

# Hermiston School District 8R

Code: **JECF**  
Adopted: 1/13/15  
Revised/Readopted: 7/24/17; 12/11/17  
Orig. Code(s): JECF

## **Interdistrict Transfer of Resident Students**

### **Interdistrict Transfer**

The district offers a variety of programs and services designed to meet the individual needs of its students. Nevertheless, the Board recognizes there may be circumstances that arise in which a resident student may benefit from attendance in another public school in the state. Consequently, a student who resides within district boundaries may be released to attend school in another district that agrees to accept the student. The agreement will be by written consent of the affected school boards or designees whereby the student becomes a “resident student” of the attending district, allowing the attending district to receive State School Fund moneys. Any additional fees or tuition costs are the responsibility of the parent.

When the resident district approves the release of a resident student to another school district, the student or his/her parent(s) will be solely responsible for transportation unless federal or state law requires transportation to be provided by the district. When a resident student, who is on an individualized education plan (IEP), is accepted to another district by an interdistrict transfer, the attending district becomes responsible for a free appropriate public education (FAPE).

Additionally, an interdistrict transfer of a resident student will be permitted, as appropriate, to meet the requirements to provide a safe public school choice in the Elementary and Secondary Education Act (ESEA).

The resident district may not impose any limitations on the length of time for which consent is given to the student requesting release to another district.

The resident district shall not require a student to receive consent more than one time when the student requests admission to the same receiving district, regardless of any time limitations imposed by the receiving district.

The district shall allow the student whose legal residence changes to a different district during the school year, to complete the school year in the district if the student chooses to do so.

### **Open Enrollment**

A student who resides within district boundaries may make a request to attend school in another district that agrees to accept the student. The agreement will be by written consent of the attending district only whereby the student becomes a “resident student” of the attending district, allowing the attending district to receive State School Funding. When the attending district approves the admission of the student, the attending district shall notify the district in which the student resides no later than May 1. The student or his/her parent(s) will be solely responsible for transportation to the attending/receiving district unless

federal or state law requires transportation to be provided by the attending/receiving district. Students under the Individuals with Disabilities Education Act (IDEA) will become the primary responsibility of the attending district.

### **Safe Public School Choice Transfer Requests**

An interdistrict transfer<sup>1</sup> may be permitted in the event a student has been a victim of a violent criminal offense occurring in or on the grounds of a school the student attends, or the student attends a school identified as persistently dangerous and all other district schools the student may transfer to are also identified as persistently dangerous or there is no other district school to which the student may transfer. The transfer must be to a safe school.

### **Homeless Student**

A homeless student residing in the district and the student's parent, or in the case of an unaccompanied student, the district's liaison for homeless students, may request that the student attend his/her school of origin<sup>2</sup>, located out-of-district or in a district school in the attendance area in which the homeless student is actually living, unless contrary to the request of the parent or unaccompanied student. The request will be considered based on the best interest of the student. The student may continue in his/her school of origin for the duration of the student's homelessness. Transportation will<sup>3</sup> be in accordance with law.

The superintendent is directed to establish procedures for the review of any student request to attend school in another district.

END OF POLICY

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#### **Legal Reference(s):**

[ORS 109.056](#)  
[ORS 327.006](#)  
[ORS 329.485](#)  
[ORS 332.107](#)  
[ORS 335.090](#)

[ORS 339.115 to -339.133](#)  
[ORS 339.141](#)  
[ORS 339.250](#)  
[ORS 343.221](#)

[ORS 433.267](#)  
[OAR 581-021-0019](#)  
[OAR 581-022-0705](#)

Illegal Immigration and Immigration Reform Act of 1996, 8 U.S.C. §§ 1101, 1221, 1252, 1324, 1363, 1367.  
McKinney-Vento Homeless Assistance Act, Subtitle VII-B, reauthorized by Title IX-A of the Every Student Succeeds Act, 42 U.S.C. §§ 11431-11435 (2015).  
Every Student Succeeds Act of 2015, 20 U.S.C. § 7912.

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<sup>1</sup>Districts are encouraged, but not required, to explore other appropriate options such as an agreement with a neighboring district to accept transfer students, if there is not another school in the district in which the student legally resides for the transferring student.

<sup>2</sup>"School of origin" means the school that a student attended when permanently housed or the school in which the student was last enrolled.

When the student has completed the final grade served by the school of origin, the term "school of origin" shall include the designated receiving school at the next grade level for all feeder schools.

<sup>3</sup>McKinney-Vento Homeless Assistance Act (see 42 U.S.C. 11432(g)(1)(J)(iii)).