

Molalla River School District

Second Reading

Code: JECF
Adopted: 5/12/05
Readopted: 6/12/08
Orig. Code (s): JECF

Interdistrict Transfer of Resident Students**

Interdistrict Transfer

The District offers a variety of programs and services designed to meet the individual needs of students. Nevertheless, the Board recognizes that circumstances may arise in which a resident student may benefit from attending a public school in another district of 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.

When the resident district approves the release of a resident student to another school district, the student or his/her parent(s) will be solely responsible for transportation unless federal or state law requires transportation to be provided by the district. When a resident student, who is on an individualized education plan (IEP), is accepted to another district by an interdistrict transfer, the attending district becomes responsible for a free appropriate public education (FAPE). District consideration of transfer requests by students under IDEA will meet the requirements of state and federal law.

Additionally, an interdistrict transfer of a resident student will be permitted, as appropriate, to meet the requirements to provide a safe public school choice in the No Child Left Behind Act of 2001 (NCLBA).

The resident district may not impose any limitations on the length of time for which consent is given to the student requesting release to another district.

The resident district shall not require a student to receive consent more than one time when the student requests admission to the same receiving district, regardless of any time limitations imposed by the receiving district.

The district shall allow the student whose legal residence changes to a different district during the school year, to complete the school year in the district if the student chooses to do so.

Open Enrollment

Students may attend school in another district without release or approval from the Molalla River School District provided that:

- (a) The other district has announced by March 1st that it will accept non-resident students in the following school year;
- (b) Application to attend school in the other district is made to the other district not later than April 1st before the following school year; and

- (c) The school board of the other district provides MRSD with written notification of the student's acceptance no later than the May 1st before the beginning of the school year; or
- (d) The student is considered a resident of the other district because of a prior approval under paragraphs a thru c.

Students accepted under paragraphs a thru c (above) become residents of the other district under Oregon law. Transportation, fees and expenses of attending school in the other district are the responsibility of the parent(s). Such students who are also covered by IDEA become the primary responsibility of the other district.

Safe Public School Choice Transfer Requests

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.

Homeless Student

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 any student requests to attend school in another district.

END OF POLICY

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 in which the student legally resides 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.

Legal Reference(s):

ORS 109.056	ORS 327.006	ORS 329.485	ORS 332.107
ORS 335.090			
ORS 339.115 to -339.133	ORS 339.141	ORS 339.250	ORS 343.221
ORS 433.267			

[OAR 581-021-0019](#)
OAR 581-022-0705

Illegal Immigration Reform and Immigrant Responsibility 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.

** As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005 (4) and 125.300 - 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and a foster parent as defined in OAR 581-015-2000.