

# Oregon State Board of Education

*May 19, 2016*

<p><b>SUBJECT:</b> Interdistrict Transfer Agreement / OAR 581-021-0019</p> <p><b>STAFF NAME &amp; OFFICE:</b> Cindy Hunt and Emily Nazarov, Office of the Deputy Superintendent</p> <p><b>SUMMARY:</b> Rule on Interdistrict Transfer must be amended to align with State statute and provide guidelines for when a district may consider a request for interdistrict transfer outside of the process due to “hardship.”</p> <p> <input type="checkbox"/> <b>New Rule</b>                 <input checked="" type="checkbox"/> <b>Amend Existing Rule</b>                 <input type="checkbox"/> <b>Repeal Rule</b> </p>	<p><input checked="" type="checkbox"/> <b>Consent Agenda</b></p> <p><input type="checkbox"/> <b>First Reading</b></p> <p><input type="checkbox"/> <b>Action (Adoption)</b></p> <p><input type="checkbox"/> <b>Information</b></p>
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## 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. The bill amends the state law on interdistrict transfer to allow districts to request additional information before consenting to a transfer and directs the State board to adopt rules governing when a district may consider a request for interdistrict transfer outside of the process due to “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

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

## **Emergency and Hardship:**

Interdistrict transfer law allows for certain requests to be treated outside of the usual interdistrict transfer process. 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 for student hardship. 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 revisions to OAR 581-021-0019 provide guidelines for districts when dealing with an emergency or hardship situation.

- The rule specifies what constitutes a hardship;
- The rule provides some guidance for what constitutes an emergency to protect the health, safety or welfare of the student; and
- The rule clearly articulates that in the case of an emergency or hardship the district can grant consent to transfer outside of the confines of the district’s policy on interdistrict transfer.

## **SUMMARY OF PREVIOUS BOARD ACTION**

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This rule was presented to the Board for a first read in December 2015. No concerns were raised at that time. We wanted to get more input from the public, which is why this is just now coming back as a consent agenda item.

## **CHANGED SINCE LAST BOARD MEETING? (IF APPLICABLE)**

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

- The definition of emergency and hardship was moved to section (1) of the rule.
- In the first draft, the rule had a definition of hardship that would be applied to different situations. In this final draft, hardship is limited to six specific scenarios.
- The rule no longer states that the district must first attempt to address the concerns through in-district options. When the definition of hardship was limited to the six scenarios, this provision was no longer necessary or relevant.

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## **EFFECT OF A "YES" OR "NO" VOTE (AS APPROPRIATE)**

The State Board must adopt rules that align with state statute and provide guidelines for hardship exemptions. If the rule is not adopted, staff will return in June with a revised rule proposal.

## **STAFF RECOMMENDATION**

Approve     Approve next month     No recommendation at this time

**Hearing Date:**

**Prompted by:**

State law changes     Federal law changes     other

## **FISCAL ANALYSIS (AS APPROPRIATE)**

No impact resulting from the proposed rule amendments.

## **ATTACHMENTS (e.g., OAR with "track changes" ...)**

Attachment 1: OAR 581-021-0019 Interdistrict Transfer Agreement with track changes