

Interdistrict Transfer for Students with Disabilities

When determining whether a student will be granted an interdistrict transfer, the district will not discriminate against special education and Section 504 students. Students receiving Special Education services and/or Section 504 accommodations must follow the established process for student transfers.

The Special Education Program follows district procedure and state guidelines in making a recommendation to accept or refuse a student from another district who has requested to attend the district. The Oregon Department of Education advises districts that “Districts must use disability neutral criteria in deciding whether to grant an interdistrict transfer.” However, “A district may be justified in refusing to accept a transfer student on the grounds that the district does not have a placement or program available to meet the student’s individual needs or when the district programs are full.”

Procedure:

The Superintendent notifies the director of special education when a student with a disability has requested an interdistrict transfer. The director will:

1. Review the student’s IEP and identify the necessary services that the student needs to receive FAPE.
2. Collect information on availability of space/services at the requested school
3. Determine if space is available at the requested school
4. Determine if the level of services that the student requires will place a burden on existing staff.
5. Make a recommendation to the superintendent to accept or deny the request.

The district does not have to consider any student with disabilities for an interdistrict transfer that we would not consider if he/she were not disabled. For example, if a school is closed for transfers because it has reached capacity, we do not have to consider an out-of-district student’s request just because he/she is disabled. That request would be denied without further review. The same is true for a student who had behavior, attendance or achievement issues. Those students would be denied without the need for a sped review.

Excessive cost is a legitimate and non-discriminatory reason to deny a request. Any student who requires adding additional staff to meet his/her needs would be denied.

Out of District Transfer Procedures for Special Education Students

Requests for out-of-district transfers for special education students follow the same initial process as for other students. It is recognized that the responsibility for providing FAPE for special education students rests with the resident district, as does the requirement to claim that child on the resident district SECC. The resident district can delegate some or all of its responsibilities for providing special education to the attending district. If a special education student is approved for transfer, the responsibilities of each district are outlined in the terms of the inter-district agreement attached to the approved out of district transfer request form.

An inter-district transfer agreement is completed by the superintendent's of the resident and attending districts for every special education student approved for an out-of-district transfer. The agreement outlines the responsibilities of each district for assuring FAPE and how the attending district will be paid for services that have been delegated.

The attending district shall claim the student's attendance and generate the first weight of state school funds, as provided for under state interagency agreement policy (ORS 339.133(6))

The resident district shall report the student on the annual Special Education Child Count (SECC) and, receive the second weight state school funds as provided under state policy.

In addition to receiving the first weight of SSF, the attending district may receive from the resident district additional funding beyond the first weight of SSF at the discretion of the resident district and as agreed upon in advance by both the resident and receiving district and outlined in the signed Inter-District Agreement.

See attached form with inter-district agreement attached.

AGREEMENT TERMS:

1. The resident district retains all responsibility for ensuring provision of FAPE (Free Appropriate Public Education) and the parents and child are afforded all special education rights and procedural safeguards under federal and state law, including:
 - a. Child find and initial evaluation if the resident district suspects that the child has a disability and needs special education;
 - b. Initiation of IEP meetings and the responsibility for the notification to parents of all initial and IEP review meetings;
 - c. Provision of a district representative at all IEP meetings;
 - d. Provision of IEP and placement that complies with all state and federal requirements;
 - e. Provision of prior written notice and notice of procedural safeguards when required;
 - f. Compliance with any stay put requirements that allow the child to remain in the present educational placement in the attending program unless the resident district and the parents agree otherwise;
 - g. Acting as the school district of record for any special education due process hearing arising out the student's placement or program;

2. The attending district agrees to:
 - a. Allow the child to remain in the present educational placement in the attending district during the pendency of any special education due process hearing unless the parents and resident district agree otherwise;
 - b. Immediately notify the resident district superintendent and special education director if the attending district suspects that the child may have a disability and may need special education service;
 - c. Immediately notify the resident district superintendent and special education director if the student, whether disabled or not, has engaged in conduct that may lead to suspension or expulsion;
 - d. Immediately notify the resident district superintendent and special education director of any complaint made by the parents regarding the student's regular or special education program at the attending district;
 - e. Provide the resident district with sufficient notice of date and time when the attending district would like to have an IEP meeting scheduled; and
 - f. Be responsible for implementing the IEP, to include extended school year (ESY) if the student qualifies.

3. With respect to funding the following shall apply:
 - a. The attending district shall claim the student's attendance and generate the first eight of state school funds as provided for under state interagency agreement policy. (ORS 339.133(6), 327.006 (7) (a))
 - b. The resident district shall report the student on the annual Special Education Child Count (SECC) and, receive the second weight state school funds as provided for under state policy.

- c. In addition to receiving the first weight of State School Funds, the attending district may receive from the resident district, for the above named student, additional funding beyond the first weight of state school funds, at their, the resident's district's, discretion and as agreed upon by both the resident and attending district, utilizing one of the following options:

Options:

1. Reimbursement based on periodic billings representing actual costs.
2. Lump sum payment in the amount of \$ _____ based on the proportional share of the attending district's total excess costs for special education.
3. Lump sum payment in the amount of \$ _____ based on the total special education revenues received by the resident district (Second Weight State School Fund plus the district per student amount of IDEA funds).

Other as agreed to below by both parties.