

Admission of Nonresident Students

The district may enroll nonresident students prior to August 31¹ as follows. The district shall require minimum standards of behavior and attendance (see page 2).

1. **Interdistrict Transfer Agreement.** 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. **Open Enrollment.** 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. **Tuition Paying Student.** By admitting nonresident student with tuition, whereby neither affected districts are eligible for State School Fund moneys;
4. **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 continue to be considered a resident student and allowed to attend the school 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.
5. **Summer Moves and Mid-Year Moves.** Students who move over the summer and midyear will be allowed to remain in their school in which they started the year for the subsequent school year. Summer and midyear moves require both districts to grant consent.

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 admission to nonresident students who are under expulsion from another district for reasons other than a weapons policy violation.

Consent by Mutual Agreement for Admission of a Nonresident Student by Interdistrict Transfer

Annually, by June 1st, 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 close a school grade level(s) or program(s) to interdistrict transfers.

¹After August 31, the district may consider a transfer request as defined in OAR 581-021-0019.

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 district 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.

Once the student has received consent to attend, the district shall require minimum standards of behavior and attendance. These standards are as follows:

1. Attendance: Attendance must be a minimum of 92 percent per month; no excess tardies or early departures.
2. Behavior: No more than one suspension per academic year and no suspension of five days or more; and no expulsion.

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.

Consent for Admission of a Nonresident Student by 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.

Consent for Admission by Tuition or Determination by a Juvenile Court

Tuition charges shall be equivalent to the per student State School Fund amount plus any additional weighting/funding. The superintendent shall develop procedures through which nonresident or adult students may enroll in the district upon payment of tuition. These procedures shall assure that the admission of tuition students shall not detract from the educational opportunities of students who are residents of the district. The superintendent may, under certain circumstances, waive tuition for nonresident students, including approved foreign exchange students and students who move from the district. Per ORS 339.133, if a juvenile court determines it is in the student's best interest or a student placed in a substitute care program outside the district, the student shall continue to be considered a resident student and allowed to attend the school the student attended prior to placement. The public agency placing the student in a substitute care program shall be responsible for the transportation of the student, if public agency funds are available. The superintendent shall develop procedures through which proper placement of students transferred via court mandate shall occur. The district shall deny regular school admission to nonresident students who are under expulsion from another district for a weapons policy violation. This denial shall supersede any admission by tuition. The district may deny admission to nonresident students who are under expulsion from another district for reasons other than a weapons policy violation. This denial shall supersede any admission by tuition.

Consent for Admission Due to Summer or Mid-Year Moves

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 original school district. The student shall apply for interdistrict transfer for the following year if they desire to remain in that school district beyond the school year in which their residence changed. In addition, the district shall allow students who move to a different district over the summer to stay in the original school district for the subsequent school year. The student shall apply for interdistrict transfer for the following school year if they desire to remain in the district beyond the school year following the summer in which their residence changed.

END OF POLICY

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):

IGBHC - Alternative Education Notification
JEC - Admissions