

6-18-316. Transfer on petition of student.

(a) Upon the petition of a student residing in one (1) school district, the resident district, to transfer to another school district, the receiving district, the board of directors of the resident district may enter into an agreement with the board of directors of the receiving school district transferring the student to the receiving district for purposes of education.

(b) Forms for use in transferring children from one (1) school district to another shall be provided by the Department of Education.

(c) After the petition has been approved by the board of directors of the resident district and the board of directors of the receiving district, copies of approved transfers shall be filed by the receiving district with the office of the county clerk, with the administrative offices of the respective school districts, and with the department.

(d) This legal transfer of a student from one (1) district to another places the responsibility for the education of the student on the receiving district and permits the receiving district to count these children in average daily membership for state aid purposes.

(e) This section does not transfer the local tax money from the resident district.

(f) Upon approval of the transfer by the resident district, the receiving district may also enter into a tuition agreement with either the resident district or the parents of the child or children involved whereby the resident district or the parents will make tuition payments to the receiving district to compensate the district for local taxes not received on behalf of the child or children involved. The annual amount of the tuition shall not exceed the average amount of local property tax per pupil collected in the receiving district in the preceding year.

(g) Student transfers granted under the provisions of this section shall be reviewed at the end of four (4) years by the districts involved to determine whether the agreement should be renewed.

History. Acts 1987, No. 464, 2. 2; 2001, No. 1207, § 1; 1989, No. 950, § 1; 1987, No. 762, § §

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6-18-317.Prohibited transfers.

(a)Boards of directors of local school districts are prohibited from granting legal transfers in the following situations:

(1)When either the resident or the receiving district is under a desegregation-related court order or has ever been under such a court order; and

(2)The transfer in question would negatively affect the racial balance of that district which is or has been under such a court order.

(b)Each form filed with the Department of Education reporting a legal student transfer must be accompanied by an affidavit signed by each member of both school boards of directors stating that the transfer does not violate the prohibition set forth in subsection (a) of this section.

(c)If the transfer fails to comply with subsection (b) of this section, the department shall withhold from each district state aid in an amount equal to that to be generated by the student in question in the respective districts.

History.Acts 2-4. 1987, No. 762, §§

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6-18-319.District contacts.

(a)The superintendent of a school district, or the superintendent's designee, accepting the transfer of a student from another district in the state shall make proper inquiry of the parents or guardian of the student to determine whether the student has proper contacts or other legal right to be enrolled as a student in that district.

(b)The superintendent of the school district, or the superintendent's designee, shall promptly verify to the district from which the student transferred that the student has been approved for enrollment in the district after a determination that the child has a legal right to attend in the district.

(c)A school district from which the student transferred has the right to appeal the transfer of the student to the Department of Education. The school district to which the student transferred and the parents or guardian of the student shall have the burden to prove the transfer was proper.

History.Acts 1997, No. 482, 1. §