

Oregon School Boards Association Selected Sample Policy

Code: **JECF**
Adopted:

Interdistrict Transfer of Resident Students** (Version 1)

The district offers a variety of programs and services designed to meet the individual needs of its students. Nevertheless, the Board recognizes there may be circumstances that arise in which a resident student may benefit from attendance in another public school in the state. Consequently, a student who resides within district boundaries may be released to attend school in another district that agrees to accept the student. The agreement will be by written consent of the affected school boards or designees whereby the student becomes a “resident student” of the attending district, allowing the attending district to receive State School Fund moneys. Any additional fees or tuition costs are the responsibility of the parent.

~~The superintendent may consider for approval requests that meet one or more of the following criteria:~~

- ~~1.— The student has not met or has exceeded all of the academic content standards and appropriate additional services or alternative educational options may better be met in another district;~~
- ~~2.— A financial, educational, safety or health condition affecting the student would likely be improved as a result of the transfer. “Would likely be improved” means it is probable, in the judgment of the district, that the nature and effect of the benefit to be received will be real and meaningful;~~
- ~~3.— Attendance at the school in the nonresident district is nearer to the parent’s place of work or to the location of child care;~~
- ~~4.— where there is some other special hardship or detrimental condition affecting the student or his/her immediate family which would be alleviated as a result of the transfer. “Special” means a circumstance or factor not generally applicable to other students or families. “Hardship” and “detrimental condition” apply to any circumstance or factor which has a harmful effect on the student or his/her immediate family, and is not restricted to a financial, educational, safety or health condition.~~

When the district approves the release of a resident student ~~under the above criteria~~, the student or his/her parent(s) will be solely responsible for transportation. The Board recognizes that resident students under the Individuals with Disabilities Act (IDEA) remain the primary responsibility of the district. District consideration of transfer requests by students under IDEA will meet the requirements of state and federal law.

A student who resides within district boundaries may make a request to attend school in another district that agrees to accept the student. The agreement will be by written consent of the attending district only whereby the student becomes a “resident student” of the attending district, allowing the attending district to receive State School Funding. When the attending district approves the admission of the student, the attending district shall notify the district in which the student resides no later than May 1. The student or his/her parent(s) will be solely responsible for transportation to the attending district. Students under the Individuals with Disabilities Act (IDEA) will become the primary responsibility of the attending district.

Additionally, the interdistrict transfer of resident students will be permitted, as appropriate, to meet the requirements of the No Child Left Behind Act of 2001 (NCLBA).

An interdistrict transfer¹ may be permitted in the event a student has been a victim of a violent criminal offense occurring in or on the grounds of a school the student attends or the student attends a school identified as persistently dangerous, and all other district schools the student may transfer to are also identified as persistently dangerous or there is no other district school to which the student may transfer. The transfer must be to a safe school.

A homeless student residing in the district and the student's parent, or in the case of an unaccompanied student, the district's liaison for homeless students, may request that the student attend his/her school of origin², located out-of-district. The request will be considered based on the best interest of the student. The student may continue in his/her school of origin for the duration of the student's homelessness when the student's family becomes homeless during or between an academic year, or for the remainder of the academic year if the student becomes permanently housed during the school year. Transportation to an out-of-district school will be provided through an interdistrict agreement.

The superintendent is directed to establish procedures for the review of student requests to attend school in another district.

END OF POLICY

Legal Reference(s):

[ORS 109.056](#)
[ORS 327.006](#)
[ORS 329.485](#)
[ORS 332.107](#)
[ORS 335.090](#)

[ORS 339.115 - 339.133](#)
[ORS 339.141](#)
[ORS 339.250](#)
[ORS 343.221](#)
[ORS 433.267](#)

[OAR 581-022-0705](#)

Illegal Immigration and Immigration Reform Act of 1996, 8 U.S.C. §§ 1101, 1221, 1252, 1224, 1363, 1367 (2006).
McKinney-Vento Homeless Education Assistance Improvements Act of 2001, 42 U.S.C. §§ 11431-11435 (2006).
No Child Left Behind Act of 2001, 20 U.S.C. §§ 6316, 7912.
Elementary and Secondary Education Act (ESEA) Flexibility Waiver; July 18, 2012.

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¹Districts are encouraged, but not required, to explore other appropriate options such as an agreement with a neighboring district to accept transfer students, if there is not another school in the district for the transferring student.

²“School of origin” means the school that the student attended when permanently housed or the school in which the student was last enrolled.