

# Senate Bill 646

Sponsored by Senator BONHAM (at the request of former Senator Dennis Linthicum) (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: Allows resident students of this state to attend any public school of this state. (Flesch Readability Score: 65.7).

Allows a student who is a resident of this state to attend any public school of this state.

Requires a student to receive consent from a district school board to attend the schools of the school district if the student is a nonresident student. Requires the district school board to give consent, with limited exceptions.

Prohibits school districts from charging tuition or entering into contracts for admission of non-resident students.

Removes the cap on the percentage of students from school districts who may attend certain virtual public charter schools.

## A BILL FOR AN ACT

1  
2 Relating to school access; creating new provisions; amending ORS 327.006, 332.405, 335.090, 336.095,  
3 337.150, 338.025, 338.125, 339.005, 339.115, 339.127 and 339.133; and repealing ORS 339.125 and  
4 339.128.

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

6 **SECTION 1. (1) A resident of this state may enroll in any of the public schools of this**  
7 **state as provided by this section.**

8 **(2) A student may enroll in a school of another school district by receiving consent under**  
9 **ORS 339.127. A student who receives consent from another school district shall be considered**  
10 **a resident of that school district.**

11 **(3) A student may enroll in any school of a school district without consideration of at-**  
12 **tendance boundaries.**

13 **(4)(a) Notwithstanding subsections (2) and (3) of this section, a school district may pro-**  
14 **hibit a student from enrolling in a school if that student's enrollment would exceed the ca-**  
15 **capacity of a program, class, grade level or building.**

16 **(b) When the number of students choosing to enroll in a school exceeds the capacity of**  
17 **a program, class, grade level or building, the school district shall:**

18 **(A) Give preference to students who live in the attendance boundaries of the school; and**

19 **(B) Select remaining students through an equitable lottery process that may give priority**  
20 **to students enrolled in the school for the previous school year or who have siblings enrolled**  
21 **in the school.**

22 **(5) A school district is not required to provide transportation to a school for a student**  
23 **who resides outside of the attendance boundaries of the school, but may allow the student**  
24 **to use existing bus routes and transportation services of the school district.**

25 **SECTION 2. ORS 339.127 is amended to read:**

26 339.127. (1) A district school board [*that admits*] **shall admit** nonresident students by giving

**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 consent as described in [ORS 339.133 (5)(a)] **this section. A district school board** may not consider  
 2 race, religion, sex, sexual orientation, gender identity, ethnicity, national origin, disability, health,  
 3 whether a student has an individualized education program, the terms of an individualized education  
 4 program, income level, residence, proficiency in the English language, athletic ability or academic  
 5 records when **giving consent**.[:]

6 [(a) *Determining whether to give consent; or*]

7 [(b) *Establishing any terms of consent.*]

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

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

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

14 (c) Information about whether the student may be given priority as provided by [*subsection (4)*  
 15 *of this*] section **1 (4)(b) of this 2025 Act**; and

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

17 (3)(a) A district school board that is [*considering whether to admit a nonresident student by*  
 18 *giving*] **requested to give** consent may not:

19 (A) Request or require any person to provide or have provided any of the following information  
 20 related to a student prior to the district school board [*deciding whether to give*] **giving** consent to  
 21 the student:

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

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

28 (B) Request or require the student to participate in an interview, to tour any of the schools or  
 29 facilities of the school district or to otherwise meet with any representatives of a school or a school  
 30 district prior to the district school board [*deciding whether to give*] **giving** consent to the student.

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

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

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

40 [(b) *If the number of students seeking consent exceeds any limitations imposed by the district school*  
 41 *board, the board must give consent to students based on an equitable lottery selection process. The*  
 42 *process may give priority to students who:*]

43 [(A) *Have siblings currently enrolled in a school of the same school district for which the student*  
 44 *seeks admission;*]

45 [(B) *Previously had received consent as provided by subsection (10) of this section because of a*

1 *change in legal residence; or]*

2 *[(C) Attended a public charter school located in the same district for which the student seeks ad-*  
 3 *mission for at least three consecutive years, completed the highest grade offered by the public charter*  
 4 *school and did not enroll in and attend school in another district following completion of the highest*  
 5 *grade offered by the public charter school.]*

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

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

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

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

19 *[(A) Determine the length of time for which consent is given; and]*

20 *[(B) Revoke consent for failure to comply with minimum standards for behavior or attendance, but*  
 21 *may not revoke consent for failure to meet standards for academics.]*

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

26 *[(c) If consent is revoked as provided by paragraph (a) of this subsection, a student may not request*  
 27 *consent from the same school district that revoked the consent for the school year following the school*  
 28 *year in which the consent was revoked.]*

29 *[(8)] (4) For a resident student who receives consent to be admitted to another school district*  
 30 *as described in ORS 339.133 (5)(a), a district school board may not impose any limitations on the*  
 31 *length of time for which consent is given to the student. The board may not require the student to*  
 32 *receive consent more than one time. [to be admitted to the same school district, regardless of any time*  
 33 *limitations imposed by the district school board under (7)(a)(A) of this section.]*

34 *[(9)(a)] (5)(a) A school district that provides consent to nonresident students to attend the*  
 35 *schools of the school district may not expend moneys received from the State School Fund or as*  
 36 *Local Revenues, as described in ORS 327.011, to advertise openings for nonresident students if the*  
 37 *advertisements are:*

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

40 *(B) Directed to nonresident students, including:*

41 *(i) Advertisements that are targeted to nonresident students through direct mail or online mar-*  
 42 *keting;*

43 *(ii) Television or radio advertisements; or*

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

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

4 (c) Nothing in this subsection:

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

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

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

11 *[(a) During the school year, to enable the student to complete the school year in the school district;*  
 12 *or]*

13 *[(b) During the summer prior to the school year, to enable the student to complete the school year*  
 14 *following the summer in the school district.]*

15 *[(11) Nothing in this section:]*

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

19 **(6) Nothing in this section:**

20 *[(b)] (a) Prevents a district school board from denying admission to a nonresident student as*  
 21 *provided by ORS 339.115 (8).*

22 *[(c)] (b) Prevents a district school board from requesting information or giving consent to a*  
 23 *student in the event of:*

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

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

27 *[(d)] (c) Prevents a district school board from establishing minimum standards for behavior and*  
 28 *attendance that a student must maintain to remain enrolled in the schools of the school district.*

29 **SECTION 3.** ORS 327.006 is amended to read:

30 327.006. As used in ORS 327.006 to 327.133, 327.348, 327.356 to 327.359 and 327.731.

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

36 (2)(a) “Approved transportation costs” means those costs as defined by rule of the State Board  
 37 of Education and is limited to those costs attributable to transporting or room and board provided  
 38 in lieu of transporting:

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

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

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

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

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

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

4 (G) Students participating in school-sponsored field trips that are extensions of classroom  
5 learning experiences.

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

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

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

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

22 [(6)(a)] (6) “Resident pupil” means any pupil:

23 [(A)] (a) Whose legal school residence is within the boundaries of a school district reporting the  
24 pupil, if the district is legally responsible for the education of the pupil; [, *except that “resident  
25 pupil” does not include a pupil who pays tuition or for whom the parent pays tuition or for whom the  
26 district does not pay tuition for placement outside the district; or*]

27 [(B)] (b) Whose legal residence is not within the boundaries of the district reporting the pupil  
28 but who attends school in the district with the written consent of the district school board where  
29 the school is located as provided by ORS **339.127**; [339.133 (5)(a).]

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

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

40 [(d) “Resident pupil” includes a pupil who is:]

41 [(A)] (c) **Who is** admitted to a school district under ORS 339.115 (7); or

42 [(B)] (d) **Who is** considered a resident under ORS 339.133 (5)(b).

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

45 (8) “Tax” and “taxes” includes all taxes on property, excluding exempt bonded indebtedness, as

1 those terms are defined in ORS 310.140.

2 **SECTION 4.** ORS 332.405 is amended to read:

3 332.405. (1) The district school board shall provide transportation for pupils or combinations of  
4 pupils and other persons to and from school-related activities where required by law or when con-  
5 sidered advisable by the board.

6 (2) The board may furnish board and room for pupils in lieu of transportation when reasonable  
7 board and room can be provided at equal or less expense than transportation. The board may also  
8 provide board and room in a facility that existed on July 1, 1998, or a replacement facility for that  
9 facility, for pupils attending a district school as described in ORS 327.006 [(6)(a)(B)] **(6)(b)** or  
10 through a power of attorney authorized under ORS 109.056 (2). This subsection does not apply to  
11 a pupil who attends a district school through a power of attorney and who is a foreign exchange  
12 student enrolled in a school under a cultural exchange program.

13 (3) The transportation costs or expenses for board and room shall be paid from funds available  
14 to the district for that purpose.

15 (4) The district school board may expend district funds to improve or provide for pedestrian fa-  
16 cilities off district property if the board finds that the expenditure reduces transportation costs of  
17 the district and enhances the safety of pupils going to and from schools of the district.

18 **SECTION 5.** ORS 336.095 is amended to read:

19 336.095. (1)(a) A school district that is not a union high school district must offer half-day  
20 kindergarten and may choose to offer full-day kindergarten.

21 (b) A public charter school may choose to offer half-day kindergarten or full-day kindergarten.

22 (c) The State Board of Education shall adopt by rule:

23 (A) Standards for half-day kindergarten and full-day kindergarten; and

24 (B) The minimum number of instructional hours required for half-day kindergarten and full-day  
25 kindergarten.

26 (d) Nothing in this subsection requires a school district to offer half-day kindergarten in a school  
27 where the school district offers full-day kindergarten.

28 (2) Every school district that is not a union high school district must provide kindergarten fa-  
29 cilities free of charge for the kindergarten children residing in the district by operating the facilities  
30 either singly or jointly with other districts or by contracting with public or private providers that  
31 conform to standards adopted by rule by the State Board of Education.

32 (3) Nothing in this section prevents a district school board from admitting free of charge a child  
33 [*who is a resident of the district and*] whose needs for cognitive, social and physical development  
34 would best be met in the school program, as defined by policies of the district school board, even  
35 though the child has not attained the minimum age requirement.

36 (4) Kindergarten that is offered as provided by subsection (1) of this section shall be funded in  
37 the same manner as other grades of the district are funded, except that the aggregate days mem-  
38 bership of children in kindergarten shall be calculated as provided by ORS 327.006.

39 (5) Kindergarten is an integral part of the public school system of this state.

40 **SECTION 6.** ORS 337.150 is amended to read:

41 337.150. (1) Subject to ORS 339.155, each district school board shall provide textbooks, pre-  
42 scribed or authorized by law, for free use by all [*resident public school*] pupils enrolled in  
43 kindergarten through grade 12 **of the public schools of the school district.**

44 (2) Subject to ORS 339.155, each public charter school as defined in ORS 338.005 shall provide  
45 textbooks, prescribed or authorized by law, for free use by all pupils enrolled in the public charter

1 school.

2 **SECTION 7.** ORS 338.025 is amended to read:

3 338.025. (1) The State Board of Education may adopt any rules necessary for the implementation  
4 of this chapter. The rules shall follow the intent of this chapter.

5 (2) Upon application by a public charter school, the State Board of Education may grant a  
6 waiver of any provision of this chapter if the waiver promotes the development of programs by  
7 providers, enhances the equitable access by underserved families to the public education of their  
8 choice, extends the equitable access to public support by all students or permits high quality pro-  
9 grams of unusual cost. The State Board of Education may not waive any appeal provision in this  
10 chapter or any provision under ORS 338.115 (1)(a) to (aa), 338.120, [338.125 (5),] 338.135 (2)(b) or  
11 339.122.

12 **SECTION 8.** ORS 338.125 is amended to read:

13 338.125. (1) Student enrollment in a public charter school is voluntary.

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

16 (b) Students who do not reside in the school district in which the public charter school is lo-  
17 cated are eligible for enrollment in the public charter school if space is available [*and subject to*  
18 *subsection (5) of this section*].

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (i) Are from economically disadvantaged families;

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

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

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

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

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

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

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

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

25 *[(5)(a) Notwithstanding subsection (4) of this section and ORS 339.133, if more than three percent  
26 of the students who reside in a school district are enrolled in virtual public charter schools that are  
27 not sponsored by the school district, a student who is a resident of the school district must receive  
28 approval from the school district before enrolling in a virtual public charter school. A school district  
29 is not required to give approval if more than three percent of the students who reside in the school  
30 district are enrolled in virtual public charter schools that are not sponsored by the school district. A  
31 school district must provide notice of the decision to not give approval within 10 calendar days of re-  
32 ceiving notice of intent for the student to enroll in a virtual public charter school.]*

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

36 *[(A) Include any students who:]*

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

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

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

42 *[(c)(A) Except as provided by subparagraph (B) of this paragraph, students who reside in the  
43 school district, regardless of whether the students are considered residents of different school districts  
44 as provided by ORS 339.133 (5), must receive approval from the school district before enrolling in a  
45 virtual public charter school if the limit described in paragraph (a) of this subsection has been met.]*

1        *[(B) A student is not required to receive approval from the school district in which the student*  
2 *resides if the student:]*

3        *[(i) Previously lived in another school district;]*

4        *[(ii) While living in the other school district, was enrolled in a virtual public charter school; and]*

5        *[(iii) Has maintained continuous enrollment in the virtual public charter school since moving into*  
6 *the school district where the student currently resides.]*

7        *[(d) If the school district does not give approval under paragraph (a) of this subsection, the school*  
8 *district must provide to the parent, legal guardian or person in parental relationship with the student*  
9 *information about:]*

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

12        *[(B) The right to appeal the decision to the State Board of Education; and]*

13        *[(C) Other online options available to the student.]*

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

16        **[(6)] (4)** Within 10 days of a student's enrollment in a public charter school, the public charter  
17 school shall provide written notice of the student's enrollment to the school district in which the  
18 public charter school is located if the student does not reside in the school district where the public  
19 charter school is located.

20        **[(7)] (5)** Within 10 days of receiving the notice described in subsection **[(6)] (4)** of this section,  
21 the school district in which the public charter school is located shall provide to the student's parent,  
22 legal guardian or person in parental relationship written information about:

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

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

28        **[(8)] (6)** When a student described in subsection **[(6)] (4)** of this section withdraws from a public  
29 charter school for a reason other than graduation from high school, the school district in which the  
30 public charter school is located shall:

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

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

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

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

40        **[(9)(a)] (7)(a)** If a student described in subsection **[(6)] (4)** of this section enrolls in a public  
41 charter school and has an individualized education program, the school district in which the public  
42 charter school is located must implement the individualized education program and follow the terms  
43 of the individualized education program until a new individualized education program is developed.

44        (b) If a student described in subsection **[(6)] (4)** of this section withdraws from a public charter  
45 school and has an individualized education program, the school district in which the student resides

1 must implement the individualized education program and follow the terms of the individualized ed-  
 2 ucation program until a new individualized education program is developed.

3 [(10)] (8) When a virtual public charter school enrolls a student or a student no longer is en-  
 4 rolled in a virtual public charter school, the virtual public charter school shall provide the written  
 5 notices described in ORS 338.120 (1)(m) and (n) to the school district where the student is a resident.

6 [(11)] (9) A public charter school may conduct fund-raising activities but may not require a  
 7 student to participate in fund-raising activities as a condition of admission to the public charter  
 8 school.

9 **SECTION 9.** ORS 339.005 is amended to read:

10 339.005. As used in ORS 339.040 [and 339.125], unless the context requires otherwise, “adminis-  
 11 trative office for the county” means the administrative office of the education service district or of  
 12 a common school district that includes an entire county.

13 **SECTION 10.** ORS 335.090 is amended to read:

14 335.090. (1) The high school education of all children of school age resident within a school  
 15 district that does not operate a high school or that is not a component part of a union high school  
 16 district shall be the responsibility of the district.

17 (2) **If the nearest standard public high school that pupils may attend is outside the state,**  
 18 the district shall pay the tuition of all pupils resident within the district who are qualified to attend  
 19 and are attending a standard public high school [either within or] outside the state.

20 (3) The district shall provide for transportation to the nearest standard public high school which  
 21 pupils may attend. Reasonable board and room may be furnished instead of transportation if desired.  
 22 If the district arranges for the attendance of pupils at a standard public high school other than the  
 23 nearest one pupils may attend, then the district shall provide for transportation to the standard  
 24 public high school which the pupils are attending.

25 (4) The estimated cost of tuition and transportation or board and room instead of transportation  
 26 shall be included in and be a part of the budget and shall be levied as provided in ORS 335.095.

27 **SECTION 11.** ORS 339.115 is amended to read:

28 339.115. (1) Except as provided in ORS 339.141, authorizing tuition for courses not part of the  
 29 regular school program, the district school board shall admit free of charge to the schools of the  
 30 district all persons between the ages of 5 and 19 who reside within [the school district] **this state**.  
 31 A person whose 19th birthday occurs during the school year shall continue to be eligible for a free  
 32 and appropriate public education for the remainder of the school year. A district school board **shall**  
 33 **admit nonresident persons as provided by ORS 339.127 and** may admit [nonresident persons, de-  
 34 termine who is not a resident of the district] **persons who are not residents of this state** and fix  
 35 rates of tuition for [nonresidents] **those persons**.

36 (2)(a) A district must admit an otherwise eligible person who has not yet attained 21 years of  
 37 age prior to the beginning of the current school year if the person is:

38 (A) Receiving special education and has not yet received a high school diploma as described in  
 39 ORS 329.451; or

40 (B) Receiving special education and has received a modified diploma, an extended diploma or a  
 41 certificate of attendance as described in ORS 329.451.

42 (b) A district may admit an otherwise eligible person who is not receiving special education and  
 43 who has not yet attained 21 years of age prior to the beginning of the current school year if the  
 44 person is shown to be in need of additional education in order to receive a high school diploma or  
 45 a modified diploma.

1 (3) The obligation to make a free appropriate public education available to individuals with  
 2 disabilities 18 through 21 years of age who are incarcerated in an adult correctional facility applies  
 3 only to those individuals who, in their last educational placement prior to their incarceration in the  
 4 adult correctional facility:

5 (a) Were identified as being a child with a disability as defined in ORS 343.035; or

6 (b) Had an individualized education program as described in ORS 343.151.

7 (4) For purposes of subsection (3) of this section, “adult correctional facility” means:

8 (a) A local correctional facility as defined in ORS 169.005;

9 (b) A regional correctional facility as defined in ORS 169.620; or

10 (c) A Department of Corrections institution as defined in ORS 421.005.

11 (5) An otherwise eligible person under subsection (2) of this section whose 21st birthday occurs  
 12 during the school year shall continue to be eligible for a free appropriate public education for the  
 13 remainder of the school year.

14 (6) The person may apply to the board of directors of the school district [*of residence*] for ad-  
 15 mission after the 19th birthday as provided in subsection (1) of this section. A person aggrieved by  
 16 a decision of the local board may appeal to the State Board of Education. The decision of the state  
 17 board is final and not subject to appeal.

18 (7) Notwithstanding ORS 339.133 (2)(a), a school district shall not exclude from admission a child  
 19 [*located in the district*] solely because the child does not have a fixed place of residence or solely  
 20 because the child is not under the supervision of a parent, guardian or person in a parental re-  
 21 lationship.

22 (8) Notwithstanding subsection (1) of this section, a school district:

23 (a) May for the remaining period of an expulsion deny admission to the regular school to a  
 24 resident student who is expelled from another school district; and

25 (b) Shall for at least one calendar year from the date of the expulsion and if the expulsion is for  
 26 more than one calendar year, may for the remaining period of time deny admission to the regular  
 27 school program to a student who is under expulsion from another school district for an offense that  
 28 constitutes a violation of a school district policy adopted pursuant to ORS 339.250 (7).

29 (9) Notwithstanding the minimum age requirement prescribed by ORS 339.010 and 339.020, a  
 30 district school board may admit free of charge a child whose needs for cognitive, social and physical  
 31 development would best be met in the school program, as defined by policies of the district school  
 32 board, to enter school even though the child has not attained the minimum age requirement [*but is*  
 33 *a resident of the district*].

34 **SECTION 12.** ORS 339.133 is amended to read:

35 339.133. (1) As used in this section:

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

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

44 (b)(A) “Person in parental relationship” means an adult who has physical custody of an indi-  
 45 vidual or resides in the same household as the individual, interacts with the individual daily, pro-

1 vides the individual with food, clothing, shelter and incidental necessities and provides the  
 2 individual with necessary care, education and discipline.

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

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

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

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

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

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

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

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

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

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

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

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

29 (A) The school district of origin; or

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

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

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

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

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

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

1 (5)(a) Except as provided in ORS [327.006 (6) and] 335.090, an individual whose legal residence  
 2 is not within the district but who attends school in the district is considered a resident in the dis-  
 3 trict in which the individual attends school if the individual receives written consent from [*both of*  
 4 *the affected district school boards as provided by policies adopted by the boards.*] **the school district**  
 5 **as provided by ORS 339.127.**

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

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

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

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

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

17 (b) For the purpose of this subsection:

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

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

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

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

29 **SECTION 13. ORS 339.125 and 339.128 are repealed.**

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