

House Bill 2347

Sponsored by Representative BONHAM (at the request of former Representative Cheri Helt) (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 for five school years process by which school district may participate in open enrollment and individual who is not resident of participating district may be considered resident of district for educational purposes.

Sunset June 30, 2026.

Declares emergency, effective on passage.

A BILL FOR AN ACT

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

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

5 **SECTION 1. (1) A school district may participate in open enrollment for a school year,**
6 **and an individual who is not a resident of the district may be considered a resident of the**
7 **district for educational purposes, as provided by this section.**

8 **(2)(a) By March 1 of each year, a district school board shall determine whether the school**
9 **district will participate in open enrollment and give consent to individuals whose legal resi-**
10 **dence is not within the district to attend the schools of the district.**

11 **(b) If the school district will participate in open enrollment and give consent, the district**
12 **school board must establish standards by which consent will be given. The standards must:**

13 **(A) Identify the number of individuals to whom consent will be given. The district school**
14 **board may limit the number of individuals to whom consent will be given based on school,**
15 **grade or a combination of school and grade.**

16 **(B) Allow individuals who live within the boundaries of the school district the first op-**
17 **portunity to change to a different school in the district if consent to attend that school will**
18 **be given, to individuals who do not reside within the district.**

19 **(3) An individual seeking consent as provided by this section must request consent no**
20 **later than April 1 prior to the beginning of the school year for which consent is being re-**
21 **quested. Requests may be submitted before the district school board makes the determi-**
22 **nation and establishes the standards described in subsection (2) of this section, but the board**
23 **may not consider those requests when the board makes the determination and establishes**
24 **the standards.**

25 **(4)(a) Consent must be given to an individual who requests consent as provided by this**
26 **section unless:**

27 **(A) The district school board decides to not give consent to any individual as allowed by**
28 **subsection (2) of this section;**

29 **(B) The district school board decides to limit the number of individuals to whom consent**
30 **will be given, and the individual was not selected to be given consent based on the selection**

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 process described in subsection (5) of this section; or

2 (C) The district school board is not required to admit the individual, as provided by ORS
3 339.115 (8).

4 (b) Consent may not be denied, and priority for consent may not be given, to an individual
5 seeking consent as provided by this section based on the individual's race, religion, sex,
6 sexual orientation, ethnicity, national origin, disability, terms of an individualized education
7 program, income level, proficiency in the English language, athletic ability or residence.

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

14 (6)(a) If an individual is considered a resident of the school district as provided by this
15 section and the individual has expressed an interest in attending the schools of another
16 school district before the end of the school year, the school district shall meet with the in-
17 dividual and encourage the individual to continue to attend the schools of the school district
18 for the remainder of the school year.

19 (b) If an individual is considered a resident of the school district as provided by this
20 section, the school district may not encourage or require the individual to attend the schools
21 of another school district as a condition of avoiding a disciplinary measure, including but not
22 limited to suspension or expulsion.

23 (7)(a) Except as provided by paragraphs (b) and (c) of this subsection, an individual who
24 receives consent and who is considered a resident of a school district as provided by this
25 section shall be considered a resident of the district for all educational purposes. An indi-
26 vidual who is considered a resident of the school district as provided by this section shall
27 continue to be considered a resident of the district until the individual:

28 (A) Graduates from high school;

29 (B) Is no longer required to be admitted to the schools of the school district under ORS
30 339.115; or

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

32 (b) A school district is not required to provide transportation outside the boundaries of
33 the district to an individual who is considered a resident of the district as provided by this
34 section, except that a district:

35 (A) Must allow individuals who are considered residents of the district as provided by this
36 section to use existing bus routes and transportation services of the district. Costs incurred
37 for transportation provided under this subparagraph are considered approved transportation
38 costs for purposes of ORS 327.013, except for costs incurred for providing transportation
39 solely to individuals who are considered residents of the district as provided by this section
40 if the transportation is provided:

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

42 (ii) For the purpose of transporting the individuals between home and school.

43 (B) May provide a stipend for an individual who is a member of a low-income family, as
44 defined in ORS 339.147, in an amount that does not exceed the district's average cost per
45 student for transportation.

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

4 (c) After the first year that an individual is considered a resident of a school district as
 5 provided by this section, the district school board may transfer the individual to a different
 6 school in the district. Any transfers must be made consistent with district policy and do not
 7 affect the status of the individual as a resident of the district.

8 (8) A district school board shall provide written notification of the attendance of an in-
 9 dividual who receives consent as provided by this section to the district school board where
 10 the legal residence of the individual is located. The written notification required by this
 11 subsection must be provided no later than May 1 prior to the beginning of the year for which
 12 consent was given.

13 (9) A school district that provides consent to nonresident individuals to attend the
 14 schools of the school district as provided by this section may not expend state moneys or
 15 Local Revenues, as described in ORS 327.011, to advertise openings for nonresident individ-
 16 uals if the advertisements are:

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

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

20 (A) Advertisements that are targeted to nonresident individuals through direct mail or
 21 online direct marketing;

22 (B) Television or radio advertisements; or

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

25 (10) Nothing in this section:

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

28 (b) Prevents a school district from entering into interagency agreements to provide ser-
 29 vices to individuals who do not reside in the school district or are not considered residents
 30 of the school district.

31 (c) Prevents or otherwise limits a district school board from providing consent to an in-
 32 dividual who has received consent from the district school board for the school district in
 33 which the individual resides, as provided by ORS 339.133 (5)(a)(A).

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

35 (2) Notwithstanding section 1 (2) and (3) of this 2021 Act and for the 2021-2022 school year
 36 only, a school district may adopt and follow a delayed timeline for open enrollment to enable
 37 students to participate in open enrollment for the 2021-2022 school year.

38 **SECTION 3.** (1) Section 1 of this 2021 Act is repealed on June 30, 2026.

39 (2) Nothing in the repeal of section 1 of this 2021 Act by this section affects the status
 40 of an individual who was considered a resident as provided by section 1 of this 2021 Act for
 41 the 2025-2026 school year.

42 (3) Notwithstanding section 1 of this 2021 Act, a school district is not required to take
 43 any action, and may not take any action, under section 1 of this 2021 Act for the 2026-2027
 44 school year.

45 **SECTION 4.** ORS 339.133, as amended by section 2, chapter 21, Oregon Laws 2020 (first special

1 session), is amended to read:

2 339.133. (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (A) The school district of origin; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (b) For the purpose of this subsection:

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

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

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

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

43 **SECTION 5.** ORS 339.133, as amended by sections 2 and 3, chapter 21, Oregon Laws 2020 (first
 44 special session), is amended to read:

45 339.133. (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (A) The school district of origin; or

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

44 (b) If a juvenile court makes a determination that it is not in the best interest of the individual
 45 to continue attending the school of origin, the individual shall be immediately enrolled in a new

1 school, even if the individual is unable to produce records normally required for enrollment.

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

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

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

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

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

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

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

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

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

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

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

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

27 339.127. (1) A district school board that admits nonresident students by giving consent as de-
 28 scribed in ORS 339.133 (5)(a)(A) may not consider race, religion, sex, sexual orientation, ethnicity,
 29 national origin, disability, health, whether a student has an individualized education program, the
 30 terms of an individualized education program, income level, residence, proficiency in the English
 31 language, athletic ability or academic records when:

32 (a) Determining whether to give consent; or

33 (b) Establishing any terms of consent.

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

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

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

39 (c) Information about whether the student may be given priority as provided by subsection (4)
 40 of this section; and

41 (d) Information about which schools the student prefers to attend.

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

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

1 dent:

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

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

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

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

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

16 (4)(a) A district school board that gives consent as described in ORS 339.133 (5)(a)(A) may limit
 17 the number of students to whom consent is given. The district school board must make the deter-
 18 mination whether to limit the number of students to whom consent is given by an annual date es-
 19 tablished by the board.

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

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

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

27 (C) Attended a public charter school located in the same district for which the student seeks
 28 admission for at least three consecutive years, completed the highest grade offered by the public
 29 charter school and did not enroll in and attend school in another district following completion of
 30 the highest grade offered by the public charter school.

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

34 (5) A district school board that is requested to give consent to allow a resident student to be
 35 admitted by another school district as described in ORS 339.133 (5)(a)(A) may not consider race,
 36 religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has
 37 an individualized education program, the terms of an individualized education program, income level,
 38 residence, proficiency in the English language, athletic ability or academic records when determin-
 39 ing whether to give consent.

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

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

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

45 (B) Revoke consent for failure to comply with minimum standards for behavior or attendance,

1 but may not revoke consent for failure to meet standards for academics.

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

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

9 (8) For a resident student who receives consent to be admitted to another school district as
 10 described in ORS 339.133 (5)(a)(A), a district school board may not impose any limitations on the
 11 length of time for which consent is given to the student. The board may not require the student to
 12 receive consent more than one time to be admitted to the same school district, regardless of any
 13 time limitations imposed by the district school board under paragraph (a) of this subsection.

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

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

20 (B) Directed to nonresident students, including:

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

23 (ii) Television or radio advertisements; or

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

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

29 (c) Nothing in this subsection:

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

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

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

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

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

40 (11) Nothing in this section:

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

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

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

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

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

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

8 **SECTION 7.** ORS 339.133, as amended by sections 2 and 3, chapter 21, Oregon Laws 2020 (first
 9 special session), and sections 4 and 5 of this 2021 Act, is amended to read:

10 339.133. (1) As used in this section:

11 (a)(A) “Foster care” means substitute care for children placed by the Department of Human
 12 Services or a tribal child welfare agency away from their parents and for whom the department or
 13 agency has placement and care responsibility, including placements in foster family homes, foster
 14 homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and
 15 preadoptive homes.

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

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

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

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

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

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

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

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

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

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

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

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

44 (3) Individuals considered legally emancipated from their parents shall be considered resident
 45 in the district in which they actually reside, irrespective of the residence of their parents, their

1 guardians or persons in parental relationship.

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

4 (A) The school district of origin; or

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

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

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

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

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

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

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

24 [(A)] both of the affected district school boards as provided by policies adopted by the
25 boards.[: or]

26 [(B) *The district school board for the district in which the school is located, as provided by section*
27 *1 of this 2021 Act.*]

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

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

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

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

36 **SECTION 8.** ORS 339.127, as amended by section 6 of this 2021 Act, is amended to read:

37 339.127. (1) A district school board that admits nonresident students by giving consent as de-
38 scribed in ORS 339.133 [(5)(a)(A)] **(5)(a)** may not consider race, religion, sex, sexual orientation,
39 ethnicity, national origin, disability, health, whether a student has an individualized education pro-
40 gram, the terms of an individualized education program, income level, residence, proficiency in the
41 English language, athletic ability or academic records when:

42 (a) Determining whether to give consent; or

43 (b) Establishing any terms of consent.

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

- 1 (a) The name, contact information, date of birth and grade level of the student;
- 2 (b) Information about whether the school district may be prevented or otherwise limited from
- 3 providing consent as provided by ORS 339.115 (8);
- 4 (c) Information about whether the student may be given priority as provided by subsection (4)
- 5 of this section; and
- 6 (d) Information about which schools the student prefers to attend.
- 7 (3)(a) A district school board that is considering whether to admit a nonresident student by
- 8 giving consent may not:
 - 9 (A) Request or require any person to provide or have provided any of the following information
 - 10 related to a student prior to the district school board deciding whether to give consent to the stu-
 - 11 dent:
 - 12 (i) Information about the student's race, religion, sex, sexual orientation, ethnicity, national ori-
 - 13 gin, disability, health, whether a student has an individualized education program, the terms of an
 - 14 individualized education program, income level, residence, proficiency in the English language or
 - 15 athletic ability; or
 - 16 (ii) Academic records, including eligibility for or participation in a talented and gifted program
 - 17 or special education and related services.
 - 18 (B) Request or require the student to participate in an interview, to tour any of the schools or
 - 19 facilities of the school district or to otherwise meet with any representatives of a school or a school
 - 20 district prior to the district school board deciding whether to give consent to the student.
 - 21 (C) Request any information used to supplement the information described in subsection (2) of
 - 22 this section prior to deciding whether to give consent to the student.
- 23 (b) Nothing in this subsection prevents a student from voluntarily touring any of the schools or
- 24 facilities of a school district or from requesting or receiving any information from a school or the
- 25 school district.
- 26 (4)(a) A district school board that gives consent as described in ORS 339.133 [(5)(a)(A)] **(5)(a)**
- 27 may limit the number of students to whom consent is given. The district school board must make
- 28 the determination whether to limit the number of students to whom consent is given by an annual
- 29 date established by the board.
- 30 (b) If the number of students seeking consent exceeds any limitations imposed by the district
- 31 school board, the board must give consent to students based on an equitable lottery selection pro-
- 32 cess. The process may give priority to students who:
 - 33 (A) Have siblings currently enrolled in a school of the same school district for which the student
 - 34 seeks admission;
 - 35 (B) Previously had received consent as provided by subsection (10) of this section because of a
 - 36 change in legal residence; or
 - 37 (C) Attended a public charter school located in the same district for which the student seeks
 - 38 admission for at least three consecutive years, completed the highest grade offered by the public
 - 39 charter school and did not enroll in and attend school in another district following completion of
 - 40 the highest grade offered by the public charter school.
- 41 (c) A district school board may revise the maximum number of students to whom consent will
- 42 be given at a time other than the annual date established by the board if there are no pending ap-
- 43 plications for consent.
- 44 (5) A district school board that is requested to give consent to allow a resident student to be
- 45 admitted by another school district as described in ORS 339.133 [(5)(a)(A)] **(5)(a)** may not consider

1 race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student
 2 has an individualized education program, the terms of an individualized education program, income
 3 level, residence, proficiency in the English language, athletic ability or academic records when de-
 4 termining whether to give consent.

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

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

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

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

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

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

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

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

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

30 (B) Directed to nonresident students, including:

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

33 (ii) Television or radio advertisements; or

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

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

39 (c) Nothing in this subsection:

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

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

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

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

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

5 (11) Nothing in this section:

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

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

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

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

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

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

18 **SECTION 9. The amendments to ORS 339.127 and 339.133 by sections 7 and 8 of this 2021**
19 **Act become operative on July 1, 2026.**

20 **SECTION 10. This 2021 Act being necessary for the immediate preservation of the public**
21 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
22 **on its passage.**

23 _____