, the school employee shall be reinstated, and the incident noted in the personnel file.

Employees who engage in any of the above-referenced prohibited behaviors are subject to the possibility of penalties, including ~~termination of dismissal from~~ employment, for failure to exercise good judgment in on-line conduct The incident shall also be reported to law enforcement in accordance with the requirements of 70 O.S. Section 1210.163.

REFERENCE: **74 O.S. § 840-8.1**
 70 O.S. § 6-401.

***A copy of this policy shall be distributed to each affected employee by email.**

946.1 STAFF MEMBERS AND SOCIAL NETWORKING SITES

The Superintendent and the School Principals will annually remind staff members and orient new staff members concerning the importance of maintaining proper decorum in the on-line, digital world as well as in person. Employees must conduct themselves in ways that do not distract from or disrupt the educational process. The orientation and reminders will give special emphasis to the following prohibited behaviors:

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When inappropriate use of computers and websites is discovered, the School Principals and Superintendent will download the offensive material and promptly bring that misconduct to the attention of the school district’s legal counsel for review.

School personnel engaging in electronic or digital communication with an individual student shall include the student’s parent or guardian in any electronic or digital communication unless such communication is on a school-approved platform and related to school and academic communications. The only exception to this requirement may be made in case of an emergency, subject to subsequent notification to the parent or guardian. School employees shall make reasonable efforts to use school-approved platforms, systems, or applications that allow the automatic inclusion of parents or guardians in communications with students.

School District approved platforms include: Google Suite e-platforms; PowerSchool/School Messenger student management platform; Schoology learning management platform; and SportsYou, Hudl, RankOne athletic communication platform.

School employees reported to have engaged in electronic or digital communications that would violate this policy and state law shall be placed on administrative leave while the school district investigates the incident. If the investigation finds that no misconduct occurred, the school employee shall be reinstated, and the incident noted in the personnel file.

Employees who engage in any of the above-referenced prohibited behaviors are subject to the possibility of penalties, including termination of employment, for failure to exercise good judgment in online conduct. The incident shall also be reported to law enforcement in accordance with the requirements of 70 O.S. Section 1210.163.

REFERENCE: **74 O.S. § 840-8.1**
 70 O.S. § 6-401.

***A copy of this policy shall be distributed to each affected employee by email.**

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 provisions 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 child 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 child in the average daily membership for state and for federal funding purposes and shall assume all responsibility for education of the student child. 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 provisions 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 costs 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 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 is 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 they 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.

TRANSFER POLICY(Cont.)

Appeal process choice 1: 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 an 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 why the policy was not followed.

Appeal process choice 2: During the appeal, the board of education will meet with the administration and parent or legal guardian of the student in executive session. While in executive session the administration will explain why the transfer was denied, and the members of the board will be able to ask questions of the administration. The board will then hear from the parent or legal guardian as to why the transfer should have been approved. The members of the board will be able to ask questions of the parent or legal guardian. The administration and the parent or legal guardian will be excused from the executive session while the board deliberates on the appeal. The board will return to open session and will vote to approve the denial or overturn the denial of the transfer.

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 to the statute, 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 students the district has capacity to accept;
3. A copy of the State Board of Education’s 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 denies the appeal, the parent or legal guardian of the student with disabilities or the 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.

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 receipt of notice of an appeal, but not later than five (5) days prior to the date at which the State Board of Education is scheduled 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

TRANSFERS FOR SPECIAL EDUCATION STUDENTS

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2. Prior to the approval of the transfer of a student ~~child~~ 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 ~~child~~. 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 provisions 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 costs 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 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 is 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 they 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.

Appeal Process: 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 an 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 why 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 to the statute, 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 students the district has capacity to accept;
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REFERENCE: 70 O.S. §13-103