

**JBCD-R Transfers**

2/11/19

**RATIONALE/OBJECTIVE:**

The Cobb County School District (District) provides limited opportunities for Cobb County students to attend schools outside the attendance zone in which they live. These opportunities result from a student's attendance at a magnet school, family moves that occur during the school year, House Bill (HB) 251, Senate Bill (SB) 10, House Bill (HB) 224, student legal issues or extreme medical/emotional situations.

**RULE:****A. SCHOOL CHOICE:****1. HB 224:**

Military service member parents/guardians of a school aged child who lives on a military base or off-base housing located within the District may apply for a transfer in accordance with Georgia's Quality Basic Education Act. HB 224 transfers will be included in the process for HB 251 transfers (see item 3 below) including, but not limited to, application, lottery, and transfer expectations.

**2. Siblings:**

- a. Siblings of students already attending a school through an approved transfer may apply to attend the same school.
  - (1) This provision attempts to address siblings enrolled in different schools at the same time due to an approved transfer.
  - (2) The younger sibling must be a student in the same school at some time during the tenure of the older sibling.
  - (3) This provision does not apply to or impact student placement via an IEP team decision, which is determined in accordance with federal law.
- b. A sibling is defined as a brother, sister, step-brother, or step-sister living in the same household and who otherwise meets the requirements for enrollment.
- c. Parents/guardians wishing to apply for a sibling school choice transfer must do so during the annual application period.

**3. HB 251:**

- a. Parents/guardians of a student enrolled in a District school may apply for an HB 251 transfer in accordance with Georgia's Quality Basic Education Act.\* In accordance with State Board of Education procedures, these transfers will be available during an announced application period annually. The application procedures, forms, and dates will be posted on the District's website during the second semester each school year. Information regarding space availability at individual schools will be included in the posted information. Parents/guardians will be notified regarding the approval of an HB 251 transfer requests by July 15 each year. (O.C.G.A. § 20-2-2131)

\*NOTE: HB 251 transfers do not apply to charter schools or newly opened schools (for a period of four years after the school opens).

- b. Parents/guardians wishing to apply for an HB 251 transfer must complete an HB 251 transfer application during the annual application period. Up to three schools may be requested on the application. Applications may be submitted for either individual students or family groups.
- c. In the event that the number of applications exceeds the available capacity at a particular grade level of a school, the District will conduct a random lottery.
- d. Policy and Planning staff will conduct the random lottery in phases.
  - (1) Placement of fifth and eighth-grade students who have applied for a transfer within the same feeder pattern of the school they are currently attending.

- (2) All other individual students or family groups (see item 3.b. above).
- e. No additional staff will be hired to accommodate a transfer.
- f. If space is still available at a particular school following the lottery process, a second-round lottery will be held for those students who have indicated a second choice. If space is available following the second round, a third-round lottery will be held for those students who have indicated a third choice.
- g. Students not chosen in the random lottery for their first-choice school will be placed on a waiting list based on the outcome of the first-choice lottery.
- h. For all school choice transfers, the following provisions apply:
  - (1) Students who receive a school choice transfer may attend the school through the highest grade of the particular school prior to re-applying;
  - (2) Transportation must be provided by the parent/guardian;
  - (3) If the student receives Special Education services, the school selected must have the Special Education services required by the current Individual Education Plan (IEP);
  - (4) Students granted a school choice transfer must maintain acceptable attendance, behavior, and grades as determined at the discretion of school administration;
  - (5) The parent/guardian is expected to maintain a cordial and cooperative working relationship with school personnel;
  - (6) Failure to comply with any provision of this paragraph shall authorize the principal to immediately withdraw such student; and
  - (7) If the student transfers at the high school level, he/she must meet Georgia High School Association requirements to participate in competitive interscholastic activities; and
- e. Acceptance of a school choice transfer:
  - (1) Once a school choice transfer is approved, the parent/guardian must contact the receiving school by May 1 in order to indicate whether the transfer offer will be accepted.
  - (2) The parent/guardian must also submit a school choice transfer enrollment form to the transfer school within one week of the last day of school.
  - (3) Failure to complete either of the above steps will result in the school choice transfer being nullified and forfeiting of the student's seat.
    - (a) Local schools will use a waiting list generated during the lottery process to fill any available seats that are vacated.
    - (b) Any student so chosen from the waiting list will be notified by the local school by July 15.

**B. HARDSHIP TRANSFER:**

Parents/guardians of students requesting a hardship transfer from the District school to which they are zoned must submit a hardship transfer application to the Policy and Planning office. A decision regarding the transfer request will be made by a hardship transfer committee, and all decisions are final. Parents/guardians should receive a response to the transfer request within 30 days of receipt of the request.

1. Hardship transfers may be considered for the following reasons:
  - a. Legal – The student is subject to a court order that would prevent him/her from attending the school to which he/she is zoned to attend;
  - b. Medical – The student's physician, psychiatrist or physiologist should provide written documentation and specific medical reasons (physical and/or psychological) why a student cannot attend the school to which he/she is zoned to attend;
  - c. Child Care – If each of the parent(s)/guardian(s) in the home work and their work makes it necessary for their elementary student to stay with a private sitter or in a day care center in another attendance zone, the parent/guardian may request a transfer to a school closer to the day care facility;
  - d. Other issues that would preclude a student from attending the school to which he/she is zoned to attend, to be evaluated at District discretion on a case by case basis.

2. Unique hardships depend on individual family situations. Issues such as grievances arising from parent-school conflicts, peer group associations, discipline, attendance problems, and a general dissatisfaction with a particular school are not considered hardships.
3. For all Hardship transfers, the following provisions apply:
  - a. Approved transfers are valid for the current school year in which issued;
  - b. A student may receive only one transfer during a school year;
  - c. Transfers are considered for individual students, not family groups;
  - d. Transportation must be provided by the parent/guardian;
  - e. If the student transfers at the high school level, he/she must meet Georgia High School Association requirements to participate in competitive interscholastic activities;
  - f. Students granted hardship transfers must maintain acceptable attendance, behavior, and grades as determined at the discretion of school administration;
  - g. The parent/guardian is expected to maintain a cordial and cooperative working relationship with school personnel; and
  - h. Failure to comply with any provision of this paragraph shall authorize the principal to immediately withdraw such student.

If false information is provided, or the circumstance under which a transfer was granted change, transfers may be revoked.

**C. SPECIAL NEEDS SCHOLARSHIP TRANSFERS:**

Special Needs Scholarship Transfers (also known as SB 10 transfers) are available each year during a period established by the Georgia State Board of Education. Information regarding these transfers including procedures and qualifications will be posted on the District's Website annually, prior to the beginning of the school year.

1. **Eligibility:**

A student with a disability may apply for a scholarship to an approved private school pursuant to SB 10 by applying directly to the State Department of Education. An application for such scholarship is available at [www.doe.k12.ga.us](http://www.doe.k12.ga.us).

2. **Statewide Assessments:**

Students with disabilities who attend an approved private school pursuant to a scholarship obtained through SB 10 may elect to take statewide assessments as described in O.C.G.A. §20-2-281 through the State Department of Education. Further information may be obtained online at [public.doe.k12.ga.us/sb10.aspx](http://public.doe.k12.ga.us/sb10.aspx).

**D. SENIOR PROVISION:**

A bona fide high school senior who ceases to be a resident of the District may apply to complete the school year. The following provisions must apply:

1. The move is verified as having occurred after the student completed his/her junior year in that school with verification established by dated documents of the new address;
2. The student lives within commuting distance;
3. The parent/guardian submits a completed continuation of enrollment transfer request application;
4. Transportation for students approved to complete the senior year must be provided by the parent/guardian;
5. The senior must maintain acceptable attendance, behavior, and grades in order for the application to be approved and to remain in effect for that school year;
6. The parent/guardian is expected to maintain a cordial and cooperative working relationship with school personnel;
7. Failure to comply with the provisions of this paragraph shall authorize the principal to immediately withdraw such student; and
8. The student must meet Georgia High School Association requirements to participate in competitive interscholastic activities.

**E. MOVE OUT OF DISTRICT:**

The District does not accept tuition students. However, any student who ceases to be a resident of the District after attending a District school may apply to complete the current semester in that school by completing a continuation of enrollment transfer request application. The following provisions apply:

1. The parent/guardian must promptly report to the principal or designee any change in circumstances by which the student is no longer a resident of the District;
2. Transportation for students approved to complete the semester must be provided by the parent/guardian;
3. Acceptable attendance, behavior, and grades are required in order for the student to be approved and remain on transfer;
4. The parent/guardian is expected to maintain a cordial and cooperative working relationship with school personnel;
5. Failure to comply with any provisions of this paragraph shall authorize the principal to immediately withdraw such student; and
6. If the student transfers at the high school level, he/she must meet Georgia High School Association requirements to participate in competitive interscholastic activities.

**F. MOVE WITHIN THE DISTRICT:**

Should the parent/guardian of a student enrolled in the District move from one attendance zone to another within the District, the parent/guardian may apply for their student to remain enrolled in his/her current school until he/she completes the current semester/school year in which the move occurred by completing a continuation of enrollment transfer request application. The following provisions apply:

1. Transportation for students approved to continue enrollment must be provided by the parent/guardian;
2. Acceptable attendance, behavior, and grades are required in order for the student to be approved and remain on transfer;
3. The parent/guardian is expected to maintain a cordial and cooperative working relationship with school personnel;
4. Failure to comply with any provisions of this paragraph shall authorize the principal to immediately withdraw such student; and
5. If the student transfers at the high school level, he/she must meet Georgia High School Association requirements to participate in competitive interscholastic activities.

This transfer may be renewed at the school's discretion until the student finishes the highest grade of that particular school.

**G. STUDENTS WHO BECOME A VICTIM OF A VIOLENT CRIME:**

Any student who is the victim of a violent criminal offense that occurs on the property of a school in which the student is enrolled, while attending a school sponsored event that occurs on the property of the school, or while attending an event under the jurisdiction of the school shall be permitted to attend a school that has not been designated as an unsafe school pursuant to State Board Rule 160-4-8-.16, including a charter school. Students requesting such a transfer should complete Form JBCD-6 (Victim of Violent Crime Request) and attach all relevant documentation.

An event that is under the jurisdiction of the school includes an event that is sponsored by the school if the school has direct control or authority over the event, even if the event occurs away from school property. School property may include any building, land, school bus, or other vehicular equipment owned or leased by the District.

A student is "a victim of a violent criminal offense" if both of the following conditions are met:

1. A violent criminal offense has been committed against the student, which includes the following offenses:
  - a. Aggravated battery (O.C.G.A. § 16-5-24),
  - b. Aggravated child molestation (O.C.G.A. § 16-6-4),
  - c. Aggravated sexual battery (O.C.G.A. § 16-6-22.2)
  - d. Aggravated sodomy (O.C.G.A. § 16-6-2),
  - e. Armed robbery (O.C.G.A. § 16-8-41),
  - f. First degree arson (O.C.G.A. § 16-7-60),
  - g. Felony weapons charge (O.C.G.A. § 16-11-127.1),
  - h. Kidnapping (O.C.G.A. § 16-5-40),
  - i. Murder (O.C.G.A. § 16-5-1),

- j. Rape (O.C.G.A. § 16-6-1),
- k. Voluntary manslaughter (O.C.G.A. § 16-5-2), or
- l. Terroristic threats (O.C.G.A. § 16-11-37).

AND

- 2. The perpetrator of the violent criminal offense has been found to be in violation of the appropriate Student Code of Conduct (Administrative Rule JCDA-R) by virtue of an official tribunal/disciplinary hearing held by the District; through a waiver of the disciplinary hearing process; or through an action of the Cobb County Board of Education.

The transfer shall occur within ten school days of the commission of the violent criminal offense, and to the extent possible, shall allow victims to transfer to a school that is making adequate yearly progress and has not been identified as being in school needs improvement, corrective action, or restructuring. (See State Board of Education Rule 160-4-8-.16, Unsafe School Choice Option, for more information)

#### **H. INTERDISTRICT REASSIGNMENT:**

A student whose place of residence is in another school district may be reassigned to a school in the Cobb County School District, or a student whose place of residence is in the Cobb County School District may be reassigned to a school in another school district, per O.C.G.A. § 20-2-294, and State Board Rule 160-5-4-.09.

##### 1. Conditions:

All the following conditions must be met:

- a. The school in another school district is closer to the student's place of residence than the school to which the student has been assigned;
- b. The actual transportation time or distance on a bus one way to the school where the student has been assigned is determined to be excessive in terms of travel time or distance. Excessive travel time and distance are defined as:
  - (1) The actual transportation time one-way (on a school bus) to the school where the student has been assigned takes forty-five (45) minutes longer than the transportation time (on a school bus) to the closer school where the student wants to be reassigned; or
  - (2) The actual transportation distance one-way (via the school bus route) to the school where the student has been assigned is at least fifteen (15) miles farther than the distance to the closer school where the student wants to be reassigned;
- c. The school to which the student is requesting reassignment is offering an instructional program comparable to that offered in the school where the student was originally assigned;
- d. The school in the other school system to which the student is requesting reassignment has available permanent classroom space;
- e. Both boards of education agree to the reassignment; and
- f. If a reassignment is granted, the parent/guardian transports the student.

##### 2. Application for Reassignment:

- a. The parent/guardian of a student eligible to request reassignment shall submit a written request each year to the board of education for the school where the student wishes to be reassigned and to the Cobb County Board of Education (Board) no later than seven (7) calendar days following the publication of attendance zones:
  - (1) The District shall publish its attendance zones no later than August 1 each school year;
  - (2) Applications to the Board shall be filed in the Office of the Superintendent;
- b. If granted, the duration of the reassignment shall be for no more than one (1) school year;
- c. The request for reassignment must be submitted each year within the required time period;
- d. The District shall respond in writing to the requesting parent/guardian within thirty (30) days of receipt of the request for reassignment.

##### 3. Appeal:

- a. If the request is denied, the parent/guardian may appeal the decision(s);

- b. Such appeal shall comply with the procedures of O.C.G.A. § 20-2-1160 and State Board of Education Rule 160-1-3-.04, School Law Tribunals and Appeals.

**I. CHILD(REN) OF EMPLOYEES:**

All employees of the District, except temporary and substitute employees, who are also a custodial parent/legal guardian/step-parent with whom the child is domiciled, may elect to have their student(s) attend any District school subject to the requirements of this Rule.

**1. General Provisions:**

- a. The employee must complete a Child(ren) of Employee transfer application.
  - (1) A new application must be submitted any time the student is changing schools or changing levels (e.g., elementary to middle, or middle to high).
  - (2) Applications may be limited based on available space at individual schools.
- b. If the student transfers at the high school level, he/she must meet Georgia High School Association requirements to participate in competitive interscholastic activities.
- c. If an employee retires from the District, the provisions of this rule will continue, as long as the student is enrolled in a District school.
- d. If an eligible employee is granted a leave of absence, the student may remain at the school approved through this Rule until the end of the approved leave.
- e. If the eligible employee resigns or is terminated from the District, the provisions of this rule will end. At that time, the student will be governed by all policies affecting Cobb County students who are not children of eligible employees.
- f. An eligible employee's student may return at any time to the school in the attendance zone in which he/she is a resident.
- g. With the exception of students who attend school where their parents/guardians are full-time teachers, professionals or other employees, acceptable attendance, behavior, and grades are required in order for the request to be approved and for the student to remain on transfer. The parent/guardian is also expected to maintain a cordial and cooperative working relationship with school personnel. Failure to comply with these provisions may result in the withdrawal of such student. For a student attending a school where a parent/guardian is a full-time teacher, professional, or other employee, the requirements of O.C.G.A. § 20-2-293 shall apply.

**2. Transportation:**

The employee may:

- a. Provide transportation for his/her student to attend the approved school;
- b. Submit JBCD-9 (Request for Children of Employee Transportation) requesting to and receive written approval from the director of transportation or designee to board a bus at an approved bus stop for the approved school.
  - (1) The following limitations will apply:
    - (a) The student will be granted permission to board the bus when the ridership capacity is confirmed in writing from the director of transportation or designee;
    - (b) The District must determine if the bus has available seat space for the student (additional buses will not be assigned nor additional stops created on the route to accommodate students living outside the attendance zone of the school they attend);
    - (c) It is the responsibility of the employee to safely convey the student to and from the bus stop they have selected. Therefore, a bus route shall not be extended nor shall a bus stop be relocated to meet students living outside the attendance zone of the school they attend.
  - (2) In the event there are not sufficient seats for the children of employees living outside the attendance zone of the school they attend, students will be selected for seats that are available by random lottery.
  - (3) Transportation privileges may be withdrawn from students living outside the attendance zone of the school they attend in the following circumstances:
    - (a) The student commits code of conduct violations (see Administrative Rule JCDA-R);
    - (b) The parent/guardian disrupts or interferes with the operation of the bus (see Administrative Rule ED-R [Student Transportation]); or
    - (c) The number of students who live in the attendance zone of the school the bus serves increases over the course of the year to the point there are no longer

seats available for students of employees who live outside the attendance zone of the school they attend.

Adopted: 7/26/79

Revised: 7/22/82; 4/13/83; 6/28/84; 8/8/84; 5/23/91; 5/28/92; 7/9/97; 5/27/99; 9/18/00; 4/26/02

Reclassified an Administrative Rule: 9/1/04

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Revised and re-coded: 1/7/13 (Previously coded as Administrative Rules JCAC and JFABC)

Revised: 7/1/13; 10/8/14; 12/10/14; 7/25/16; 9/14/17; 2/11/19

#### Legal Reference

O.C.G.A. 20-2-294	Permanent classrooms; student commuting distance; reassignment; cost of transportation
O.C.G.A. 20-2-2130	Public School Choice - Definitions
O.C.G.A. 20-2-2131	Public School Choice
O.C.G.A. 20-17-2	Interstate Compact on Educational Opportunity for Military Children
O.C.G.A. 20-2-133	Free public instruction; exceptions; eligibility; transfer and utilization; funding
O.C.G.A. 20-2-293	Student attending school in system other than system of student's residence
O.C.G.A. 20-2-670	Reqs. for transferring students beyond 6th grade
O.C.G.A. 20-2-671	Transfer students who have committed felony acts; disclosure of act
O.C.G.A. 20-2-690.1	Mandatory education for children between 6 and 16
Rule 160-4-8-.16	Unsafe School Choice Option (USCO)
Rule 160-4-8-.17	Case Management Consultation for Agency Placed Transfer Students
Rule 160-5-1-.15	Acceptance of Transfer Credit and/or Grades
Rule 160-5-1-.28	Student Enrollment and Withdrawal
Rule 160-5-4-.09	Limited Public School Choice