



December 7, 2011

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To: Superintendents, Principals and Athletic Directors

From: Tom Welter

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Subject: OSAA Position Statement–HB 3681

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There has been a lot of discussion and concern in recent months regarding the impact of HB 3681 ("Open Enrollment Bill") on OSAA activities. The OSAA Executive Board has thoroughly reviewed this new law enacted by the 2011 legislature. After lengthy discussions that included input from OSAA legal counsel and Legislative Counsel for the State of Oregon, the Board has concluded that the OSAA will not make any changes to existing OSAA transfer rules at this time.

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The eligibility of students who choose to transfer next summer, between the 2011-12 and 2012-13 school years, will be determined by existing OSAA transfer rules as outlined in Rule 8.6. It is a Fundamental Rule of the Association that a student must attend the high school in the high school attendance boundary within which the Joint Residence of the student and the student's parents is located. There are several exceptions already built in to the Fundamental Rule including the following:

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a. Entering 9<sup>th</sup> grade students—the Association already has "open enrollment" when a student first enters the 9<sup>th</sup> grade.

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b. Students who transfer between school years are eligible if they meet one of the following exceptions:

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1. The student transfers to a full member private school or full member charter school and maintains a Joint Residence.
2. The student transfers back to the public school within the attendance boundary of Joint Residence.
3. The student transfers within a multiple high school district with the approval of the district administrator and maintains a Joint Residence.
4. The student transfers between Oregon school districts under the terms of a reciprocal transfer agreement and maintains a Joint Residence. (student is released by the resident school district superintendent and is accepted by the receiving school district superintendent)

Students who transfer between school years under HB 3681 and are not released by their home district will NOT be eligible for one calendar year under current OSAA transfer rules. Schools could seek a reinstatement of eligibility through their District Athletic Committee if they feel that there are extenuating circumstances that warrant a review.

If you have questions or concerns regarding this issue, please contact the OSAA office.