

## Admission of Nonresident Students

The tuition costs for elementary and secondary students shall be reviewed annually and established by the Board.

The Board delegates the responsibility to the superintendent to accept/reject the applications of students requesting to attend or leave the district with or without basic school support.

The district may enroll nonresident students as follows:

1. **Interdistrict Transfer Agreement:** The district may enroll nonresident students with the written consent of the sending and receiving school district. The superintendent has the authority to sign the residency forms and, thereby, the student becomes a “resident student” of the district thereby allowing the attending district to receive State School Fund moneys.

Annually, by May 31, the Board shall establish the number of student transfer requests into the district, and out of the district, to which consent will be given for the upcoming school year.

The Board reserves the right to accept/reject nonresident students based upon the availability of space and resources. The Board may not consider nor ask for any information from the student about race, religion, sex, sexual orientation, ethnicity, national origins, disability, health, whether a student has an individualized education program (IEP) or the terms of that IEP, identified as talented and gifted, income level, residence, proficiency in English, athletic ability or academic records. The Board may not request or require the student to participate in an interview, tour any of the schools or facilities, or otherwise meet with any representatives of the school or district prior to the district deciding whether to give consent.

The Board may ask for the student’s name, contact information, date of birth, grade level, whether the student may be given priority on consent for admission (e.g., sibling in the district; change in legal residence; completion of public charter school in the district), information about which schools the student prefers to attend and whether the student is currently expelled.

If the number of students seeking consent exceeds the number of spaces, the Board will use an equitable lottery selection process. The process may give priority to students who have siblings currently enrolled in the district; to students who previously received consent for admission and because of a change in legal residence; or to students who attended a public charter school located in the same district in which the student seeks to attend, for three consecutive years, completed the highest grade offered by the public charter school and did not enroll and attend school in another district following completion of that highest grade in the public charter school.

The Board may revise the maximum number of students to whom consent will be given at a time other than the annual date established by the Board if there are no pending applications for consent.

If the Board decides not to give consent to a student the Board must provide a written explanation to the student.

The district may require minimum standards of behavior and/or attendance once the student has been accepted. The minimum standards must be the same for all students that are given consent. The district is not allowed to establish minimum standards for academics as a criteria for the student to remain in the district. Students whose consent is revoked for violation of set attendance and/or behavior standards will not be allowed to apply for consent to return to this district in the same or the following school year.

The Board may determine the length of time the consent is given. Any limitations in length of time must be applied consistently among all students to whom consent is given.

The district is not required to provide transportation outside the boundaries of the district. The student will be allowed to use existing bus routes and transportation services of the district. Transportation will be provided if required by federal law.

The attending district is responsible for a free appropriate public education for those students on an IEP.

2. Tuition Paying Student: By unilaterally admitting with tuition a nonresident student whereby neither district is eligible for State School Fund moneys.
3. Court placement: If a juvenile court determines it is in the student's best interest, a student placed in a substitute care program outside the district will be continued to be considered a resident student and allowed to attend the school a student attended prior to placement. The public agency placing the student in a substitute care program will be responsible for the transportation of the student, if public agency funds are available.
4. Open Enrollment: The district may elect to unilaterally admit a predetermined number of nonresident students without the consent of the student's resident district. The Board may decide not to give consent to any person under this process. Annually, by March 1, the Board shall establish the number of students, if any, to whom consent will be given for the upcoming school year. The Board may choose to limit consent based on school, grade or the combination of both. The Board may not deny consent or give priority based on race, religion, sex, sexual orientation, ethnicity, national origin, disability, terms of individual education program, income level, proficiency in the English language or athletic ability.

Applications for consent shall be submitted no later than April 1, prior to the year of requested enrollment.

If the number of students seeking consent exceeds the number of students the Board has determined will be given consent, consent will be based on an equitable lottery selection process.

The district is not required to provide transportation outside the boundaries of the district. The student will be allowed to use existing bus routes and transportation services of the district. Transportation will be provided if required by federal law.

By May 1, the district shall provide written notification of a student's admission for the following school year under this provision to the district of the student's legal residence.

The Board shall deny regular school admission to nonresident students who are under expulsion from another district for a weapons policy violation. The Board may, based on district criteria, deny regular school admission to nonresident students who are under expulsion from another district for reasons other than a weapons policy violation.

END OF POLICY

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**Legal Reference(s):**

[ORS 109.056](#)

[ORS 327.006](#)

[ORS 329.485](#)

[ORS 335.090](#)

[ORS 339.115 to -339.133](#)

[ORS 339.141](#)

[ORS 339.250](#)

[ORS 343.221](#)

[ORS 433.267](#)

Letter Opinions, Office of the OR Attorney General (March 15, April 18, June 30 1988).

OR. DEP'T OF EDUC., ODE EXECUTIVE MEMORANDA 23-1988-89, 42-1994-95.