

### **District Admission of Nonresident Students**

(For students transferring into Medford School District 549C)

The district may enroll nonresident students as follows:

1. **Interdistrict transfers pursuant to ORS 339.133(5)(a):** 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 monies for the student.
2. **Open enrollment pursuant to ORS 339.133(5)(b):** By written consent from the district, approving an open enrollment application for admission to the district, a nonresident student may be enrolled in a district school without the consent of the resident district, in which case the student becomes a “resident pupil” of the district thereby allowing the district to receive State School Fund monies for the student.
3. **Tuition Paying Student:** By admitting nonresident student with tuition, whereby neither affected districts are eligible for State School Fund moneys.
4. **By contract pursuant to ORS 339.125:** The district may contract with the school board of any other school district to admit students of such other school district into the schools of the district. Any such contract shall be in writing upon forms furnished by the Oregon Department of Education.
5. **Court placement pursuant to ORS 339.133(4):** 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 continue to be considered a resident student and allowed to attend the school in the district that the 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.

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

#### **Consent for Admission of a Nonresident Student by Interdistrict Transfer**

Annually, by the start of each school year, the Board shall establish the number of student interdistrict 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, resources, personnel and appropriate programs at district schools. The Board may not consider nor ask for any information regarding: (i) whether a student has an individual education program (IEP) or the terms of that IEP, (ii) whether a student is identified as talented and gifted, or (iii) the student’s 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 not deny consent, give priority nor request student information related to race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an IEP or the terms of any such IEP, income level, residence, proficiency in the English language, athletic ability, academic records or eligibility or participation in talented and gifted programs.

The Board may ask for: (i) the student's name, contact information, date of birth, and grade level; (ii) information as to whether the student is currently expelled and the reason for the expulsion; (iii) information as to whether the student has a sibling enrolled in the district, the name of the sibling and the school where the sibling is enrolled; (iv) information as to whether the student's legal residence has changed to a different school district during the school year or during the summer prior to the school year; (v) information as to whether the student attended a public charter school located in the district for at least three consecutive years, completed the highest grade offered by the public charter school and did not enroll in and attend school in another school district following completion of the highest grade offered by the public charter school; and (vi) information about which schools the student prefers to attend in the district; provided, however, that if consent is granted to an interdistrict transfer for the student, the district will not be required to place the student in a student's preferred school, and the district shall retain the right to determine placement.

If the number of students seeking consent for an interdistrict or tuition paying transfer exceeds the number of students the Board has determined will be given consent, the Board will use an equitable lottery selection process.

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.

The athletic eligibility of a high school student that has received consent for an interdistrict transfer shall be subject to compliance with the rules and policies adopted by the Oregon School Activities Association (OSAA).

## **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 to the district no later than April 1, for the following school year.

The Board may not deny consent, 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.

If the Board determines to allow open enrollment at one or more of the district's high schools, the athletic eligibility of a high school student that has received consent for an open enrollment transfer shall be subject to compliance with the rules and policies adopted by the Oregon School Activities Association (OSAA). In general, if a student that has already begun high school receives consent for an open enrollment transfer, the student will not be eligible to participate in athletics in the district for one calendar year.

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.

### **Cross Reference(s):**

JEC - Admissions