

# House Bill 2557

Sponsored by Representative CRAMER (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**.

Removes limitation on percentage of students in school district who may enroll in virtual public charter school not sponsored by school district without first receiving approval from school district.

Establishes open enrollment process for school districts to allow students to attend schools in nonresident school district with consent of receiving school district.

Directs district school boards to adopt and implement policy that provides for establishment of education savings accounts for students who are considered residents in school district to use for educational expenses.

## A BILL FOR AN ACT

1  
2 Relating to school choice; creating new provisions; and amending ORS 338.025, 338.125, 339.127 and  
3 339.133.

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

## VIRTUAL PUBLIC CHARTER SCHOOLS

5  
6  
7  
8 **SECTION 1.** ORS 338.125 is amended to read:

9 338.125. (1) Student enrollment in a public charter school is voluntary.

10 (2)(a) All students who reside in the school district in which the public charter school is located  
11 are eligible for enrollment in the public charter school if space is available.

12 (b) Students who do not reside in the school district in which the public charter school is lo-  
13 cated are eligible for enrollment in the public charter school if space is available [*and subject to*  
14 *subsection (4) of this section*].

15 (c) A public charter school may not limit student enrollment based on race, religion, sex, sexual  
16 orientation, gender identity, ethnicity, national origin, disability, the terms of an individualized ed-  
17 ucation program, income level, proficiency in the English language or athletic ability. A public  
18 charter school may implement a weighted lottery that favors historically underserved students as  
19 provided by subsection (3)(a) of this section.

20 (3)(a) Except as provided by paragraphs (b) and (c) of this subsection, if the number of applica-  
21 tions from students exceeds the capacity of a program, class, grade level or building, the public  
22 charter school shall select students through an equitable lottery selection process. For the purpose  
23 of ameliorating the impact of discrimination against historically underserved students, an equitable  
24 lottery selection process may include weights that favor historically underserved students. As used  
25 in this paragraph, "historically underserved students" are students who are at risk because of any  
26 combination of their race, sex, sexual orientation, gender identity, ethnicity, disability, income level,  
27 proficiency in the English language, socioeconomic status or geographic location.

28 (b)(A) A public charter school may give priority for admission to students who reside within the

**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 attendance boundaries that were in effect at the time a school district closed a nonchartered public  
 2 school if:

3 (i) The public charter school began to operate not more than two years after the nonchartered  
 4 public school was closed;

5 (ii) The school district that closed the nonchartered public school is the sponsor of the public  
 6 charter school;

7 (iii) The public charter school is physically located within the attendance boundaries of the  
 8 closed nonchartered public school; and

9 (iv) The school district board, through board action, approved the public charter school giving  
 10 priority as described in this paragraph.

11 (B) Nothing in this paragraph requires an amendment to a charter. A school district board may  
 12 take an action described in subparagraph (A)(iv) of this paragraph at any time during the term of  
 13 a charter.

14 (c) After a public charter school has been in operation for one or more years, the public charter  
 15 school may give priority for admission to students who:

16 (A) Were enrolled in the prior year in the public charter school;

17 (B) Were enrolled in a public preschool or prekindergarten program operated by the public  
 18 charter school;

19 (C) Have siblings who are presently enrolled in the school and who were enrolled in the school  
 20 in the prior year;

21 (D) Are at risk because the student has an economic or academic disadvantage that requires  
 22 special services or assistance, including students who:

23 (i) Are from economically disadvantaged families;

24 (ii) Are identified as having special educational needs;

25 (iii) Are limited in proficiency in the English language;

26 (iv) Are at risk of dropping out of high school; or

27 (v) Do not meet minimum standards of academic proficiency; or

28 (E) If the public charter school is a party to a cooperative agreement described in ORS 338.080,  
 29 reside in the school district that is the sponsor of the public charter school or in a school district  
 30 that is a party to the cooperative agreement.

31 [(4)(a)] (4) A student who wishes to enroll in a virtual public charter school does not need the  
 32 approval of the school district where the student is a resident before the student enrolls in the  
 33 virtual public charter school. If a student wishes to enroll in a virtual public charter school, the  
 34 parent, legal guardian or person in parental relationship with the student must provide the following  
 35 notices to the school district where the student is a resident:

36 [(A)] (a) Intent to enroll the student in a virtual public charter school; and

37 [(B)] (b) Enrollment of the student in a virtual public charter school.

38 [(b)(A) *Notwithstanding paragraph (a) of this subsection and ORS 339.133, if more than three*  
 39 *percent of the students who reside in a school district are enrolled in virtual public charter schools that*  
 40 *are not sponsored by the school district, a student who is a resident of the school district must receive*  
 41 *approval from the school district before enrolling in a virtual public charter school. A school district*  
 42 *is not required to give approval if more than three percent of the students who reside in the school*  
 43 *district are enrolled in virtual public charter schools that are not sponsored by the school district.*]

44 [(B) *For the purpose of determining whether more than three percent of the students who reside in*  
 45 *the school district are enrolled in virtual public charter schools that are not sponsored by the school*

1 *district, the school district board shall include any students who:]*

2 *[(i) Reside in the school district, regardless of whether the students are considered residents of*  
 3 *different school districts as provided by ORS 339.133 (5); and]*

4 *[(ii) Are enrolled in virtual public charter schools that are not sponsored by the school district.]*

5 *[(C) Students who reside in the school district, regardless of whether the students are considered*  
 6 *residents of different school districts as provided by ORS 339.133 (5), must receive approval from the*  
 7 *school district before enrolling in a virtual public charter school if the limit described in subparagraph*  
 8 *(A) of this paragraph has been met.]*

9 *[(c) If the school district does not give approval under paragraph (b) of this subsection, the school*  
 10 *district must provide information to the parent, legal guardian or person in parental relationship with*  
 11 *the student about the right to appeal the decision to the State Board of Education and other online*  
 12 *options available to the student. If an appeal is made to the State Board of Education, the board must*  
 13 *issue a decision within 30 days of the submission of the appeal.]*

14 (5) Within 10 days of a student's enrollment in a public charter school, the public charter school  
 15 shall provide written notice of the student's enrollment to the school district in which the public  
 16 charter school is located if the student does not reside in the school district where the public  
 17 charter school is located.

18 (6) Within 10 days of receiving the notice described in subsection (5) of this section, the school  
 19 district in which the public charter school is located shall provide to the student's parent, legal  
 20 guardian or person in parental relationship written information about:

21 (a) The school district's responsibility to identify, locate and evaluate students enrolled in the  
 22 public charter school to determine which students may be in need of special education and related  
 23 services as provided by ORS 338.165; and

24 (b) The methods by which the school district may be contacted to answer questions or provide  
 25 information related to special education and related services.

26 (7) When a student described in subsection (5) of this section withdraws from a public charter  
 27 school for a reason other than graduation from high school, the school district in which the public  
 28 charter school is located shall:

29 (a) Provide to the school district in which the student resides written notice that the student  
 30 has withdrawn.

31 (b) Provide to the student's parent, legal guardian or person in parental relationship written  
 32 information about:

33 (A) The responsibility of the school district in which the student resides to identify, locate and  
 34 evaluate students who reside in the school district to determine which students may be in need of  
 35 special education and related services as provided by ORS 338.165; and

36 (B) The methods by which the school district in which the student resides may be contacted to  
 37 answer questions or provide information related to special education and related services.

38 (8)(a) If a student described in subsection (5) of this section enrolls in a public charter school  
 39 and has an individualized education program, the school district in which the public charter school  
 40 is located must implement the individualized education program and follow the terms of the indi-  
 41 vidualized education program until a new individualized education program is developed.

42 (b) If a student described in subsection (5) of this section withdraws from a public charter school  
 43 and has an individualized education program, the school district in which the student resides must  
 44 implement the individualized education program and follow the terms of the individualized education  
 45 program until a new individualized education program is developed.

1 (9) When a virtual public charter school enrolls a student or a student no longer is enrolled in  
 2 a virtual public charter school, the virtual public charter school shall provide the written notices  
 3 described in ORS 338.120 (1)(m) and (n) to the school district where the student is a resident.

4 (10) A public charter school may conduct fund-raising activities but may not require a student  
 5 to participate in fund-raising activities as a condition of admission to the public charter school.

6 **SECTION 2.** ORS 338.025 is amended to read:

7 338.025. (1) The State Board of Education may adopt any rules necessary for the implementation  
 8 of this chapter. The rules shall follow the intent of this chapter.

9 (2) Upon application by a public charter school, the State Board of Education may grant a  
 10 waiver of any provision of this chapter if the waiver promotes the development of programs by  
 11 providers, enhances the equitable access by underserved families to the public education of their  
 12 choice, extends the equitable access to public support by all students or permits high quality pro-  
 13 grams of unusual cost. The State Board of Education may not waive any appeal provision in this  
 14 chapter or any provision under ORS 338.115 (1)(a) to (aa), 338.120, [338.125 (4),] 338.135 (2)(b) or  
 15 339.122.

16 **SECTION 3. The amendments to ORS 338.125 by section 1 of this 2023 Act first apply to**  
 17 **the 2024-2025 school year.**

18  
 19 **OPEN ENROLLMENT**

20  
 21 **SECTION 4.** ORS 339.133 is amended to read:

22 339.133. (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

45 (2)(a) Except as provided in subsections (3) to (5) of this section, individuals between the ages

1 of 4 and 18 shall be considered resident for school purposes in the school district in which their  
 2 parents, their guardians or persons in parental relationship to them reside.

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

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

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

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

16 (A) The school district of origin; or

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

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

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

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

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

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

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

36 (A) Both of the affected district school boards as provided by policies adopted by the boards[.];

37 **or**

38 **(B) The district school board for the district in which the school is located as provided**  
 39 **by section 5 of this 2023 Act.**

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

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

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

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

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

6 (b) For the purpose of this subsection:

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

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

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

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

18 **SECTION 5. (1) For purposes of ORS 339.133 (5)(a)(B), a person whose legal residence is**  
 19 **not within a school district but who attends a school in the district is considered a resident**  
 20 **of the district in which the person attends the school if the person receives written consent**  
 21 **to attend the school from the district school board where the school is located, as provided**  
 22 **by this section.**

23 **(2)(a) By March 1 of each year, a district school board shall determine whether the school**  
 24 **district will participate in open enrollment as provided by this section. When a school district**  
 25 **participates in open enrollment, the district school board shall give consent to persons whose**  
 26 **legal residence is not within the school district as provided by this section.**

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

29 **(A) Identify the number of persons to whom consent will be given for the school year.**  
 30 **The district school board may limit the number of persons to whom consent will be given**  
 31 **based on school, grade or a combination of school and grade.**

32 **(B) Allow persons who live within the boundaries of the school district the first oppor-**  
 33 **tunity to change to a different school in the district if the district school board will be giving**  
 34 **consent to attend that school to persons who do not reside within the district.**

35 **(3) A person seeking consent as provided by this section must request consent no later**  
 36 **than April 1 prior to the beginning of the school year for which consent is being requested.**  
 37 **Requests may be submitted before the district school board makes the determination and**  
 38 **establishes the standards as described in subsection (2) of this section, but may not be con-**  
 39 **sidered by the board when the board makes the determination and establishes the standards.**

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

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

43 **(B) The board decides to limit the number of persons to whom consent will be given and**  
 44 **does not give consent to the person based on the selection process described in subsection**  
 45 **(5) of this section; or**

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

2 (b) A district school board may not deny consent or give priority based on race, religion,  
 3 sex, sexual orientation, gender identity, ethnicity, national origin, disability, health, terms  
 4 of an individualized education program, income level, proficiency in the English language,  
 5 athletic ability, academic records or residence.

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

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

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

21 (7)(a) Except as provided by paragraphs (b) and (c) of this subsection, a person who re-  
 22 ceives consent and who is considered a resident of a district as provided by this section shall  
 23 be considered a resident of the district for all educational purposes. A person who is con-  
 24 sidered a resident of the district as provided by this section shall continue to be considered  
 25 a resident of the district until the person:

26 (A) Graduates from high school;

27 (B) Is no longer required to be admitted to the schools of the school district under ORS  
 28 339.115; or

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

30 (b) A school district is not required to provide transportation outside the boundaries of  
 31 the district to a person who is considered a resident of the district as provided by this sec-  
 32 tion, except that a district:

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

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

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

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

44 (C) Must provide transportation if required by federal law. Costs incurred for transpor-  
 45 tation provided under this subparagraph are considered approved transportation costs for

1 **purposes of ORS 327.013.**

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

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

11 (9) **Nothing in this section:**

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

14 (b) **Prevents a school district from entering into interagency agreements to provide ser-**  
 15 **vices to persons who do not reside in the school district or are not considered residents of**  
 16 **the school district.**

17 (c) **Prevents or otherwise limits a district school board from giving consent to a person**  
 18 **who has received consent from the district school board for the school district in which the**  
 19 **person resides, as provided by ORS 339.133 (5)(a)(A).**

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

21 339.127. (1) A district school board that admits nonresident students by giving consent as de-  
 22 scribed in ORS 339.133 [(5)(a)] **(5)(a)(A)** may not consider race, religion, sex, sexual orientation,  
 23 gender identity, ethnicity, national origin, disability, health, whether a student has an individualized  
 24 education program, the terms of an individualized education program, income level, residence, pro-  
 25 ficiency in the English language, athletic ability or academic records when:

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

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

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

36 (3)(a) A district school board that is considering whether to admit a nonresident student by  
 37 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, gender identity,  
 42 ethnicity, national origin, disability, health, whether a student has an individualized education pro-  
 43 gram, the terms of an individualized education program, income level, residence, proficiency in the  
 44 English language or 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) of  
6 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 gives consent as described in ORS 339.133 [(5)(a)] **(5)(a)(A)**  
11 may limit the number of students to whom consent is given. The district school board must make  
12 the determination whether to limit the number of students to whom consent is given by an annual  
13 date established by the board.

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

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

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

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

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

28 (5) A district school board that is requested to give consent to allow a resident student to be  
29 admitted by another school district as described in ORS 339.133 [(5)(a)] **(5)(a)(A)** may not consider  
30 race, religion, sex, sexual orientation, gender identity, ethnicity, national origin, disability, health,  
31 whether a student has an individualized education program, the terms of an individualized education  
32 program, income level, residence, proficiency in the English language, athletic ability or academic  
33 records when determining whether to give consent.

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

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

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

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

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

45 (c) If consent is revoked as provided by paragraph (a) of this subsection, a student may not re-

1 quest consent from the same school district that revoked the consent for the school year following  
 2 the school year in which the consent was revoked.

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

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

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

14 (B) Directed to nonresident students, including:

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

17 (ii) Television or radio advertisements; or

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

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

23 (c) Nothing in this subsection:

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

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

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

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

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

34 (11) Nothing in this section:

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

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

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

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

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

45 (d) Prevents a district school board from establishing minimum standards for behavior and at-

tendance that a student must maintain to remain enrolled in the schools of the school district.

**SECTION 7. (1) Section 5 of this 2023 Act and the amendments to ORS 339.133 by section 4 of this 2023 Act first apply to persons who seek consent for the 2024-2025 school year.**

**(2) Nothing in section 5 of this 2023 Act or the amendments to ORS 339.133 by section 4 of this 2023 Act affects the status of a person who was considered a resident as provided by ORS 339.133 (5)(a) prior to the 2024-2025 school year.**

**EDUCATION SAVINGS ACCOUNTS**

**SECTION 8. (1) Each district school board shall adopt and implement a policy that provides for the establishment of education savings accounts for students who are considered residents of the school district for school purposes as provided by ORS 339.133 and 339.134.**

**(2)(a) A parent or legal guardian seeking to receive distributions from an education savings account must provide notice to the school district in which the student is a resident no later than April 30 prior to the beginning of the school year for which distributions are being requested.**

**(b) A parent or legal guardian who provides notice under this subsection may withdraw the notice at any time before a distribution is made as provided by this section.**

**(c) Notifications are valid for one school year only and a parent or legal guardian must provide notice as provided by paragraph (a) of this subsection for each subsequent school year.**

**(3) A distribution may be made for a student under this section if the student is eligible to receive free or reduced price lunches under the United States Department of Agriculture’s current Income Eligibility Guidelines.**

**(4) No later than July 1 prior to the beginning of the school year for which a distribution is being requested, the school district shall deposit in an education savings account designated for the student for which the request is made an amount per weighted average daily membership (ADMw) of the student that is at least 80 percent of the amount of the school district’s General Purpose Grant per ADMw as calculated under ORS 327.013. The school district in which the student is a resident may retain the remaining amount per ADMw of the student.**

**(5)(a) Distributions received under this section may be used only for tuition, instructional materials, tutoring and other educational services or expenses identified by the district school board.**

**(b) Each district school board shall establish requirements by which a parent or legal guardian who receives distributions under this section must demonstrate that the distributions were used as provided by paragraph (a) of this subsection.**

**(6) A school district is not required to provide transportation outside the boundaries of the district to a student who is a resident of the district and who seeks to use distributions under this section for educational expenses outside of the school district, except that a school district:**

**(a) Must allow persons who are considered residents of the district to use existing bus routes and transportation services of the school district. Costs incurred for transportation provided under this paragraph are considered approved transportation costs for purposes of ORS 327.013, except for costs incurred for providing transportation solely to persons who are**

1 considered residents of the district if the transportation is provided:

2 (A) Outside the boundaries of the school district; and

3 (B) For the purpose of transporting the persons between home and school.

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

7 (c) Must provide transportation if required by federal law. Costs incurred for transpor-  
8 tation provided under this paragraph are considered approved transportation costs for pur-  
9 poses of ORS 327.013.

10 SECTION 9. Section 8 of this 2023 Act first applies to the 2024-2025 school year.

11 SECTION 10. The unit captions used in this 2023 Act are provided only for the conven-  
12 ience of the reader and do not become part of the statutory law of this state or express any  
13 legislative intent in the enactment of this 2023 Act.

14