

Public School Choice Options and Challenges



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AGENDA

- **Traditional Interdistrict Transfer Agreements**
- **Contract/mutual agreement**
- **HB 3681 “open enrollment bill”**
- **Parent paid tuition to nonresident public school**

What is resident district?

- **Where parent resides**
- **Where legal guardian resides**
- **Where person in parental relationship resides**
- **Exceptions for agency and juvenile court placements...See ORS 339.133**

Traditional Interdistrict Transfer

- Requires written consent of parental resident district and attending district
- Transfers must be renewed
- Attending district receives money
- Special Education –
 - Parental resident responsible for FAPE district
 - May delegate specific special education activities to attending district (*but not FAPE*)

House Bill (HB) 2747 (2013)

- **Added additional requirements for interdistrict transfers.**
- **Applies to nonresident student who seek admission for the 2014-2015 school year.**
- **Does not affect status of existing nonresident kids who are already admitted to district.**

HB 2747

Prohibits considering when giving consent, or when granting approval to attend another district, the following:

Race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an IEP, the terms of an IEP, income level, residence, proficiency in the English language, athletic ability or academic records.

HB 2747

A district considering whether to admit a nonresident student may only request the following information:

- **Name, contact information, date of birth and grade level**
- **Expulsion information**

HB 2747

May not request the following information:

Race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an IEP, the terms of an IEP, income level, residence, proficiency in the English language, athletic ability or academic records.

HB 2747

May not:

- Request or require that the student participate in an interview, facility tour or meeting prior to district giving consent for admission
- Student may voluntarily tour a school or request other information

HB 2747

- School district may limit number of interdistrict transfer students by an annual date established by the school board
- School district can set number at “0”
- Maximum number can be adjusted on other than annual date if no pending applications



HB 2747

- District may still determine length of time for which consent is given
- But...length of time must be applied consistently

Interdistrict Transfer After HB 2747

- Requires written consent of parental resident district and attending district
- Transfers must be renewed (maybe)
- Attending district receives money
- **Special Education –**
 - Parental resident responsible for FAPE district
 - May delegate specific special education activities to attending district

Interdistrict Transfer After HB 2747

In the next year expect:

- **Interdistrict transfer rule will be amended**
- **Revision of sample state interdistrict transfer form**
- **Guidance documents created**



**Optional Templates
Interdistrict Transfer Agreement
for
Student on IEP
included with materials on
conference website**

See OAR 581-021-0019 for requirements for
Interdistrict Transfer Agreements



Contract/Mutual Agreement

- Requires written contract of parental resident district and attending district
- Contract must be renewed
- Parental resident district receives money
- Special Education –
 - Parental resident responsible for FAPE district
 - May delegate specific special education activities to attending district

HB 3681 “Open Enrollment”

- **Enacted by the 2011 Legislature**
- **Effective January 1, 2012**
- **Did not replace other choice options**
- **Created an additional enrollment option in districts that opted in**
- **Sunsets July 1, 2017**



HB 3681 Policy Shifts

- Student is considered resident of attending district until student graduates, no longer required to attend school or attends a different school district
- Districts - policy decisions on HB 3681 transfers due by March 1 each year
- Does not require resident district approval
- Special Education – attending district has all responsibilities (FAPE included)

HB 3681 “open enrollment”

Amended in 2013 by HB 3075

- **Must encourage students to stay in school**
- **Residence added to nondiscrimination list**
- **May not encourage kids to leave to avoid discipline**
- **Restrictions on advertising**

HB 3681 “open enrollment”

HB 3075 amendments (cont.)

- **Transportation costs outside of district for home to school no longer reimbursable except for transportation required by federal law**
- **Applies July 1, 2013**

HB 3681

Districts must not discriminate on the basis of race, religion, sex, sexual orientation, ethnicity, national origin, disability, individualized education program terms, income level, proficiency in the English language, athletic ability or **residence**.

Memorandum No. 002-2011-12

HB 3681 - FAQs

[http://www.ode.state.or.us/news/announcements/
announcement.aspx?id=7750&typeid=4](http://www.ode.state.or.us/news/announcements/announcement.aspx?id=7750&typeid=4)



Public School Tuition

- Only allowed for nonresident students
- HB 2747 established restrictions
- Restrictions apply to students who seek admission for the 2014-15 school year
- FAPE remains with parent resident district



Public School Tuition

May not consider:

Race, religion, sex, sexual orientation, ethnicity, national origin, **disability**, health, **whether a student has an IEP, the terms of an IEP**, income level, residence, proficiency in the English language, athletic ability or academic records.

Question 1

My district has only allowed students to enroll via interdistrict transfer via a reciprocity agreement with a neighboring district. May we continue this practice under HB 2747?



Question 1 answer

No. HB 2747 specifically prohibits discrimination based on residence. It also restricts your district from inquiring about the residency of a student prior to acceptance of the student for interdistrict transfer.

Question 2

My district allows nonresident students to attend school via HB 3681. Through our district's lottery process students who were receiving special education services from another district were admitted. I am the district's SPED director, what should I do?

Question 2 answer

- Welcome your new students (and review OAR 581-015-2220 and -2230)
- Your district is now responsible for FAPE as if they were parental resident students

Question 3

My district sometimes places an individual student in another district on a case-by-case basis via interdistrict transfer. Can we continue to do this?

Question 3 answer

Possibly. If the district in which the student is placed has not reached its interdistrict enrollment cap the student may possibly be able to attend. Alternatively, a student could also be placed in another district via contract.

Question 4

My district has previously only allowed a student who receives special ed services to be enrolled in the district via interdistrict transfer after a review of the student's IEP to determine if my district can meet the needs of the students. Is this still allowed under HB 2747?

Question 4 answer

No. HB 2747 specifically prohibits consideration based on:

Race, religion, sex, sexual orientation, ethnicity, national origin, **disability**, health, **whether a student has an IEP, the terms of an IEP**, income level, residence, proficiency in the English language, athletic ability or academic records.

Questions



We're here to help

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