

Involuntary Transfers

Involuntary transfers may be used in Dallas schools to appropriately place students who have demonstrated through behavior and/or academic performance the current placement is inappropriate for the success of the students. The proposed transfers will be recommended to the Superintendent in writing by the administrators of a building through the School Intervention Team process. Upon receipt of the notice recommending an involuntary transfer of a student, the Superintendent or designee shall schedule a hearing within ten (10) calendar days to determine the action to be taken.

In order to protect a student's due process rights, Dallas schools will ensure the following:

1. That rules governing expected behavior will be circulated to all persons to be affected.
2. That a written notice will be given to the person stating the reasons for such transfer.
3. That notice will be timely and will give sufficient time for the person to prepare a response.
4. That a fair hearing will be held that includes:
 - a. Availability to the student and parents/legal guardians of affidavits or other evidence.
 - b. Use of counsel, if desired.
 - c. Permission to cross-examine the witness in the absence of compelling reasons for not allowing cross-examination.
 - d. Permission for the student and parents/legal guardians to introduce evidence on his or her own behalf.
 - e. Availability of a transcript of the proceeding.
5. The decisions of the hearing officer will be submitted within five (5) calendar days.
6. The person will be informed of his or her right to appeal. Appeals from the hearings officer's decision may be made by the parent or legal /guardian within fifteen (15) calendar days after the decision and shall be heard by the School Board. Such appeals shall be limited to a review of the record of the hearing. The decision of the School Board shall be made within fifteen (15) calendar days of the meeting at which the appeal was made and its decision shall be final.
7. Prior to a decision regarding involuntary transfer, due consideration will be extended to all students who have been identified under Individuals with Disabilities Education Act (I.D.E.A.).
8. Failure of the parent/legal guardian to attend the hearing waives the right to appeal.

When the facts that incurred the involuntary transfer are admitted, a hearing may be waived by the parents/legal guardians of the student.

END OF POLICY

Legal Reference(s):

ORS 192.660
ORS 332.061
ORS 332.072
ORS 336.135 - 336.183
ORS 336.615 - 336.665
ORS 339.115
ORS 339.240 - 339.250
ORS 339.250 (9), (11)
ORS 339.260

OAR 581-021-0045
OAR 581-021-0065
OAR 581-021-0070
OAR 581-021-0071
OAR 581-021-0076
OAR 581-022-1350
OAR 581-022-1620
OAR 581-023-0006
OAR 581-023-0008