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Interdistrict Transfer Agreement

(1) Definitions. As used in this rule:

(a) "ADM" means the average daily membership as defined in ORS 327.006.

(b) "Emergency to protect the health, safety or welfare of the student" includes but is not limited to sexual assault, threats against a student's life, or threats of imminent harm.

(c) "Hardship" means any of the following:

(A) The student is impacted by a parent or guardian's military deployment;

(B) The student is experiencing instability related to homelessness or foster care placement;

(C) The student has a documented medical condition that necessitates transfer;

(D) Death of a student's parent;

(E) The student does not have access to safe and affordable childcare in the resident district; or

(F) The student is involved in a documented case of severe harassment, intimidation, bullying or cyberbullying.

(bd) "Individualized education program" means a written statement of an educational program for a child with a disability that is developed, reviewed and revised in a meeting in accordance with criteria established by rules of the State Board of Education for each child eligible for special education and related services under ORS Chapter 343.

(ee) "Interscholastic activities" includes but is not limited to athletics, music, speech, and other related activities.

(df) "Nonresident school district" means a school district that is not the resident school district of a child.

(eg) "Person in parental relationship" means, as defined in ORS 339.133, an adult who has physical custody of a child or resides in the same household as the child, interacts with the child daily, provides the child with food, clothing, shelter and incidental necessities and provides the child with necessary care, education and discipline. "Person in parental relationship" does not

mean a person with a power of attorney or other written delegation of parental responsibilities if the person does not have other evidence of a parental relationship.

(f) “Resident school district” means the school district that has a legal responsibility to educate a child because the child resides in the district with a parent, guardian or person in parental relationship.

(g) “School district” means a school district as defined in ORS 332.002, a state-operated school or any legally constituted combination of such entities.

(2)(a) Pursuant to ORS 339.127, a nonresident school district may enroll a student who is a resident of another district and receive State School Fund money for the student if there is a signed Interdistrict Transfer Agreement between the resident school district, nonresident school district, and the parent/guardian(s) or person in parental relationship.

(b) Except as provided in (6), in determining whether to admit or release a student requesting inter-district transfer through a signed Interdistrict Transfer Agreement, or in establishing any terms of such consent, neither the resident district nor the nonresident district may consider race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an individualized education program, the terms of an individualized education program, income level, residence, proficiency in the English language, athletic ability, or academic records.

(c) The provisions of this rule do not affect the authority of a school district to enroll students under section 9, chapter 718, Oregon Laws 2011 (Enrolled House Bill 3681) and do not apply to students who attend a school under that section.

(d) The provisions of this rule do not affect the authority of a school district to enter into a contract with another district under ORS 339.125.

(3) It is understood that upon approval by the district of the Interdistrict Transfer Agreement that:

(a) The Resident District shall fully release the student to the Nonresident District. The Nonresident District shall claim the student as a resident student for the purposes of claiming basic school support under the State School Fund and shall report itself as the Resident District of record for ADM purposes.

(b) The Nonresident District shall report the student as a resident student for ADM per ORS 339.133. The Resident District turns over to the Nonresident District all portions of the ADMr and the ADMw that is paid from the State School Fund. Funds may only be exchanged between the districts for the student based on the Interdistrict Transfer Agreement.

(c) The Nonresident District will be accountable for meeting the requirements of the standards described in OAR chapter 581, division 22.

(d) The Nonresident District will be accountable for ensuring a free, appropriate public education (FAPE) in the least restrictive environment (LRE) for students on an Individualized Education Program (IEP).

(4) Modification to the original Interdistrict Transfer Agreement requires written consent by the nonresident school district and parent/guardian or person in parental relationship.

(5)(a) Except as provided in (6), aA district considering whether to admit a nonresident student through interdistrict transfer may only request the following information prior to admitting the student:

(A) Legal Name;

(B) Date of Birth;

(C) Enrolled Grade;

(D) Primary Phone Number of Parent/Guardian/Person of Parental Relationship;

(E) Primary Email of Parent/Guardian/Person of Parental Relationship;

(F) Mailing Address of Parent/Guardian/Person of Parental Relationship; ~~and~~

(G) Information on any student expulsions within the last calendar year;

(H) Whether the student has siblings who are currently enrolled in a school of the nonresident district and, if so, which school;

(I) 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;

(J) 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

(K) Information about which schools in the nonresident district the student prefers to attend.

(b) Except as provided in (6), aA district considering whether to admit a nonresident student through interdistrict transfer may not request information on the student's race, religion, sex,

sexual orientation, ethnicity, national origin, disability, health, whether a student has an individualized education program, the terms of an individualized education program, income level, residence, proficiency in the English language, athletic ability, or academic records.

(6) (a) In the event of an emergency to protect the health, safety or welfare of the student or if the student experiences a hardship as defined by these rules, a district may consent to an interdistrict transfer and is not required to comply with the processes, limits, priorities, or timelines established by district policy governing interdistrict transfers so long as the superintendents of the resident district and the nonresident district have conferred and agree that the needs of the student would be better served by the nonresident district.

(b) In determining whether to consent to an interdistrict transfer on the basis of an emergency or hardship, a district may not discriminate on the basis of race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an individualized education program, the terms of an individualized education program, income level, residence, proficiency in the English language, athletic ability, or academic records.

~~(67)~~ The Oregon Department of Education (ODE) will provide a sample Interdistrict Transfer Agreement form. Resident school districts are responsible for developing their own written instructions.

~~(78)~~ An Interdistrict Transfer Agreement shall only be between districts within the state of Oregon.

~~(89)~~ Upon request by the nonresident district, a resident district shall release student records to the nonresident district.

~~(910)~~ Nothing in this rule prevents a district school board from exercising the authority granted to the district under ORS 339.127(9).

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 339.133; 2015 OL Ch. 499, Sec. 1 (Enrolled SB 709)

Hist.: ODE 21-2008, f. 8-28-08, cert. ef. 8-29-08; ODE 1-2012, f. 2-1-12, cert. ef. 2-3-12; ODE 33-2014, f. 6-24-14, cert. ef. 7-1-14