

# Rainier School District 13

Code: JECB  
Adopted: 4/13/15  
Revised/Readopted: 12/09/19  
Orig. Code: JECB

## Admission of Nonresident Students

The district may enroll nonresident students as follows:

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. Tuition Paying Student. By admitting nonresident student with tuition whereby neither affected districts are eligible for State School Fund moneys;
3. 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.

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 regular school and alternative education program admission to nonresident students who are under expulsion from another district for reasons other than a weapons policy violation.

### Admission of a Nonresident Student by Interdistrict Transfer or Consent for Admission of a Tuition Paying Student

Annually, by March 1, 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 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, resident, 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, whether the student may be given priority on consent for admission (see the following paragraph for priorities), 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; who previously received consent for admission because of a change in legal residence; or 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.

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.

END OF POLICY

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**Legal Reference(s):**

ORS 327.006  
ORS 329.485  
ORS 335.090

ORS 339.115 - 339.133  
ORS 339.141  
ORS 339.250

ORS 343.221  
ORS 433.267  
OAR 581-021-0019

## **Transfers Between Districts**

Oregon currently has four methods of transfer

1. Interdistrict Transfer
2. Tuition
3. Contract
4. Enrollment in a public charter school

Open Enrollment, enacted by the Oregon Legislature in 2011, created an additional option for students wishing to transfer between districts. The open enrollment statute contained a sunset provision, effective July 1, 2019. What this means for districts and students:

- 2018-19 was the last school year for students to transfer under open enrollment.
- Any student who transferred to a new district through open enrollment prior to the 2019-20 school year continues to be considered a resident of that district until the student graduates from high school, is no longer required to be admitted to the schools of the school district under ORS 339.115, or enrolls in a school in a different school district.

### **Interdistrict Transfer**

A student may transfer between districts if the student receives consent to transfer from both the district of residence and the receiving district. Questions about the process and timelines for obtaining consent should be directed to school districts.

A student may remain at their current school for a period of time following a move to a new district. If the student moves mid-year, the student may remain enrolled until the end of the year. If the student moves over the summer, the student may remain enrolled for the following school year.

A district may consider a transfer request outside of the district's interdistrict transfer policy and procedures where a hardship exists. Hardship is defined in [OAR 581-021-0019\(1\)\(c\)](#).

For questions about interdistrict transfer, please contact [Emily Nazarov](#), Government and Legal Affairs Manager.

Applicable Statutes and Rules:

- [ORS 339.133\(5\)\(a\)](#)
- [ORS 339.127](#)
- [OAR 581-021-0019](#)

### **Tuition**

A student may enroll in a district other than their district of residence by paying tuition to the new district if the district accepts tuition paying students. School districts determine whether to accept tuition paying students and establish tuition rates. Questions about tuition rates and enrollment process should be directed to school districts.

For other questions, please contact [Emily Nazarov](#), Government and Legal Affairs Manager.

## **Contract**

Two districts may enter into a contract for the education of a student or group of students. An example of transfer by contract is where district A contracts with neighboring district B to provide grades 9-12 for high school students residing in district A. Districts have discretion as to whether or not to enter into a contract. Questions about a specific district should be directed to that school district.

For other questions, please contact Emily Nazarov, Government and Legal Affairs Manager.

Applicable Statute:

ORS 339.125

## **Enrollment in a public charter school**

Public charter schools may enroll students who live outside of the sponsoring district. Questions about enrollment procedures should be directed to the specific charter school.

A district may deny a student's intent to enroll in a public charter school if the student is planning to enroll in a virtual public charter school and more than 3% of the district's students are enrolled in a virtual public charter school sponsored by another district.

Districts that deny enrollment in virtual charter schools must provide written notice to the family within 14 days of receiving the notice of intent to enroll and must provide a list of two online options for the student. Families may appeal a district denial following the Virtual Charter School Enrollment Appeal Process.

This list of known virtual charter schools in Oregon can help districts determine what schools qualify as virtual charter schools. The list depends on voluntary reporting. If the charter school you are researching is not on the list and you have reason to believe it is a virtual charter school, please contact Kate Pattison, ODE's Charter School Specialist.

For questions about virtual charter school enrollment and the 3% cap, or ODE's Virtual Charter School Appeal Process, please contact Kate Pattison, Charter School Specialist.

Applicable Statutes and Rules:

- ORS 338.125(4)
- OAR 581-026-0305
- OAR 581-026-0310

Source: <https://www.oregon.gov/ode/schools-and-districts/Pages/transfers-between-districts.aspx>

## School Attendance

### ORS 339.127

## Factors prohibited from consideration when giving consent to nonresident student

### • limitations on consent and advertisements

(1) A district school board that admits nonresident students by giving consent as described in ORS 339.133 (5)(a) may not consider race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an individualized education program, the terms of an individualized education program, income level, residence, proficiency in the English language, athletic ability or academic records when:

- (a) Determining whether to give consent; or
- (b) Establishing any terms of consent.

(2) A district school board that is considering whether to admit a nonresident student by giving consent may require only the following information prior to deciding whether to give consent:

- (a) The name, contact information, date of birth and grade level of the student;
- (b) Information about whether the school district may be prevented or otherwise limited from providing consent as provided by ORS 339.115 (8);
- (c) Information about whether the student may be given priority as provided by subsection (4) of this section; and
- (d) Information about which schools the student prefers to attend.

(3)(a) A district school board that is considering whether to admit a nonresident student by giving consent may not:

(A) Request or require any person to provide or have provided any of the following information related to a student prior to the district school board deciding whether to give consent to the student:

(i) Information about the student's race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an individualized education program, the terms of an individualized education program, income level, residence, proficiency in the English language or athletic ability; or

(ii) Academic records, including eligibility for or participation in a talented and gifted program or special education and related services.

(B) Request or require the student to participate in an interview, to tour any of the schools or facilities of the school district or to otherwise meet with any representatives of a school or a school district prior to the district school board deciding whether to give consent to the student.

length of time for which consent is given to the student. The board may not require the student to receive consent more than one time to be admitted to the same school district, regardless of any time limitations imposed by the district school board under paragraph (a) of this subsection.

(9)(a) A school district that provides consent to nonresident students to attend the schools of the school district may not expend moneys received from the State School Fund or as Local Revenues, as described in ORS 327.011, to advertise openings for nonresident students if the advertisements are:

(A) Located outside the boundaries of the school district, including advertisements that are made by signage or billboards; or

(B) Directed to nonresident students, including:

(i) Advertisements that are targeted to nonresident students through direct mail or online marketing;

(ii) Television or radio advertisements; or

(iii) Newspaper advertisements, unless the advertisement is in a newspaper that primarily serves the residents of the school district.

(b) Notwithstanding paragraph (a)(A) of this subsection, if a school is located outside the boundaries of the school district, the school district may advertise openings for nonresident students on the property of the school.

(c) Nothing in this subsection:

(A) Prohibits a school district from providing information or advertisements to nonresident students if the parents of the students request the information or advertisements.

(B) Prohibits a public charter school from advertising openings.

(10) Notwithstanding any other provision of this section, a district school board that is requested to give consent as described in ORS 339.133 (5)(a) must give consent to a student whose legal residence changes to a different school district:

(a) During the school year, to enable the student to complete the school year in the school district; or

(b) During the summer prior to the school year, to enable the student to complete the school year following the summer in the school district.

(11) Nothing in this section:

(a) Requires a district school board to admit students for whom priority may be given under subsection (4)(b) of this section if the board imposes limitations on the number of students admitted by consent.

(b) Prevents a district school board from denying admission to a nonresident student as provided by ORS 339.115 (8).

(c) Prevents a district school board from requesting information or giving consent to a student in the event of:

(A) An emergency to protect the health, safety or welfare of the student; or

(B) A hardship of the student, as determined based on rules adopted by the State Board of Education.

(d) Prevents a district school board from establishing minimum standards for behavior and attendance that a student must maintain to remain enrolled in the schools of the school district. [2013 c.655 §1; 2013 c.655 §3; 2014 c.5 §§1,2; 2015 c.499 §§1,2; 2016 c.60 §§8,21,23]