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581-021-0019

Interdistrict Transfer Agreement

(1) Definitions. As used in this rule:

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

(b) "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.

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

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

(e) "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 ~~education-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 ~~only~~ 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) 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.

(~~b~~c) The provisions of this rule ~~do~~es 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~~es not apply to students who attend a school under that section.

(~~e~~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 ~~Resident-Nonresident~~ District ~~will be accountable for~~~~holds the responsibility of~~ 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 ~~all parties (resident school district, nonresident school district, and parent/guardian or person in parental relationship).~~

~~(5) The Interdistrict Transfer Agreement will only be in effect beginning with the effective date listed on the form. The resident and nonresident district policy must include an annual review of each approved interdistrict transfer agreement including an annual notification to parents/guardians or person in parental relationship of the children subject to the interdistrict transfer agreement.~~

~~(5)(6)(a) A district considering whether to admit a nonresident student through interdistrict transfer may only request the following information prior to admitting the student~~The Interdistrict Transfer Agreement must contain the following data about the student whom is the subject of the transfer:

~~(a)~~ Legal ~~Last~~ Name;

~~(b)~~ Legal First Name;

~~(c) Legal Middle Name;~~

~~(d) Gender;~~

~~(e) Date of Birth;~~

~~(f) Enrolled Grade;~~

~~(g) House Number/Street Address: (P.O. Box as determined by District Superintendent or Designee);~~

~~(h) Apartment Complex;~~

~~(i) Apartment Number;~~

~~(j) City;~~

~~(k) State;~~

~~(l) Zip;~~

~~(m) Resident School District;~~

~~(n) Nonresident School District;~~

~~(o) Effective Date of Transfer;~~

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

~~(q) Secondary Phone Number/Primary Email of Parent/Guardian/Person of Parental Relationship;~~

~~(r) Parent/Guardian/Person of Parental Relationship Name;~~

~~(s) Individualized Education Plan (IEP) for Special Education Services: If the student seeking transfer has an IEP in place, both the sending and receiving districts need to ensure required services are provided.~~

~~(t) Interscholastic Organization participation: A transfer does not guarantee eligibility to participate in competitive activities/athletics at the receiving school. Competitive eligibility is determined by the organization's rules.~~

~~(u) Student suspension reason and when;~~

~~(v) Information on any student expulsions within the last calendar year reason and when;~~

~~(w) Reason for the transfer request;~~

~~(x) Attendance records;~~

~~(y) Certification of truth: Parent/guardian/Person of Parental Relationship to certify the above information is true;~~

~~(z) Signature of Parent/Guardian/Person of Parental Relationship with date;~~

~~(aa) Final Action of Resident District with Approved or Denied; Reason for denial;~~

~~(bb) Resident Superintendent/Designee Signature with date;~~

~~(cc) Final Action of Nonresident District with Approved or Denied; Reason for denial;~~

~~(dd) Nonresident Superintendent/Designee Signature with date.~~

(b) A 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.

~~(7)~~(6) 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.

~~(8)~~(7) An Interdistrict Transfer Agreement shall only be between districts within the state of Oregon.

~~(9)~~(8) Upon request by the nonresident district, a resident district shall release student records to the nonresident district.

(9) 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

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