

Senate Bill 709

Sponsored by Senator GELSER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies provisions to allow students who are not residents of school district to attend school of school district.

A BILL FOR AN ACT

1
2 Relating to school attendance by students who are not residents of school district; creating new
3 provisions; and amending ORS 339.119, 339.127 and 339.133 and sections 9 and 22, chapter 718,
4 Oregon Laws 2011.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 339.127, as amended by section 1, chapter 5, Oregon Laws 2014, is amended
7 to read:

8 339.127. (1) **As used in this section:**

9 (a) **“Receiving district school board” or “receiving board” means a district school board**
10 **that is considering whether to give consent to admit, or has given consent to admit, a non-**
11 **resident student to attend the schools of the board’s district as a resident of the district.**

12 (b) **“Sending district school board” or “sending board” means a district school board that**
13 **is considering whether to give consent to allow, or has given consent to allow, a resident**
14 **student to attend the schools of another board’s district as a resident of that district.**

15 (2)(a) **Except as provided by ORS 339.134 and paragraphs (b) and (c) of this subsection, a**
16 **person whose legal residence is not within a school district but who receives consent from**
17 **both the sending district school board and the receiving district school board to attend the**
18 **schools in the receiving board’s school district shall be considered a resident of the receiving**
19 **board’s school district for all educational purposes. A person who is considered a resident**
20 **of the school district as provided by this section shall continue to be considered a resident**
21 **of a receiving board’s district until the person:**

22 (A) **Graduates from high school;**

23 (B) **Is no longer required to be admitted to the schools of the district under ORS 339.115;**

24 **or**

25 (C) **Enrolls in a school in a different district.**

26 (b) **A receiving district school board is not required to provide transportation outside the**
27 **boundaries of the district to a person who is considered a resident of the district as provided**
28 **by this section, except that a receiving board:**

29 (A) **Must allow persons who are considered a resident of the district as provided by this**
30 **section to use existing bus routes and transportation services of the district. Costs incurred**
31 **for transportation provided under this subparagraph are considered approved transportation**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 costs for purposes of ORS 327.013, except for costs incurred for providing transportation
2 solely to persons who are considered residents of the district as provided by this section if
3 the transportation is provided:

4 (i) Outside the boundaries of the district; and

5 (ii) For the purpose of transporting the persons between home and school.

6 (B) May provide a stipend for a person who is a member of a low-income family, as de-
7 fined in ORS 339.147, in an amount that does not exceed the district's average cost per stu-
8 dent for transportation.

9 (C) Must provide transportation if required by federal law. Costs incurred for transpor-
10 tation provided under this subparagraph are considered approved transportation costs for
11 purposes of ORS 327.013.

12 (c) After the first year that a person is considered a resident of a receiving board's
13 school district as provided by this section, the receiving district school board may transfer
14 the person to a different school in the district. Any transfers must be made consistent with
15 district policy and do not affect the status of the person as a resident of the district.

16 (3)(a) By March 1 of each year, each district school board shall determine whether the
17 board will give consent to residents to attend the schools of another school district and
18 consent to nonresidents to attend the schools of the school district.

19 (b) If a district school board determines to give consent, the board shall establish stan-
20 dards by which consent will be given. The standards must:

21 (A) Identify for the school year the number of students that the board will give consent
22 to send to other school districts and the number of students that the board will give consent
23 to receive from other school districts. When making the identification, the board:

24 (i) Must provide that the board will give consent to the same number of students to send
25 and to receive unless:

26 (I) Three percent or more of the students who reside in the school district are enrolled
27 in the schools of other school districts, in which case the board may give consent to send
28 fewer students than the board gives consent to receive; or

29 (II) The board gives consent to send more students than the board gives consent to re-
30 ceive.

31 (ii) May limit the number of students to whom consent will be given based on school,
32 grade or a combination of school and grade.

33 (iii) May not limit the number of students to whom consent will be given based on eligi-
34 bility for special education and related services, for enrollment in an English as a second
35 language program or for any other personal characteristics.

36 (B) Allow persons whose legal residence is within the school district the first opportunity
37 to change to a different school in the district.

38 (c) A district school board may revise the maximum number of students to whom con-
39 sent will be given if there are no pending applications for consent.

40 (4)(a) If a person is considered a resident of a receiving board's school district as pro-
41 vided by this section and has expressed an interest in attending the schools of another school
42 district before the end of the school year, the sending district school board shall encourage
43 the person to continue to attend the schools of the receiving board's school district for the
44 remainder of the school year.

45 (b) If a person is considered a resident of a receiving board's school district as provided

1 by this section, the school district may not encourage or require the person to attend the
 2 schools of another school district as a condition of avoiding a disciplinary measure, including
 3 but not limited to suspension or expulsion.

4 (5) A person seeking consent as provided by this section must request consent no later
 5 than April 1 prior to the beginning of the school year for which consent is being requested.
 6 Requests may be submitted before a district school board makes the determination and es-
 7 tablishes the standards described in subsection (3) of this section, but may not be taken into
 8 account by the board in making the determination and establishing the standards.

9 (6) If the number of persons seeking consent exceeds the number of persons to whom the
 10 district school board has determined will be given consent, the board shall give consent based
 11 on an equitable lottery selection process. The process may give priority to persons who have
 12 siblings who have received consent, but in no event may a sibling be given priority to any
 13 open spot in the schools of the school district over any persons who reside within the school
 14 district.

15 (7) A district school board must give consent to a person who requests consent unless:

16 (a) The board decides to not give consent to any person as allowed by subsection (3) of
 17 this section;

18 (b) The board has reached the limits set by the board under subsection (3) of this section
 19 or is otherwise not required to give consent as provided by this section;

20 (c) The person was not selected to be given consent based on the selection process de-
 21 scribed in subsection (6) of this section; or

22 (d) The board is not required to admit the person, as provided by ORS 339.115 (8).

23 [(1)] (8) A district school board *[that admits nonresident students by giving consent as described*
 24 *in ORS 339.133 (5)(a)]* may not consider race, religion, sex, sexual orientation, ethnicity, national
 25 origin, disability, health, whether a student has an individualized education program, the terms of
 26 an individualized education program, income level, residence, proficiency in the English language,
 27 athletic ability or academic records when:

28 (a) Determining whether to give consent; or

29 (b) Establishing any terms of consent.

30 [(2)] (9) A **receiving** district school board *[that is considering whether to admit a nonresident*
 31 *student by giving consent]* may require only the following information prior to deciding whether to
 32 give consent:

33 (a) The name, contact information, date of birth and grade *[level]* of the student; and

34 (b) Information about whether the *[school]* district **school board** may be prevented or otherwise
 35 limited from providing consent as provided by ORS 339.115 (8).

36 [(3)(a)] (10)(a) A **receiving** district school board *[that is considering whether to admit a nonresi-*
 37 *dent student by giving consent]* may not:

38 (A) Request or require any person to provide or have provided any of the following information
 39 related to a student prior to the *[district school]* board deciding whether to give consent to the stu-
 40 dent:

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

45 (ii) Academic records, including eligibility for or participation in a talented and gifted program

1 or special education and related services.

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

5 (C) Request any information used to supplement the information described in subsection [(2)] (9)
6 of this section prior to deciding whether to give consent to the student.

7 (b) Nothing in this subsection prevents a student from voluntarily touring any of the schools or
8 facilities of a school district or from requesting or receiving any information from a school or the
9 school district.

10 [(4)(a) *A district school board that admits nonresident students by giving consent as described in*
11 *ORS 339.133 (5)(a) may limit the number of students to whom consent is given. The district school*
12 *board must make the determination whether to limit the number of students to whom consent is given*
13 *by an annual date established by the board.*]

14 [(b) *If the number of students seeking admission exceeds any limitations imposed by the district*
15 *school board, the board must admit nonresident students based on an equitable lottery selection process.*
16 *The process may give priority to students who have siblings currently enrolled in a school of the school*
17 *district.*]

18 [(c) *A district school board may revise the maximum number of students to whom consent will be*
19 *given at a time other than the annual date established by the board if there are no pending applications*
20 *for consent.*]

21 [(5) *A district school board that is requested to give consent to allow a resident student to be ad-*
22 *mitted by another school district as described in ORS 339.133 (5)(a) may not consider race, religion,*
23 *sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an individ-*
24 *ualized education program, the terms of an individualized education program, income level, residence,*
25 *proficiency in the English language, athletic ability or academic records when determining whether to*
26 *give consent.*]

27 **(11) A receiving district school board shall provide written notification to the sending**
28 **district school board when a person is given consent to attend the schools of the receiving**
29 **board's school district as provided by this section. The written notification required by this**
30 **subsection must be provided no later than May 1 prior to the beginning of the school year.**

31 [(6)] (12) If a district school board decides to not give consent to a student, the board must
32 provide a written explanation to the student.

33 [(7)(a)] (13)(a) For a nonresident student who receives consent [*to be admitted to a school district*
34 *as described in ORS 339.133 (5)(a)] **under this section**, a district school board may determine the*
35 *length of time for which consent is given. Any limitations in length of time must be applied con-*
36 *sistently among all students to whom consent is given.*

37 (b) For a resident student who receives consent [*to be admitted to another school district as de-*
38 *scribed in ORS 339.133 (5)(a)] **under this section**, a district school board may not impose any limi-*
39 *tations on the length of time for which consent is given to the student. The board may not require*
40 *the student to receive consent more than one time [to be admitted to] **from** the same school district,*
41 *regardless of any time limitations imposed by the district school board under paragraph (a) of this*
42 *subsection.*

43 **(c) Notwithstanding any time limitations imposed by a district school board under para-**
44 **graph (a) of this subsection or any other limitations related to consent, a student may not**
45 **be required to receive additional consent:**

1 (A) To complete the school year, if the student moves during the school year.

2 (B) To complete the following school year, if the student moves during the summer be-
3 tween school years.

4 [(8)] (14) Notwithstanding any other provision of this section, a district school board that is re-
5 quested to give consent [as described in ORS 339.133 (5)] **under this section** must give consent to
6 enable a student whose legal residence changes to a different school district during the school year
7 to complete the school year in the school district.

8 (15) **The Department of Education shall prescribe the forms by which a person may apply**
9 **for consent as provided by this section.**

10 [(9)] (16) Nothing in this section:

11 (a) Requires a district school board to [admit] **give consent to** siblings if the board [imposes
12 limitations on the number of students admitted by consent] **is not required to provide consent under**
13 **subsection (6) of this section.**

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

16 (c) Prevents a district school board from requesting information or giving consent to a student
17 in the event of an emergency to protect the health, safety or welfare of the student.

18 (d) Prevents a **receiving** district school board from establishing minimum standards for behavior
19 and attendance that a student must maintain to remain enrolled in the schools of the school district.

20 (e) **Prevents a district school board from entering into interagency agreements to provide**
21 **services to persons who do not reside in the school district or are not considered residents**
22 **of the school district.**

23 **SECTION 2.** ORS 339.127, as amended by section 3, chapter 655, Oregon Laws 2013, and section
24 2, chapter 5, Oregon Laws 2014, is amended to read:

25 339.127. (1) **As used in this section:**

26 (a) **“Receiving district school board” or “receiving board” means a district school board**
27 **that is considering whether to give consent to admit, or has given consent to admit, a non-**
28 **resident student to attend the schools of the board’s district as a resident of the district.**

29 (b) **“Sending district school board” or “sending board” means a district school board that**
30 **is considering whether to give consent to allow, or has given consent to allow, a resident**
31 **student to attend the schools of another board’s district as a resident of that district.**

32 (2)(a) **Except as provided by ORS 339.134 and paragraphs (b) and (c) of this subsection, a**
33 **person whose legal residence is not within a school district but who receives consent from**
34 **both the sending district school board and the receiving district school board to attend the**
35 **schools in the receiving board’s school district shall be considered a resident of the receiving**
36 **board’s school district for all educational purposes. A person who is considered a resident**
37 **of a receiving board’s school district as provided by this section shall continue to be consid-**
38 **ered a resident of the district until the person:**

39 (A) **Graduates from high school;**

40 (B) **Is no longer required to be admitted to the schools of the district under ORS 339.115;**
41 **or**

42 (C) **Enrolls in a school in a different district.**

43 (b) **A receiving district school board is not required to provide transportation outside the**
44 **boundaries of the district to a person who is considered a resident of the district as provided**
45 **by this section, except that a receiving board:**

1 (A) Must allow persons who are considered a resident of the district as provided by this
2 section to use existing bus routes and transportation services of the district. Costs incurred
3 for transportation provided under this subparagraph are considered approved transportation
4 costs for purposes of ORS 327.013, except for costs incurred for providing transportation
5 solely to persons who are considered residents of the district as provided by this section if
6 the transportation is provided:

7 (i) Outside the boundaries of the district; and

8 (ii) For the purpose of transporting the persons between home and school.

9 (B) May provide a stipend for a person who is a member of a low-income family, as de-
10 fined in ORS 339.147, in an amount that does not exceed the district's average cost per stu-
11 dent for transportation.

12 (C) Must provide transportation if required by federal law. Costs incurred for transpor-
13 tation provided under this subparagraph are considered approved transportation costs for
14 purposes of ORS 327.013.

15 (c) After the first year that a person is considered a resident of a receiving board's
16 school district as provided by this section, the receiving district school board may transfer
17 the person to a different school in the district. Any transfers must be made consistent with
18 district policy and do not affect the status of the person as a resident of the district.

19 (3)(a) By March 1 of each year, each district school board shall determine whether the
20 board will give consent to residents to attend the schools of another school district and
21 consent to nonresidents to attend the schools of the school district.

22 (b) If a district school board determines to give consent, the board shall establish stan-
23 dards by which consent will be given. The standards must:

24 (A) Identify for the school year the number of students that the board will give consent
25 to send to other school districts and the number of students that the board will give consent
26 to receive from other school districts. When making the identification, the board:

27 (i) Must provide that the board will give consent to the same number of students to send
28 and to receive unless:

29 (I) Three percent or more of the students who reside in the school district are enrolled
30 in the schools of other school districts, in which case the board may give consent to send
31 fewer students than the board gives consent to receive; or

32 (II) The board gives consent to send more students than the board gives consent to re-
33 ceive.

34 (ii) May limit the number of students to whom consent will be given based on school,
35 grade or a combination of school and grade.

36 (iii) May not limit the number of students to whom consent will be given based on eligi-
37 bility for special education and related services, for enrollment in an English as a second
38 language program or for any other personal characteristics.

39 (B) Allow persons whose legal residence is within the school district the first opportunity
40 to change to a different school in the district.

41 (c) A district school board may revise the maximum number of students to whom con-
42 sent will be given if there are no pending applications for consent.

43 (4)(a) If a person is considered a resident of a receiving board's school district as pro-
44 vided by this section and has expressed an interest in attending the schools of another school
45 district before the end of the school year, the sending district school board shall encourage

1 the person to continue to attend the schools of the receiving board's school district for the
2 remainder of the school year.

3 (b) If a person is considered a resident of a receiving board's school district as provided
4 by this section, the school district may not encourage or require the person to attend the
5 schools of another school district as a condition of avoiding a disciplinary measure, including
6 but not limited to suspension or expulsion.

7 (5) A person seeking consent as provided by this section must request consent no later
8 than April 1 prior to the beginning of the school year for which consent is being requested.
9 Requests may be submitted before a district school board makes the determination and es-
10 tablishes the standards described in subsection (3) of this section, but may not be taken into
11 account by the board in making the determination and establishing the standards.

12 (6) If the number of persons seeking consent exceeds the number of persons to whom the
13 district school board has determined will be given consent, the board shall give consent based
14 on an equitable lottery selection process. The process may give priority to persons who have
15 siblings who have received consent, but in no event may a sibling be given priority to any
16 open spot in the schools of the school district over any persons who reside within the school
17 district.

18 (7) A district school board must give consent to a person who requests consent unless:

19 (a) The board decides to not give consent to any person as allowed by subsection (3) of
20 this section;

21 (b) The board has reached the limits set by the board under subsection (3) of this section
22 or is otherwise not required to give consent as provided by this section;

23 (c) The person was not selected to be given consent based on the selection process de-
24 scribed in subsection (6) of this section; or

25 (d) The board is not required to admit the person, as provided by ORS 339.115 (8).

26 [(1)] (8) A district school board *[that admits nonresident students by giving consent as described*
27 *in ORS 339.133 (5)]* may not consider race, religion, sex, sexual orientation, ethnicity, national ori-
28 gin, disability, health, whether a student has an individualized education program, the terms of an
29 individualized education program, income level, residence, proficiency in the English language, ath-
30 letic ability or academic records when:

31 (a) Determining whether to give consent; or

32 (b) Establishing any terms of consent.

33 [(2)] (9) A **receiving** district school board *[that is considering whether to admit a nonresident*
34 *student by giving consent]* may require only the following information prior to deciding whether to
35 give consent:

36 (a) The name, contact information, date of birth and grade *[level]* of the student; and

37 (b) Information about whether the *[school]* district **school board** may be prevented or otherwise
38 limited from providing consent as provided by ORS 339.115 (8).

39 [(3)(a)] (10)(a) A **receiving** district school board *[that is considering whether to admit a nonresi-*
40 *dent student by giving consent]* may not:

41 (A) Request or require any person to provide or have provided any of the following information
42 related to a student prior to the *[district school]* board deciding whether to give consent to the stu-
43 dent:

44 (i) Information about the student's race, religion, sex, sexual orientation, ethnicity, national ori-
45 gin, disability, health, whether a student has an individualized education program, the terms of an

1 individualized education program, income level, residence, proficiency in the English language or
2 athletic ability; or

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

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

8 (C) Request any information used to supplement the information described in subsection [(2)] (9)
9 of this section prior to deciding whether to give consent to the student.

10 (b) Nothing in this subsection prevents a student from voluntarily touring any of the schools or
11 facilities of a school district or from requesting or receiving any information from a school or the
12 school district.

13 [(4)(a) A district school board that admits nonresident students by giving consent as described in
14 ORS 339.133 (5) may limit the number of students to whom consent is given. The district school board
15 must make the determination whether to limit the number of students to whom consent is given by an
16 annual date established by the board.]

17 [(b) If the number of students seeking admission exceeds any limitations imposed by the district
18 school board, the board must admit nonresident students based on an equitable lottery selection process.
19 The process may give priority to students who have siblings currently enrolled in a school of the school
20 district.]

21 [(c) A district school board may revise the maximum number of students to whom consent will be
22 given at a time other than the annual date established by the board if there are no pending applications
23 for consent.]

24 [(5) A district school board that is requested to give consent to allow a resident student to be ad-
25 mitted by another school district as described in ORS 339.133 (5) may not consider race, religion, sex,
26 sexual orientation, ethnicity, national origin, disability, health, whether a student has an individualized
27 education program, the terms of an individualized education program, income level, residence, profi-
28 ciency in the English language, athletic ability or academic records when determining whether to give
29 consent.]

30 **(11) A receiving district school board shall provide written notification to the sending**
31 **district school board when a person is given consent to attend the schools of the receiving**
32 **board's school district as provided by this section. The written notification required by this**
33 **subsection must be provided no later than May 1 prior to the beginning of the school year.**

34 [(6)] **(12)** If a district school board decides to not give consent to a student, the board must
35 provide a written explanation to the student.

36 [(7)(a)] **(13)(a)** For a nonresident student who receives consent [*to be admitted to a school district*
37 *as described in ORS 339.133 (5)*] **under this section**, a district school board may determine the
38 length of time for which consent is given. Any limitations in length of time must be applied con-
39 sistent among all students to whom consent is given.

40 (b) For a resident student who receives consent [*to be admitted to another school district as de-*
41 *scribed in ORS 339.133 (5)*] **under this section**, a district school board may not impose any limita-
42 tions on the length of time for which consent is given to the student. The board may not require the
43 student to receive consent more than one time [*to be admitted to*] **from** the same school district,
44 regardless of any time limitations imposed by the district school board under paragraph (a) of this
45 subsection.

1 (c) **Notwithstanding any time limitations imposed by a district school board under para-**
 2 **graph (a) of this subsection or any other limitations related to consent, a student may not**
 3 **be required to receive additional consent:**

4 (A) **To complete the school year, if the student moves during the school year.**

5 (B) **To complete the following school year, if the student moves during the summer be-**
 6 **tween school years.**

7 [(8)] (14) **Notwithstanding any other provision of this section, a district school board that is re-**
 8 **quested to give consent [as described in ORS 339.133 (5)] under this section must give consent to**
 9 **enable a student whose legal residence changes to a different school district during the school year**
 10 **to complete the school year in the school district.**

11 (15) **The Department of Education shall prescribe the forms by which a person may apply**
 12 **for consent as provided by this section.**

13 [(9)] (16) **Nothing in this section:**

14 (a) **Requires a district school board to [admit] give consent to siblings if the board [imposes**
 15 **limitations on the number of students admitted by consent] is not required to provide consent under**
 16 **subsection (6) of this section.**

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

19 (c) **Prevents a district school board from requesting information or giving consent to a student**
 20 **in the event of an emergency to protect the health, safety or welfare of the student.**

21 (d) **Prevents a receiving district school board from establishing minimum standards for behavior**
 22 **and attendance that a student must maintain to remain enrolled in the schools of the school district.**

23 (e) **Prevents a district school board from entering into interagency agreements to provide**
 24 **services to persons who do not reside in the school district or are not considered residents**
 25 **of the school district.**

26 **SECTION 3.** ORS 339.133 is amended to read:

27 339.133. (1)(a) **Except as provided in subsections (2) to (6) of this section, children between the**
 28 **ages of 4 and 18 shall be considered resident for school purposes in the school district in which their**
 29 **parents, their guardians or persons in parental relationship to them reside.**

30 (b) **Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area**
 31 **of the school district for such reasons as attending college, military service, hospital confinement**
 32 **or employment away from home shall be considered resident in the district in which their parents,**
 33 **their guardians or persons in parental relationship to them reside.**

34 (c) **Persons living temporarily in a school district for the primary purpose of attending a district**
 35 **school may not be considered resident in the district in which they are living temporarily, but shall**
 36 **be considered resident in the district in which they, their parents, their guardians or persons in**
 37 **parental relationship to them reside.**

38 (2) **Individuals considered legally emancipated from their parents shall be considered resident**
 39 **in the district in which they actually reside, irrespective of the residence of their parents, their**
 40 **guardians or persons in parental relationship.**

41 (3) **Children placed by public or private agencies who are living in licensed, certified or ap-**
 42 **proved substitute care programs shall be considered resident in the school district in which they**
 43 **reside because of placement by a public or private agency.**

44 (4)(a) **Notwithstanding subsection (3) of this section, when a juvenile court determines that it is**
 45 **in a child's best interest to continue to attend the school that the child attended prior to placement**

1 by a public agency, the child:

2 (A) Shall be considered resident for school purposes in the school district in which the child
3 resided prior to the placement; and

4 (B) May continue to attend the school the child attended prior to the placement through the
5 highest grade level of the school.

6 (b) The public agency that has placed the child shall be responsible for providing the child with
7 transportation to and from school when the need for transportation is due to the placement by the
8 public agency.

9 (c) Paragraph (b) of this subsection applies only to a public agency for which funds have been
10 designated for the specific purpose of providing a child with transportation to and from school under
11 this subsection.

12 (5)(a) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not
13 within the district but who attend school in the district are considered residents in the district in
14 which the persons attend school if those persons [*receive:*]

15 [*(a) Written consent from both of the affected district school boards as provided by policies adopted*
16 *by the boards; or]*

17 [*(b) Written consent from the district school board for the district in which the school is located*
18 *as provided by]* **attend school as provided by ORS 339.127 or** section 9, chapter 718, Oregon Laws
19 2011.

20 **(b) Nothing in this subsection may be construed to consider resident a nonresident stu-**
21 **dent who pays tuition to attend a school or who attends a school under a contract described**
22 **in ORS 339.125.**

23 (6)(a) Children who are foreign exchange students and who are residing in Oregon in a
24 dormitory operated by a school district are considered to be residents of the school district in which
25 the dormitory is located.

26 (b) For the purpose of this subsection:

27 (A) A child may not be considered to be a foreign exchange student for more than one school
28 year.

29 (B) A child may be considered to be a resident of a school district as provided by this subsection
30 only if, for the 2010-2011 school year, the school district had foreign exchange students who were
31 considered to be residents as provided by this subsection.

32 (C) The number of children who are considered to be residents as provided by this subsection
33 may not increase from the number that were considered to be residents as provided by this sub-
34 section for the 2010-2011 school year.

35 (c) As used in this subsection, "foreign exchange student" means a student who attends school
36 in Oregon under a cultural exchange program and whose parent, guardian or person in parental
37 relationship resides in another country.

38 (7) For the purposes of this section:

39 (a) "Person in parental relationship" means an adult who has physical custody of a child or re-
40 sides in the same household as the child, interacts with the child daily, provides the child with food,
41 clothing, shelter and incidental necessities and provides the child with necessary care, education
42 and discipline. "Person in parental relationship" does not mean a person with a power of attorney
43 or other written delegation of parental responsibilities if the person does not have other evidence
44 of a parental relationship.

45 (b) "Substitute care program" means family foster care, family group home care, parole foster

1 care, family shelter care, adolescent shelter care and professional group care.

2 **SECTION 4.** ORS 339.133, as amended by section 4, chapter 718, Oregon Laws 2011, is amended
3 to read:

4 339.133. (1)(a) Except as provided in subsections (2) to (5) of this section, children between the
5 ages of 4 and 18 shall be considered resident for school purposes in the school district in which their
6 parents, their guardians or persons in parental relationship to them reside.

7 (b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area
8 of the school district for such reasons as attending college, military service, hospital confinement
9 or employment away from home shall be considered resident in the district in which their parents,
10 their guardians or persons in parental relationship to them reside.

11 (c) Persons living temporarily in a school district for the primary purpose of attending a district
12 school may not be considered resident in the district in which they are living temporarily, but shall
13 be considered resident in the district in which they, their parents, their guardians or persons in
14 parental relationship to them reside.

15 (2) Individuals considered legally emancipated from their parents shall be considered resident
16 in the district in which they actually reside, irrespective of the residence of their parents, their
17 guardians or persons in parental relationship.

18 (3) Children placed by public or private agencies who are living in licensed, certified or ap-
19 proved substitute care programs shall be considered resident in the school district in which they
20 reside because of placement by a public or private agency.

21 (4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it is
22 in a child's best interest to continue to attend the school that the child attended prior to placement
23 by a public agency, the child:

24 (A) Shall be considered resident for school purposes in the school district in which the child
25 resided prior to the placement; and

26 (B) May continue to attend the school the child attended prior to the placement through the
27 highest grade level of the school.

28 (b) The public agency that has placed the child shall be responsible for providing the child with
29 transportation to and from school when the need for transportation is due to the placement by the
30 public agency.

31 (c) Paragraph (b) of this subsection applies only to a public agency for which funds have been
32 designated for the specific purpose of providing a child with transportation to and from school under
33 this subsection.

34 (5)(a) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not
35 within the district but who attend school in the district are considered residents in the district in
36 which the persons attend school if those persons [*receive:*

37 [*(a) Written consent from both of the affected district school boards as provided by policies adopted*
38 *by the boards; or]*

39 [*(b) Written consent from the district school board for the district in which the school is located*
40 *as provided by]* **attend school as provided by ORS 339.127 or** section 9, chapter 718, Oregon Laws
41 2011.

42 **(b) Nothing in this subsection may be construed to consider resident a nonresident stu-**
43 **dent who pays tuition to attend a school or who attends a school under a contract described**
44 **in ORS 339.125.**

45 (6) For the purposes of this section:

1 (a) "Person in parental relationship" means an adult who has physical custody of a child or re-
 2 sides in the same household as the child, interacts with the child daily, provides the child with food,
 3 clothing, shelter and incidental necessities and provides the child with necessary care, education
 4 and discipline. "Person in parental relationship" does not mean a person with a power of attorney
 5 or other written delegation of parental responsibilities if the person does not have other evidence
 6 of a parental relationship.

7 (b) "Substitute care program" means family foster care, family group home care, parole foster
 8 care, family shelter care, adolescent shelter care and professional group care.

9 **SECTION 5.** ORS 339.133, as amended by sections 4 and 19, chapter 718, Oregon Laws 2011, is
 10 amended to read:

11 339.133. (1)(a) Except as provided in subsections (2) to (5) of this section, children between the
 12 ages of 4 and 18 shall be considered resident for school purposes in the school district in which their
 13 parents, their guardians or persons in parental relationship to them reside.

14 (b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area
 15 of the school district for such reasons as attending college, military service, hospital confinement
 16 or employment away from home shall be considered resident in the district in which their parents,
 17 their guardians or persons in parental relationship to them reside.

18 (c) Persons living temporarily in a school district for the primary purpose of attending a district
 19 school may not be considered resident in the district in which they are living temporarily, but shall
 20 be considered resident in the district in which they, their parents, their guardians or persons in
 21 parental relationship to them reside.

22 (2) Individuals considered legally emancipated from their parents shall be considered resident
 23 in the district in which they actually reside, irrespective of the residence of their parents, their
 24 guardians or persons in parental relationship.

25 (3) Children placed by public or private agencies who are living in licensed, certified or ap-
 26 proved substitute care programs shall be considered resident in the school district in which they
 27 reside because of placement by a public or private agency.

28 (4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it is
 29 in a child's best interest to continue to attend the school that the child attended prior to placement
 30 by a public agency, the child:

31 (A) Shall be considered resident for school purposes in the school district in which the child
 32 resided prior to the placement; and

33 (B) May continue to attend the school the child attended prior to the placement through the
 34 highest grade level of the school.

35 (b) The public agency that has placed the child shall be responsible for providing the child with
 36 transportation to and from school when the need for transportation is due to the placement by the
 37 public agency.

38 (c) Paragraph (b) of this subsection applies only to a public agency for which funds have been
 39 designated for the specific purpose of providing a child with transportation to and from school under
 40 this subsection.

41 (5)(a) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not
 42 within the district but who attend school in the district are considered residents in the district in
 43 which the persons attend school if those persons [*receive written consent from both of the affected*
 44 *district school boards as provided by policies adopted by the boards*] **attend school as provided by**
 45 **ORS 339.127.**

1 **(b) Nothing in this subsection may be construed to consider resident a nonresident stu-**
 2 **dent who pays tuition to attend a school or who attends a school under a contract described**
 3 **in ORS 339.125.**

4 (6) For the purposes of this section:

5 (a) “Person in parental relationship” means an adult who has physical custody of a child or re-
 6 sides in the same household as the child, interacts with the child daily, provides the child with food,
 7 clothing, shelter and incidental necessities and provides the child with necessary care, education
 8 and discipline. “Person in parental relationship” does not mean a person with a power of attorney
 9 or other written delegation of parental responsibilities if the person does not have other evidence
 10 of a parental relationship.

11 (b) “Substitute care program” means family foster care, family group home care, parole foster
 12 care, family shelter care, adolescent shelter care and professional group care.

13 **SECTION 6. Nothing in the amendments to ORS 339.127 and 339.133 by sections 1 to 5 of**
 14 **this 2015 Act affects the status of a person who was considered a resident as provided by**
 15 **ORS 339.133 (5) or section 9, chapter 718, Oregon Laws 2011, prior to the 2016-2017 school**
 16 **year.**

17 **SECTION 7.** ORS 339.119 is amended to read:

18 339.119. (1) As used in this section, “provider of educational services” means a public charter
 19 school, a district school board or a public or private provider of educational services that provides
 20 educational services under a contract or the authority of a public charter school or district school
 21 board.

22 (2) A provider of educational services may not offer payment of money or other consideration
 23 to a student, to a parent or legal guardian of a student or to another entity for the benefit of a
 24 student, parent or legal guardian:

25 (a) In return for the student electing to receive or receiving educational services from a specific
 26 provider of educational services; or

27 (b) Following the student’s completion of an educational program, if the provider of educational
 28 services used the promise of payment as an incentive for the student to enroll in the program.

29 (3) The restrictions of subsection (2) of this section do not apply to:

30 (a) Money or other consideration that is provided as required or allowed by law;

31 (b) Money or other consideration that is provided for the purpose of enabling the student to
 32 access the Internet;

33 (c) Goods and services that are provided for use by a student and that are directly related to
 34 the educational program of the provider of educational services; or

35 (d) Goods and services that are available to all students receiving educational services from the
 36 provider of educational services.

37 **(4) A provider of educational services that provides consent to nonresident persons to**
 38 **attend the schools of the school district as provided by ORS 339.127 may not expend moneys**
 39 **received from the State School Fund or as Local Revenues, as described in ORS 327.011, to**
 40 **advertise openings for nonresident persons if the advertisements are:**

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

43 **(b) Directed to persons who are not residents of the school district, including:**

44 **(A) Advertisements that are targeted to nonresidents through direct mail or online direct**
 45 **marketing;**

1 **(B) Television or radio advertisements; or**

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

4 **SECTION 8. The amendments to ORS 339.119 by section 7 of this 2015 Act apply to con-**
 5 **tracts for advertising entered into by a provider of educational services on or after the ef-**
 6 **fective date of this 2015 Act.**

7 **SECTION 9.** Section 9, chapter 718, Oregon Laws 2011, as amended by section 5, chapter 434,
 8 Oregon Laws 2013, is amended to read:

9 **Sec. 9.** (1) *[For purposes of ORS 339.133 (5)(b),]* A person whose legal residence is not within a
 10 school district but who attends school in the district is considered a resident of the district in which
 11 the person attends school if the person receives written consent to attend school from the district
 12 school board where the school is located, as provided by this section.

13 (2)(a) By March 1 of each year, a district school board shall determine whether the board will
 14 give consent to persons whose legal residence is not within the school district.

15 (b) If the district school board will give consent, the board shall establish standards by which
 16 consent will be given. The standards must:

17 (A) Identify the number of persons to whom consent will be given for the school year. The dis-
 18 trict school board may limit the number of persons to whom consent will be given based on school,
 19 grade or a combination of school and grade.

20 (B) Allow persons who live within the boundaries of the school district the first opportunity to
 21 change to a different school in the district if the district school board will be giving consent to at-
 22 tend that school to persons who do not reside within the district.

23 (3) A person seeking consent as provided by this section must request consent no later than
 24 April 1 prior to the beginning of the school year for which consent is being requested. Requests may
 25 be submitted before the district school board makes the determination and establishes the standards
 26 described in subsection (2) of this section, but may not be considered by the board when the board
 27 makes the determination and establishes the standards.

28 (4)(a) A district school board must give consent to a person who requests consent unless:

29 (A) The board decides to not give consent to any person as allowed by subsection (2) of this
 30 section;

31 (B) The board decides to limit the number of persons to whom consent will be given and the
 32 person was not selected to be given consent based on the selection process described in subsection
 33 (5) of this section; or

34 (C) The board is not required to admit the person, as provided by ORS 339.115 (8).

35 (b) A district school board may not deny consent or give priority based on race, religion, sex,
 36 sexual orientation, ethnicity, national origin, disability, terms of an individualized education pro-
 37 gram, income level, proficiency in the English language, athletic ability or residence.

38 (5) If the number of persons seeking consent exceeds the number of persons to whom the district
 39 school board has determined will be given consent, the board shall give consent based on an equi-
 40 table lottery selection process. The process may give priority to persons who have siblings currently
 41 enrolled in a school of the school district, but in no event may a sibling be given priority to any
 42 open spot in the schools of the school district over any persons who reside within the school district.

43 (6)(a) If a person is considered a resident of the school district as provided by this section and
 44 the person has expressed an interest in attending the schools of another school district before the
 45 end of the school year, the school district shall meet with the person and encourage the person to

1 continue to attend the schools of the school district for the remainder of the school year.

2 (b) If a person is considered a resident of the school district as provided by this section, the
 3 school district may not encourage or require the person to attend the schools of another school
 4 district as a condition of avoiding a disciplinary measure, including but not limited to suspension
 5 or expulsion.

6 (7)(a) Except as provided by paragraphs (b) and (c) of this subsection, a person who receives
 7 consent and who is considered a resident of a district as provided by this section shall be considered
 8 a resident of the district for all educational purposes. A person who is considered a resident of the
 9 district as provided by this section shall continue to be considered a resident of the district until
 10 the person:

11 (A) Graduates from high school;

12 (B) Is no longer required to be admitted to the schools of the school district under ORS 339.115;

13 or

14 (C) Enrolls in a school in a different school district.

15 (b) A school district is not required to provide transportation outside the boundaries of the
 16 district to a person who is considered a resident of the district as provided by this section, except
 17 that a district:

18 (A) Must allow persons who are considered a resident of the district as provided by this section
 19 to use existing bus routes and transportation services of the district. Costs incurred for transporta-
 20 tion provided under this subparagraph are considered approved transportation costs for purposes
 21 of ORS 327.013, except for costs incurred for providing transportation solely to persons who are
 22 considered residents of the district as provided by this section if the transportation is provided:

23 (i) Outside the boundaries of the district; and

24 (ii) For the purpose of transporting the persons between home and school.

25 (B) May provide a stipend for a person who is a member of a low-income family, as defined in
 26 ORS 339.147, in an amount that does not exceed the district's average cost per student for trans-
 27 portation.

28 (C) Must provide transportation if required by federal law. Costs incurred for transportation
 29 provided under this subparagraph are considered approved transportation costs for purposes of ORS
 30 327.013.

31 (c) After the first year that a person is considered a resident of a district as provided by this
 32 section, the district school board may transfer the person to a different school in the district. Any
 33 transfers must be made consistent with district policy and do not affect the status of the person as
 34 a resident of the district.

35 (8) A district school board shall provide written notification of the attendance of a person who
 36 receives consent as provided by this section to the district school board where the legal residence
 37 of the person is located. The written notification required by this subsection must be provided no
 38 later than May 1 prior to the beginning of the school year for which consent was given.

39 (9) Nothing in this section:

40 (a) Requires a district school board to give consent to siblings if the board determines that
 41 consent will not be given to any students for a school year.

42 (b) Prevents a school district from entering into interagency agreements to provide services to
 43 persons who do not reside in the school district or are not considered residents of the school dis-
 44 trict.

45 (c) Prevents or otherwise limits a district school board from providing consent to a person who

1 has received consent from the district school board for the school district in which the person
 2 resides[, *as provided by ORS 339.133 (5)(a)*].

3 **SECTION 10.** Section 22, chapter 718, Oregon Laws 2011, is amended to read:

4 **Sec. 22.** (1) Nothing in the amendments to ORS 339.133 by section 19, **chapter 718, Oregon**
 5 **Laws 2011**, [*of this 2011 Act*] and the repeal of section 9, **chapter 718, Oregon Laws 2011**, [*of this*
 6 *2011 Act*] by section 21, **chapter 718, Oregon Laws 2011**, [*of this 2011 Act*] affects the status of a
 7 person who was considered a resident [*as provided by ORS 339.133 (5)(b)*] prior to the 2017-2018
 8 school year.

9 (2) Notwithstanding section 9, **chapter 718, Oregon Laws 2011** [*of this 2011 Act*], a school dis-
 10 trict is not required to take any action under section 9, **chapter 718, Oregon Laws 2011**, [*of this*
 11 *2011 Act*] for the 2017-2018 school year.

12 **SECTION 11.** **Nothing in the amendments to sections 9 and 22, chapter 718, Oregon Laws**
 13 **2011, by sections 9 and 10 of this 2015 Act affects the status of a person who was considered**
 14 **a resident as provided by ORS 339.133 (5) or section 9, chapter 718, Oregon Laws 2011, prior**
 15 **to the 2016-2017 school year.**

16 _____