

House Bill 4161

Sponsored by Representatives DIEHL, WRIGHT, CRAMER; Representatives BOICE, BOSHART DAVIS, BREESE-IVERSON, GOODWIN, HELFRICH, HIEB, LEVY B, LEWIS, MANNIX, MCINTIRE, OSBORNE, OWENS, RESCHKE, SCHARF, Senator WEBER (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Reduces the cap on students who can attend a virtual public charter school. Requires a school district to allow a student from another district to attend a school in the school district. Allows a student to have an education savings account. (Flesch Readability Score: 62.9).

Increases the limitation on the percentage of students in a school district who may enroll in a virtual public charter school that is not sponsored by the student's resident school district without first receiving approval from the school district.

Requires school districts to participate in open enrollment. Establishes a waiver process.

Directs the Department of Education to develop and implement a policy that provides for the establishment of education savings accounts for students to use for educational expenses.

A BILL FOR AN ACT

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

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

VIRTUAL PUBLIC CHARTER SCHOOLS

SECTION 1. ORS 338.125 is amended to read:

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

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

(b) Students who do not reside in the school district in which the public charter school is located are eligible for enrollment in the public charter school if space is available and subject to subsection (5) of this section.

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

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

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 proficiency in the English language, socioeconomic status or geographic location.

2 (b)(A) A public charter school may give priority for admission to students who reside within the
 3 attendance boundaries that were in effect at the time a school district closed a nonchartered public
 4 school if:

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

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

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

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

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

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

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

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

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

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

25 (i) Are from economically disadvantaged families;

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

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

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

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

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

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

38 (a) Intent to enroll the student in a virtual public charter school; and

39 (b) Enrollment of the student in a virtual public charter school.

40 (5)(a) Notwithstanding subsection (4) of this section and ORS 339.133, if more than *[three]* **six**
 41 percent of the students who reside in a school district are enrolled in virtual public charter schools
 42 that are not sponsored by the school district, a student who is a resident of the school district must
 43 receive approval from the school district before enrolling in a virtual public charter school. A school
 44 district is not required to give approval if more than *[three]* **six** percent of the students who reside
 45 in the school district are enrolled in virtual public charter schools that are not sponsored by the

1 school district. A school district must provide notice of the decision to not give approval within 10
 2 calendar days of receiving notice of intent for the student to enroll in a virtual public charter
 3 school.

4 (b) For the purpose of determining whether more than [*three*] **six** percent of the students who
 5 reside in the school district are enrolled in virtual public charter schools that are not sponsored by
 6 the school district, the school district board shall:

7 (A) Include any students who:

8 (i) Reside in the school district, regardless of whether the students are considered residents of
 9 different school districts as provided by ORS 339.133 (5); and

10 (ii) Are enrolled in virtual public charter schools that are not sponsored by the school district.

11 (B) Calculate, at least twice each year, the school district's percentage of students attending
 12 virtual public charter schools that are not sponsored by the school district.

13 (c)(A) Except as provided by subparagraph (B) of this paragraph, students who reside in the
 14 school district, regardless of whether the students are considered residents of different school dis-
 15 tricts as provided by ORS 339.133 (5), must receive approval from the school district before enrolling
 16 in a virtual public charter school if the limit described in paragraph (a) of this subsection has been
 17 met.

18 (B) A student is not required to receive approval from the school district in which the student
 19 resides if the student:

20 (i) Previously lived in another school district;

21 (ii) While living in the other school district, was enrolled in a virtual public charter school; and

22 (iii) Has maintained continuous enrollment in the virtual public charter school since moving into
 23 the school district where the student currently resides.

24 (d) If the school district does not give approval under paragraph (a) of this subsection, the
 25 school district must provide to the parent, legal guardian or person in parental relationship with the
 26 student information about:

27 (A) The percentage of students in the resident district that attend virtual public charter schools
 28 that are not sponsored by the school district, based on the most recent calculation;

29 (B) The right to appeal the decision to the State Board of Education; and

30 (C) Other online options available to the student.

31 (e) If an appeal is made to the State Board of Education as described in paragraph (d) of this
 32 subsection, the board must issue a decision within 14 days of the submission of the appeal.

33 (6) Within 10 days of a student's enrollment in a public charter school, the public charter school
 34 shall provide written notice of the student's enrollment to the school district in which the public
 35 charter school is located if the student does not reside in the school district where the public
 36 charter school is located.

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

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

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

45 (8) When a student described in subsection (6) of this section withdraws from a public charter

1 school for a reason other than graduation from high school, the school district in which the public
2 charter school is located shall:

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

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

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

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

12 (9)(a) If a student described in subsection (6) of this section enrolls in a public charter school
13 and has an individualized education program, the school district in which the public charter school
14 is located must implement the individualized education program and follow the terms of the indi-
15 vidualized education program until a new individualized education program is developed.

16 (b) If a student described in subsection (6) of this section withdraws from a public charter school
17 and has an individualized education program, the school district in which the student resides must
18 implement the individualized education program and follow the terms of the individualized education
19 program until a new individualized education program is developed.

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

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

25 **SECTION 2. The amendments to ORS 338.125 by section 1 of this 2024 Act first apply to**
26 **the 2025-2026 school year.**

27
28 **OPEN ENROLLMENT**

29
30 **SECTION 3.** ORS 339.133 is amended to read:

31 339.133. (1) As used in this section:

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

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

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

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

1 ental relationship.

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

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

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

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

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

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

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

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

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

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

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

25 (A) The school district of origin; or

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

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

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

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

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

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

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

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

1 **or**

2 **(B) The district school board for the district in which the school is located as provided**
 3 **by section 4 of this 2024 Act.**

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

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

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

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

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

15 (b) For the purpose of this subsection:

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

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

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

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

27 **SECTION 4. (1) For purposes of ORS 339.133 (5)(a)(B), a person whose legal residence is**
 28 **not within a school district but who attends a school in the school district is considered a**
 29 **resident of that school district if:**

30 (a) **The person receives written consent to attend the school from the district school**
 31 **board where the school is located; and**

32 (b) **The school district participates in open enrollment under this section.**

33 (2) **Except as provided by subsection (3) of this section, each school district must par-**
 34 **ticipate in open enrollment. When a school district participates in open enrollment, the dis-**
 35 **trict school board shall give consent to attend a school of the school district to persons**
 36 **whose legal residence is not within the school district in the manner provided by this section.**

37 (3) **By March 1 of each year, a district school board must make the determination of**
 38 **whether the district school board will request from the Department of Education a waiver**
 39 **from participating in open enrollment the following school year. The department shall grant**
 40 **a waiver if the department finds that the following have been satisfied:**

41 (a) **The school district had an open meeting that provided an opportunity for the public**
 42 **to comment on the request for a waiver;**

43 (b) **A majority of the members of the district school board approved a motion to request**
 44 **a waiver; and**

45 (c) **The school district submitted a written request for a waiver to the department and**

1 the request included a demonstration that open enrollment would cause an adverse impact
 2 to the school district based on either of the following:

3 (A) The enrollment of resident students in other school districts would compromise the
 4 level of support services provided by the school district to students remaining in the schools
 5 of the school district. The demonstration must include specific estimates of funding loss and
 6 details of loss to support services.

7 (B) The enrollment of students from other school districts would compromise the efforts
 8 of the school district to deliver quality education to resident students.

9 (4) If the district school board will give consent because the school district is participat-
 10 ing in open enrollment, the district school board must establish the standards for giving
 11 consent. The standards must:

12 (a) Identify the number of persons to whom consent will be given for the school year.
 13 The district school board may limit the number of persons to whom consent will be given
 14 based on school, grade or a combination of school and grade.

15 (b) Allow persons who live within the boundaries of the school district the first opportu-
 16 nity to change to a different school in the school district if the district school board will be
 17 giving consent to attend that school to persons who do not reside within the school district.

18 (5) A person seeking consent as provided by this section must request consent no later
 19 than April 1 prior to the beginning of the school year for which consent is being requested.
 20 Requests may be submitted before the district school board establishes the standards de-
 21 scribed in subsection (4) of this section, but may not be considered by the district school
 22 board when the district school board establishes the standards.

23 (6)(a) A district school board must give consent to a person who requests consent unless
 24 the district school board:

25 (A) Has received a waiver from participating in open enrollment as provided by sub-
 26 section (3) of this section;

27 (B) Has determined that the person is a resident of a school district for which a waiver
 28 has been granted under subsection (3) of this section;

29 (C) Has decided to limit the number of persons to whom consent will be given and does
 30 not give consent to the person based on the standards established pursuant to subsection (4)
 31 of this section; or

32 (D) Is not required to admit the person, as provided by ORS 339.115 (8).

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

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

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

1 of shall meet with the person and encourage the person to continue to attend the schools
 2 of the school district for the remainder of the school year.

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

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

12 (A) Graduates from high school;

13 (B) Is no longer required to be admitted to the schools of the school district under ORS
 14 339.115; or

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

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

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

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

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

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

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

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

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

42 (11) Nothing in this section:

43 (a) Requires a district school board to give consent to siblings if the district school board
 44 determines that consent will not be given as provided by subsection (6) of this section.

45 (b) Prevents a school district from entering into interagency agreements to provide ser-

1 **vices to persons who do not reside in the school district or are not considered residents of**
 2 **the school district.**

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

6 **SECTION 5.** ORS 339.127 is amended to read:

7 339.127. (1) A district school board that admits nonresident students by giving consent as de-
 8 scribed in ORS 339.133 [(5)(a)] **(5)(a)(A)** may not consider race, religion, sex, sexual orientation,
 9 gender identity, ethnicity, national origin, disability, health, whether a student has an individualized
 10 education program, the terms of an individualized education program, income level, residence, pro-
 11 ficiency in the English language, athletic ability or academic records when:

12 (a) Determining whether to give consent; or

13 (b) Establishing any terms of consent.

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

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

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

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

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

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

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

27 (i) Information about the student's race, religion, sex, sexual orientation, gender identity,
 28 ethnicity, national origin, disability, health, whether a student has an individualized education pro-
 29 gram, the terms of an individualized education program, income level, residence, proficiency in the
 30 English language or athletic ability; or

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

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

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

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

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

45 (b) If the number of students seeking consent exceeds any limitations imposed by the district

1 school board, the board must give consent to students based on an equitable lottery selection pro-
 2 cess. The process may give priority to students who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (B) Directed to nonresident students, including:

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

3 (ii) Television or radio advertisements; or

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

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

9 (c) Nothing in this subsection:

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

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

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

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

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

20 (11) Nothing in this section:

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

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

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

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

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

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

33 **SECTION 6. (1) Section 4 of this 2024 Act and the amendments to ORS 339.133 by section**
34 **3 of this 2024 Act first apply to persons who seek consent for the 2025-2026 school year.**

35 **(2) Nothing in section 4 of this 2024 Act or the amendments to ORS 339.133 by section 3**
36 **of this 2024 Act affects the status of a person who was considered a resident as provided by**
37 **ORS 339.133 (5)(a) prior to the 2025-2026 school year.**

38
39 **EDUCATION SAVINGS ACCOUNTS**
40

41 **SECTION 7. (1) The Department of Education shall develop and implement a policy that**
42 **provides for the establishment of education savings accounts for students of this state.**

43 **(2) A distribution may be made for a student under this section if the student is a**
44 **member of a low-income family, as defined in ORS 339.147.**

45 **(3)(a) A parent or legal guardian seeking to receive distributions from an education**

1 savings account must provide notice to the department no later than April 30 prior to the
2 beginning of the school year for which distributions are being requested.

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

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

8 (4)(a) No later than July 1 prior to the beginning of the school year for which a distrib-
9 ution is being requested, the department shall:

10 (A) Deposit in an education savings account designated for the student for which the
11 request is made an amount that is equal to 80 percent of the amount that the student's
12 resident school district would have received for the student; and

13 (B) Transfer to the student's resident school district an amount that is equal to 20 per-
14 cent of the amount that the student's resident school district would have received for the
15 student.

16 (b) For the purposes of this subsection, the amount that the student's resident school
17 district would have received for the student shall:

18 (A) Be based on the school district's general purpose grant per ADM as calculated under
19 ORS 327.013; and

20 (B) Include any additional amounts attributable to the student under ORS 327.013 (1)(c).

21 (5)(a) Distributions received under this section may be used only for tuition, instructional
22 materials, tutoring and other educational services or expenses identified by rule of the State
23 Board of Education.

24 (b) The State Board of Education shall establish requirements by which a parent or legal
25 guardian who receives distributions under this section must demonstrate that the distrib-
26 utions were used as provided by paragraph (a) of this subsection.

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

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

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

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

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

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

44 **SECTION 8.** Section 7 of this 2024 Act first applies to the 2025-2026 school year.

45 **SECTION 9.** Section 7 of this 2024 Act is amended to read:

1 **Sec. 7.** (1) The Department of Education shall develop and implement a policy that provides for
2 the establishment of education savings accounts for students of this state.

3 (2) A distribution may be made for a student under this section if the student is a member of:

4 (a) A low-income family, as defined in ORS 339.147[.]; **or**

5 **(b) A household with a yearly federal adjusted gross income that does not exceed \$125,000,**
6 **as adjusted each January 1 to account for changes in the Consumer Price Index for All Ur-**
7 **ban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of**
8 **the United States Department of Labor.**

9 (3)(a) A parent or legal guardian seeking to receive distributions from an education savings ac-
10 count must provide notice to the department no later than April 30 prior to the beginning of the
11 school year for which distributions are being requested.

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

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

16 (4)(a) No later than July 1 prior to the beginning of the school year for which a distribution is
17 being requested, the department shall:

18 (A) Deposit in an education savings account designated for the student for which the request is
19 made an amount that is equal to 80 percent of the amount that the student's resident school district
20 would have received for the student; and

21 (B) Transfer to the student's resident school district an amount that is equal to 20 percent of
22 the amount that the student's resident school district would have received for the student.

23 (b) For the purposes of this subsection, the amount that the student's resident school district
24 would have received for the student shall:

25 (A) Be based on the school district's general purpose grant per ADM as calculated under ORS
26 327.013; and

27 (B) Include any additional amounts attributable to the student under ORS 327.013 (1)(c).

28 (5)(a) Distributions received under this section may be used only for tuition, instructional ma-
29 terials, tutoring and other educational services or expenses identified by rule of the State Board of
30 Education.

31 (b) The State Board of Education shall establish requirements by which a parent or legal
32 guardian who receives distributions under this section must demonstrate that the distributions were
33 used as provided by paragraph (a) of this subsection.

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

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

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

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

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

1 transportation.

2 (c) Must provide transportation if required by federal law. Costs incurred for transportation
3 provided under this paragraph are considered approved transportation costs for purposes of ORS
4 327.013.

5 **SECTION 10. (1) The amendments to section 7 of this 2024 Act by section 9 of this 2024**
6 **Act become operative on January 1, 2026.**

7 **(2) The amendments to section 7 of this 2024 Act by section 9 of this 2024 Act first apply**
8 **to the 2026-2027 school year.**

9

10

UNIT CAPTIONS

11

12 **SECTION 11. The unit captions used in this 2024 Act are provided only for the conven-**
13 **ience of the reader and do not become part of the statutory law of this state or express any**
14 **legislative intent in the enactment of this 2024 Act.**

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