

McMinnville School District #40

Code: JECB
Adopted: 12/11/89
Revised/Readopted: 6/07/99; 12/10/01; 1/13/01;
2/13/06; 2/13/12; 4/14/14
Orig. Code: JECB

Admission of Nonresident Students

Admission of Non-Resident Students:

The district may enroll nonresident students as follows:

1. By written consent of the affected school boards. The student becomes a “resident pupil” of the attending district thereby allowing the attending district to receive State School Fund moneys;
2. By written consent from the school board with which the student has made application for admission. The student becomes a “resident pupil” of the attending district thereby allowing the attending district to receive State School Fund moneys;
3. By unilaterally admitting with tuition a nonresident student whereby neither district is eligible for State School Fund moneys;
4. If a juvenile court determines it is in the student’s best interest, a student placed in substitute care program outside the district will continue to be considered a resident student and allowed to attend the school the student attended prior to the 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.

The Board shall deny admission to non-resident students who are under expulsion from other school districts for weapons policy violation. The Board may deny admission to non-resident students who are under expulsion from other districts for reasons other than a weapon policy violation.

Admission by Consent of Both the Affected Boards or Consent for Admission of a Tuition Paying Student

Annually, by May 15, 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 availability of space, resources, personnel, and appropriate. 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 individual 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 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. For the 2014-2015 school year only, this process may also give priority to nonresident students who received consent from the Board for the 2013-2014 school year.

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 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.

Release of Resident Students:

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, under criteria identified in administrative regulation, 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.

In all cases that the district approves the release of a resident student, the student or his/her parent(s) will be solely responsible for transportation, unless as otherwise required by law. The Board recognizes that resident students under the Individuals with Disabilities Education Act (IDEA) remain the primary responsibility of the district in which the student legally resides. District consideration of transfer requests by students under IDEA will meet the district consideration of state and federal law. The superintendent is directed to establish procedures for the review of student requests to attend school in another school district.

Consent by the Nonresident District Board for which the Student has applied for Admission (Open Enrollment)

Annually, by March 1, the Board shall establish the number of students 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 decide not to give consent to any person under this process.

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

The Board may not deny consent, or give priority nor request student information related to race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an individual education program, (IEP) or the terms of that IEP, income level, residence, proficiency in the English language, athletic ability, academic records or eligibility or participation in talented and gifted programs.

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 admission of a nonresident student into the district, to the district of the student's legal residence.

END OF POLICY

Legal Reference(s):

[ORS 109.056](#)
[ORS 294.100](#)
[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 Attorney General (March 15, April 18, June 30, 1988).
Oregon Department of Education, Memos #23-1988-89, #42-1994-95.

Cross Reference(s):

JEC - Student Admissions and Entrance Requirements