

**STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY****Title/OAR #:** First Reading—Interdistrict Transfer Agreement / OAR 581-021-0019**Date:** December 10, 2015**Staff/Office:** Emily Nazarov / Government and Legal Affairs **New Rule**     **Amend Existing Rule**     **Repeal Rule****Hearing Date:** \_\_\_\_\_  **Hearings Officer Report Attached****Prompted by:**  **State law changes**     **Federal law changes**     **Other****Action Requested:** **First Reading/Second Reading  
Agenda**     **Adoption**     **Adoption/Consent****PROPOSED/AMENDED RULE SUMMARY:**

- Allows districts to request and consider additional information before granting consent to transfer.
- Establishes hardship.

**BACKGROUND:**

Interdistrict transfer allows a student to request permission to enroll in a district in which the student does not reside. Both the sending district and the receiving district must consent to the transfer.

In 2015, the Legislature passed SB 709, which amended the state law on interdistrict transfer. The amendments in SB 709 impacted ODE's administrative rule on interdistrict transfer in two ways: (1) the information a district may request and consider prior to granting consent, and (2) when a transfer may be granted in the event of hardship.

**Information a district may request and consider prior to granting consent:**

Interdistrict transfer law restricts the information a district may request from a student prior to granting a transfer. Under the current version of the OAR, a district considering whether to admit a nonresident student through interdistrict transfer may only request the student's name, birthdate, grade, contact information, and whether the student has been expelled during the last year. SB 709 amends state law to allow districts to also consider additional information, and the rule must be amended to align with the SB 709. Specifically, the rule must be amended to allow districts to request and consider the following additional information:

- Whether the student has siblings who are currently enrolled in a school of the nonresident district and, if so, which school;
- Whether the student previously had received consent to remain enrolled in the school district following a legal change of residence to a different school district during the school year or over the summer;
- Whether the student attended a public charter school located in the nonresident district for at least three consecutive years, completed the highest grade offered by

the public charter school, and did not enroll in and attend school in another district following completion of the highest grade offered by the public charter school; and

- Information about which schools in the nonresident district the student prefers to attend.

**Hardship:**

Prior to SB 709, ORS 339.127 allowed districts to request and consider information that is otherwise prohibited and to grant consent to transfer in the event of an emergency to protect the health, safety or welfare of the student. SB 709 added an additional provision. A district may now request and consider information that is otherwise prohibited and to grant consent to transfer in the event of “a hardship of the student as determined based on rules adopted by the State Board of Education.”

The proposed rules define hardship and provide guidelines for districts on what information may be requested and considered in the event of a safety emergency or hardship.

**ISSUES/CONCERNS THAT SURFACED DURING RULE WORK:**

**CHANGED SINCE LAST BOARD MEETING?**

- N/A; first read—hasn’t been before board
- No; same as last month
- Yes – As follows:

**FISCAL IMPACT:** No fiscal impact to the Department.

**EFFECT OF YES VOTE:** Administrative rule governing interdistrict transfer will align with state statute.

**EFFECT OF NO VOTE:** Administrative rule governing interdistrict transfer will not align with state statute.

**STAFF RECOMMENDATION:**

- Adopt administrative rule as prepared this month
- Adopt administrative rule next month
- No recommendation at this time (rarely used)

Comments: