

House Bill 2024

Sponsored by Representative OWENS (Pre-session filed.)

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**.

Establishes process of open enrollment by which school district may allow nonresident students to enroll in and attend schools of school district.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to open enrollment; creating new provisions; amending ORS 327.006, 339.127 and 339.133;
3 and declaring an emergency.

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

5 **SECTION 1. (1) As used in this section, "open enrollment" means the process described**
6 **in this section by which a school district allows nonresident students to enroll in and attend**
7 **the schools of the school district by giving consent to those nonresident students.**

8 **(2) Participation in open enrollment by a school district is voluntary. A school district**
9 **that participates in open enrollment must comply with this section.**

10 **(3) For purposes of ORS 339.133 (5)(a)(B), a student whose legal residence is not within**
11 **a school district but who attends a school in the school district is considered a resident of**
12 **the school district if the student receives written consent to attend the school from the**
13 **school district where the school is located and the written consent complies with this sec-**
14 **tion.**

15 **(4)(a) By March 1 of each year, a district school board shall decide whether the school**
16 **district will participate in open enrollment.**

17 **(b) If the district school board decides that the school district will participate in open**
18 **enrollment, the district school board shall establish standards by which consent will be given**
19 **to nonresident students to attend the schools of the school district. The standards must:**

20 **(A) Identify the number of students to whom consent will be given for the school year.**
21 **The district school board may limit the number of students to whom consent will be given**
22 **based on school, grade or a combination of school and grade.**

23 **(B) Allow students who live within the boundaries of the school district the first oppor-**
24 **tunity to change to a different school in the school district if the district school board will**
25 **be giving consent to attend that school to students who do not reside within the school dis-**
26 **trict.**

27 **(5) A student seeking consent as provided by this section must request consent no later**
28 **than April 1 prior to the beginning of the school year for which consent is being requested.**
29 **Requests may be submitted before the district school board makes the decision and estab-**
30 **lishes the standards described in subsection (4) of this section but may not be considered by**
31 **the district school board when the district school board makes the decision and establishes**

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 the standards.

2 (6)(a) A school district participating in open enrollment must give consent to a student
3 who requests consent unless:

4 (A) The district school board decides to limit the number of students to whom consent
5 will be given and the student was not selected to be given consent based on the selection
6 process described in subsection (7) of this section; or

7 (B) The school district is not required to admit the student, as provided by ORS 339.115
8 (8).

9 (b) A school district may not deny consent or give priority based on race, religion, sex,
10 sexual orientation, ethnicity, national origin, disability, health, whether a student has an
11 individualized education program, the terms of an individualized education program, income
12 level, residence, proficiency in the English language, athletic ability or academic records.

13 (7) If the number of students seeking consent exceeds the number of students to whom
14 the district school board has determined consent will be given, the school district shall give
15 consent based on an equitable lottery selection process. The process may give priority to
16 students who have siblings currently enrolled in a school of the school district, but a sibling
17 may not be given priority for an opening in any school of the school district over any student
18 who resides within the school district.

19 (8)(a) If a student is considered a resident of the school district as provided by this sec-
20 tion and the student has expressed an interest in attending the schools of another school
21 district before the end of the school year, the school district shall meet with the student and
22 encourage the student to continue to attend the schools of the school district for the re-
23 mainder of the school year.

24 (b) If a student is considered a resident of the school district as provided by this section,
25 the school district may not encourage or require the student to attend the schools of another
26 school district as a condition of avoiding a disciplinary measure, including but not limited to
27 suspension or expulsion.

28 (9)(a) Except as provided by paragraphs (b) and (c) of this subsection, a student who re-
29 ceives consent and who is considered a resident of a school district as provided by this sec-
30 tion shall be considered a resident of the school district for all educational purposes. A
31 student who is considered a resident of the school district as provided by this section shall
32 continue to be considered a resident of the school district until the student:

33 (A) Graduates from high school;

34 (B) Is no longer required to be admitted to the schools of the school district under ORS
35 339.115; or

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

37 (b) A school district is not required to provide transportation outside the boundaries of
38 the school district to a student who is considered a resident of the school district as provided
39 by this section, except that a school district:

40 (A) Must allow a student who is considered a resident of the school district as provided
41 by this section to use existing bus routes and transportation services of the school district.
42 Costs incurred for transportation provided under this subparagraph are considered approved
43 transportation costs for purposes of ORS 327.013, except for costs incurred for transporta-
44 tion provided solely to a student who is considered a resident of the school district as pro-
45 vided by this section if the transportation is provided:

1 (i) Outside the boundaries of the school district; and

2 (ii) For the purpose of transporting the student between home and school.

3 (B) May provide a stipend for a student who is a member of a low-income family, as de-
4 fined in ORS 339.147, in an amount that does not exceed the school district's average cost
5 per student for transportation.

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

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

13 (10) A school district shall provide written notification of the enrollment and attendance
14 of a student who receives consent as provided by this section to the school district where
15 the legal residence of the student is located. The school district shall provide the written
16 notification no later than May 1 prior to the beginning of the school year for which consent
17 is given.

18 (11) A school district that participates in open enrollment may not expend moneys re-
19 ceived from the State School Fund or as Local Revenues, as described in ORS 327.011, to
20 advertise openings for nonresident students if the advertisements are:

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

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

24 (A) Advertisements that are targeted to nonresident persons through direct mail or on-
25 line marketing;

26 (B) Television or radio advertisements; or

27 (C) Newspaper advertisements, unless the advertisement is in a newspaper that primarily
28 services the residents of the school district.

29 (12) Nothing in this section:

30 (a) Requires a school district to give consent to siblings if the district school board de-
31 termines that consent will not be given to any students for a school year.

32 (b) Prevents a school district from entering into interagency agreements to provide ser-
33 vices to students who do not reside in the school district or are not considered residents of
34 the school district.

35 (c) Prevents or otherwise limits a school district from providing consent to a student
36 who has received consent from the district school board for the school district in which the
37 student resides, as provided by ORS 339.133 (5)(a).

38 **SECTION 2.** (1) Section 1 of this 2021 Act first applies to the 2021-2022 school year.

39 (2) Notwithstanding the timeline provided in section 1 (4), (5) and (10) of this 2021 Act, a
40 district school board may adopt an accelerated timeline for the 2021-2022 school year if, for
41 the 2019-2020 school year, the district school board had established standards by which to
42 give consent to nonresident students under the provisions of section 9, chapter 718, Oregon
43 Laws 2011.

44 **SECTION 3.** ORS 339.133, as amended by section 2, chapter 21, Oregon Laws 2020 (first special
45 session), is amended to read:

1 339.133. (1) As used in this section:

2 (a)(A) "Foster care" means substitute care for children placed by the Department of Human
3 Services or a tribal child welfare agency away from their parents and for whom the department or
4 agency has placement and care responsibility, including placements in foster family homes, foster
5 homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and
6 preadoptive homes.

7 (B) "Foster care" does not mean care for children whose parent or guardian voluntarily placed
8 the child outside the child's home with a public or private agency and for whom the child's parent
9 or guardian retains legal guardianship.

10 (b)(A) "Person in parental relationship" means an adult who has physical custody of an indi-
11 vidual or resides in the same household as the individual, interacts with the individual daily, pro-
12 vides the individual with food, clothing, shelter and incidental necessities and provides the
13 individual with necessary care, education and discipline.

14 (B) "Person in parental relationship" does not mean a person with a power of attorney or other
15 written delegation of parental responsibilities if the person does not have other evidence of a par-
16 ental relationship.

17 (c) "School district of origin" means the school district where an individual was a resident be-
18 fore:

19 (A) The individual was placed into foster care; or

20 (B) The foster care placement of the individual changed.

21 (d) "School of origin" means the school that an individual attended before:

22 (A) The individual was placed into foster care; or

23 (B) The foster care placement of the individual changed.

24 (2)(a) Except as provided in subsections (3) to (5) of this section, individuals between the ages
25 of 4 and 18 shall be considered resident for school purposes in the school district in which their
26 parents, their guardians or persons in parental relationship to them reside.

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

31 (c) Individuals living temporarily in a school district for the primary purpose of attending a
32 district school may not be considered resident in the district in which they are living temporarily,
33 but shall be considered resident in the district in which they, their parents, their guardians or per-
34 sons in parental relationship to them reside.

35 (3) Individuals considered legally emancipated from their parents shall be considered resident
36 in the district in which they actually reside, irrespective of the residence of their parents, their
37 guardians or persons in parental relationship.

38 (4)(a) An individual who is between the ages of 4 and 21 and who is placed in foster care shall
39 be considered a resident of:

40 (A) The school district of origin; or

41 (B) The school district where the individual resides due to placement by the Department of
42 Human Services or a tribal child welfare agency if a juvenile court determines it is not in the best
43 interest of the individual to continue attending the school of origin or any other school in the school
44 district of origin, based on consideration of all factors relating to the individual's best interests.

45 (b) If a juvenile court makes a determination that it is not in the best interest of the individual

1 to continue attending the school of origin, the individual shall be immediately enrolled in a new
 2 school, even if the individual is unable to produce records normally required for enrollment.

3 (c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A)
 4 of this subsection shall:

5 (A) Remain in the individual’s school district of origin and, if applicable, the individual’s school
 6 of origin for the duration of the individual’s time in foster care; and

7 (B) Be provided, free of charge, transportation between the individual’s home and the
 8 individual’s school district of origin or, if applicable, the individual’s school of origin.

9 (d) The Department of Education, the Department of Human Services, tribal child welfare
 10 agencies and school districts shall collaborate to ensure that the provisions of this subsection are
 11 implemented.

12 (5)(a) Except as provided in ORS 327.006 (6) and 335.090, an individual whose legal residence is
 13 not within the district but who attends school in the district is considered a resident in the district
 14 in which the individual attends school if the individual receives written consent from:

15 (A) Both of the affected district school boards as provided by policies adopted by the boards[.];
 16 **or**

17 **(B) The district school board for the district in which the school is located, as provided**
 18 **by section 1 of this 2021 Act.**

19 (b) An individual whose legal residence is not within the district but who attends school in the
 20 district is considered a resident in the district in which the individual attends school if:

21 (A) The legal residence of the individual had been in the district in which the individual attends
 22 school before a boundary change was made to the district;

23 (B) The legal residence of the individual is no longer in the district in which the individual at-
 24 tends school because of the boundary change; and

25 (C) The individual has had the same legal residence and has continuously been enrolled in a
 26 school in the district since the boundary change.

27 (6)(a) Individuals who are foreign exchange students and who are residing in Oregon in a
 28 dormitory operated by a school district are considered to be residents of the school district in which
 29 the dormitory is located.

30 (b) For the purpose of this subsection:

31 (A) An individual may not be considered to be a foreign exchange student for more than one
 32 school year.

33 (B) An individual may be considered to be a resident of a school district as provided by this
 34 subsection only if, for the 2010-2011 school year, the school district had foreign exchange students
 35 who would have been considered residents under the provisions of this subsection.

36 (C) The number of individuals who may be considered residents under the provisions of this
 37 subsection may not increase relative to the number who would have been considered residents under
 38 the provisions of this subsection for the 2010-2011 school year.

39 (c) As used in this subsection, “foreign exchange student” means an individual who attends
 40 school in Oregon under a cultural exchange program and whose parent, guardian or person in par-
 41 ental relationship resides in another country.

42 **SECTION 4.** ORS 339.133, as amended by sections 2 and 3, chapter 21, Oregon Laws 2020 (first
 43 special session), is amended to read:

44 339.133. (1) As used in this section:

45 (a)(A) “Foster care” means substitute care for children placed by the Department of Human

1 Services or a tribal child welfare agency away from their parents and for whom the department or
 2 agency has placement and care responsibility, including placements in foster family homes, foster
 3 homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and
 4 preadoptive homes.

5 (B) “Foster care” does not mean care for children whose parent or guardian voluntarily placed
 6 the child outside the child’s home with a public or private agency and for whom the child’s parent
 7 or guardian retains legal guardianship.

8 (b)(A) “Person in parental relationship” means an adult who has physical custody of an indi-
 9 vidual or resides in the same household as the individual, interacts with the individual daily, pro-
 10 vides the individual with food, clothing, shelter and incidental necessities and provides the
 11 individual with necessary care, education and discipline.

12 (B) “Person in parental relationship” does not mean a person with a power of attorney or other
 13 written delegation of parental responsibilities if the person does not have other evidence of a par-
 14 ental relationship.

15 (c) “School district of origin” means the school district where an individual was a resident be-
 16 fore:

17 (A) The individual was placed into foster care; or

18 (B) The foster care placement of the individual changed.

19 (d) “School of origin” means the school that an individual attended before:

20 (A) The individual was placed into foster care; or

21 (B) The foster care placement of the individual changed.

22 (2)(a) Except as provided in subsections (3) to (5) of this section, individuals between the ages
 23 of 4 and 18 shall be considered resident for school purposes in the school district in which their
 24 parents, their guardians or persons in parental relationship to them reside.

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

29 (c) Individuals living temporarily in a school district for the primary purpose of attending a
 30 district school may not be considered resident in the district in which they are living temporarily,
 31 but shall be considered resident in the district in which they, their parents, their guardians or per-
 32 sons in parental relationship to them reside.

33 (3) Individuals considered legally emancipated from their parents shall be considered resident
 34 in the district in which they actually reside, irrespective of the residence of their parents, their
 35 guardians or persons in parental relationship.

36 (4)(a) An individual who is between the ages of 4 and 21 and who is placed in foster care shall
 37 be considered a resident of:

38 (A) The school district of origin; or

39 (B) The school district where the individual resides due to placement by the Department of
 40 Human Services or a tribal child welfare agency if a juvenile court determines it is not in the best
 41 interest of the individual to continue attending the school of origin or any other school in the school
 42 district of origin, based on consideration of all factors relating to the individual’s best interests.

43 (b) If a juvenile court makes a determination that it is not in the best interest of the individual
 44 to continue attending the school of origin, the individual shall be immediately enrolled in a new
 45 school, even if the individual is unable to produce records normally required for enrollment.

1 (c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A)
2 of this subsection shall:

3 (A) Remain in the individual's school district of origin and, if applicable, the individual's school
4 of origin for the duration of the individual's time in foster care; and

5 (B) Be provided, free of charge, transportation between the individual's home and the
6 individual's school district of origin or, if applicable, the individual's school of origin.

7 (d) The Department of Education, the Department of Human Services, tribal child welfare
8 agencies and school districts shall collaborate to ensure that the provisions of this subsection are
9 implemented.

10 (5)(a) Except as provided in ORS 327.006 (6) and 335.090, an individual whose legal residence is
11 not within the district but who attends school in the district is considered a resident in the district
12 in which the individual attends school if the individual receives written consent from:

13 (A) Both of the affected district school boards as provided by policies adopted by the boards[.];
14 **or**

15 **(B) The district school board for the district in which the school is located, as provided**
16 **by section 1 of this 2021 Act.**

17 (b) An individual whose legal residence is not within the district but who attends school in the
18 district is considered a resident in the district in which the individual attends school if:

19 (A) The legal residence of the individual had been in the district in which the individual attends
20 school before a boundary change was made to the district;

21 (B) The legal residence of the individual is no longer in the district in which the individual at-
22 tends school because of the boundary change; and

23 (C) The individual has had the same legal residence and has continuously been enrolled in a
24 school in the district since the boundary change.

25 **SECTION 5.** ORS 327.006 is amended to read:

26 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731:

27 (1) "Aggregate days membership" means the sum of days present and absent, according to the
28 rules of the State Board of Education, of all resident pupils when school is actually in session during
29 a certain period. The aggregate days membership of kindergarten pupils shall be calculated on the
30 basis of a half-day program for half-day kindergarten and on the basis of a full-day program for
31 full-day kindergarten.

32 (2)(a) "Approved transportation costs" means those costs as defined by rule of the State Board
33 of Education and is limited to those costs attributable to transporting or room and board provided
34 in lieu of transporting:

35 (A) Elementary school students who live at least one mile from school;

36 (B) Secondary school students who live at least 1.5 miles from school;

37 (C) Any student required to be transported for health or safety reasons, according to supple-
38 mental plans from districts that have been approved by the state board identifying students who are
39 required to be transported for health or safety reasons, including special education;

40 (D) Preschool children with disabilities requiring transportation for early intervention services
41 provided pursuant to ORS 343.224 and 343.533;

42 (E) Students who require payment of room and board in lieu of transportation;

43 (F) A student transported from one school or facility to another school or facility when the
44 student attends both schools or facilities during the day or week; and

45 (G) Students participating in school-sponsored field trips that are extensions of classroom

1 learning experiences.

2 (b) “Approved transportation costs” does not include the cost of constructing boarding school
3 facilities.

4 (3) “Average daily membership” or “ADM” means the aggregate days membership of a school
5 during a certain period divided by the number of days the school was actually in session during the
6 same period. However, if a district school board adopts a class schedule that operates throughout
7 the year for all or any schools in the district, average daily membership shall be computed by the
8 Department of Education so that the resulting average daily membership will not be higher or lower
9 than if the board had not adopted such schedule.

10 (4) “Kindergarten” means a kindergarten program that conforms to the standards and rules
11 adopted by the State Board of Education.

12 (5) “Net operating expenditures” means the sum of expenditures of a school district in
13 kindergarten through grade 12 for administration, instruction, attendance and health services, op-
14 eration of plant, maintenance of plant, fixed charges and tuition for resident students attending in
15 another district, as determined in accordance with the rules of the State Board of Education, but
16 net operating expenditures does not include transportation, food service, student body activities,
17 community services, capital outlay, debt service or expenses incurred for nonresident students.

18 (6)(a) “Resident pupil” means any pupil:

19 (A) Whose legal school residence is within the boundaries of a school district reporting the pu-
20 pil, if the district is legally responsible for the education of the pupil, except that “resident pupil”
21 does not include a pupil who pays tuition or for whom the parent pays tuition or for whom the
22 district does not pay tuition for placement outside the district; or

23 (B) Whose legal residence is not within the boundaries of the district reporting the pupil but
24 who attends school in the district [*with the written consent of the district school board where the*
25 *school is located*] as provided by ORS 339.133 (5)(a).

26 (b) A pupil is not considered to be a resident pupil under paragraph (a)(A) of this subsection if
27 the pupil is attending school in another school district pursuant to a contract under ORS 339.125
28 and in the prior year was considered to be a resident pupil in another school district under para-
29 graph (a)(B) of this subsection. The pupil shall continue to be considered a resident of another
30 school district under paragraph (a)(B) of this subsection.

31 (c) A pupil is not considered to be a resident pupil under paragraph (a)(B) of this subsection if
32 the pupil is attending school in a school district pursuant to ORS 339.133 (5)(a) and in the prior year
33 was considered to be a resident pupil under paragraph (a)(A) of this subsection because the pupil
34 was attending school in another school district pursuant to a contract under ORS 339.125. The pupil
35 shall continue to be considered a resident pupil under paragraph (a)(A) of this subsection.

36 (d) “Resident pupil” includes a pupil who is:

37 (A) Admitted to a school district under ORS 339.115 (7); or

38 (B) Considered a resident under ORS 339.133 (5)(b).

39 (7) “Standard school” means a school meeting the standards set by the rules of the State Board
40 of Education.

41 (8) “Tax” and “taxes” includes all taxes on property, excluding exempt bonded indebtedness, as
42 those terms are defined in ORS 310.140.

43 **SECTION 6.** ORS 339.127 is amended to read:

44 339.127. (1) A district school board that admits nonresident students by giving consent as de-
45 scribed in ORS 339.133 [(5)(a)] **(5)(a)(A)** may not consider race, religion, sex, sexual orientation,

1 ethnicity, national origin, disability, health, whether a student has an individualized education pro-
 2 gram, the terms of an individualized education program, income level, residence, proficiency in the
 3 English language, athletic ability or academic records when:

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

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

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

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

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

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

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

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

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

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

33 (4)(a) A district school board that gives consent as described in ORS 339.133 [(5)(a)] **(5)(a)(A)**
 34 may limit the number of students to whom consent is given. The district school board must make
 35 the determination whether to limit the number of students to whom consent is given by an annual
 36 date established by the board.

37 (b) If the number of students seeking consent exceeds any limitations imposed by the district
 38 school board, the board must give consent to students based on an equitable lottery selection pro-
 39 cess. The process may give priority to students who:

40 (A) Have siblings currently enrolled in a school of the same school district for which the student
 41 seeks admission;

42 (B) Previously had received consent as provided by subsection (10) of this section because of a
 43 change in legal residence; or

44 (C) Attended a public charter school located in the same district for which the student seeks
 45 admission for at least three consecutive years, completed the highest grade offered by the public

1 charter school and did not enroll in and attend school in another district following completion of
 2 the highest grade offered by the public charter school.

3 (c) A district school board may revise the maximum number of students to whom consent will
 4 be given at a time other than the annual date established by the board if there are no pending ap-
 5 plications for consent.

6 (5) A district school board that is requested to give consent to allow a resident student to be
 7 admitted by another school district as described in ORS 339.133 [(5)(a)] **(5)(a)(A)** may not consider
 8 race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student
 9 has an individualized education program, the terms of an individualized education program, income
 10 level, residence, proficiency in the English language, athletic ability or academic records when de-
 11 termining whether to give consent.

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

14 (7)(a) For a nonresident student who receives consent to be admitted to a school district as de-
 15 scribed in ORS 339.133 [(5)(a)] **(5)(a)(A)**, a district school board may:

16 (A) Determine the length of time for which consent is given; and

17 (B) Revoke consent for failure to comply with minimum standards for behavior or attendance,
 18 but may not revoke consent for failure to meet standards for academics.

19 (b) Any limitations in length of time for consent, as allowed under paragraph (a) of this sub-
 20 section, must be applied consistently among all students to whom consent is given. The length of
 21 time for which consent is given shall not be affected by any changes in the legal residence of the
 22 student if the student wishes to continue to attend the schools of the school district.

23 (c) If consent is revoked as provided by paragraph (a) of this subsection, a student may not re-
 24 quest consent from the same school district that revoked the consent for the school year following
 25 the school year in which the consent was revoked.

26 (8) For a resident student who receives consent to be admitted to another school district as
 27 described in ORS 339.133 [(5)(a)] **(5)(a)(A)**, a district school board may not impose any limitations
 28 on the length of time for which consent is given to the student. The board may not require the
 29 student to receive consent more than one time to be admitted to the same school district, regardless
 30 of any time limitations imposed by the district school board under [*paragraph (a) of this subsection*]
 31 **subsection (7)(a)(A) of this section.**

32 (9)(a) A school district that provides consent to nonresident students to attend the schools of
 33 the school district may not expend moneys received from the State School Fund or as Local Re-
 34 venues, as described in ORS 327.011, to advertise openings for nonresident students if the adver-
 35 tisements are:

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

38 (B) Directed to nonresident students, including:

39 (i) Advertisements that are targeted to nonresident students through direct mail or online mar-
 40 keting;

41 (ii) Television or radio advertisements; or

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

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

1 on the property of the school.

2 (c) Nothing in this subsection:

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

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

6 (10) Notwithstanding any other provision of this section, a district school board that is re-
7 quested to give consent as described in ORS 339.133 [(5)(a)] **(5)(a)(A)** must give consent to a student
8 whose legal residence changes to a different school district:

9 (a) During the school year, to enable the student to complete the school year in the school dis-
10 trict; or

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

13 (11) Nothing in this section:

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

17 (b) Prevents a district school board from denying admission to a nonresident student as provided
18 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:

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

22 (B) A hardship of the student, as determined based on rules adopted by the State Board of Ed-
23 ucation.

24 (d) Prevents a district school board from establishing minimum standards for behavior and at-
25 tendance that a student must maintain to remain enrolled in the schools of the school district.

26 **SECTION 7. This 2021 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
28 **on its passage.**

29