

Admission of Nonresident Students

Consent by Affected Boards/Tuition

The district may enroll nonresident students as follows:

1. By written consent of the affected school boards as provided by Board policy. The student becomes a “resident pupil” of the attending district thereby allowing the receiving district to receive State School Fund moneys;
2. By unilaterally admitting with tuition a nonresident student whereby neither district is eligible for State School Fund moneys;
3. If a juvenile court determines it is in the student’s best interest, a student placed in a substitute care program outside the district will continue to be considered a resident student and allowed to attend the school the student attended prior to placement. The public agency placing the student in a substitute care program will be responsible for the transportation of the student, if public agency funds are available.

The Board may, based on district criteria, deny regular school admission to nonresident students who are under expulsion from another district. The Board may ask for the student’s name, contact information, date of birth, grade level, and whether the student is currently under expulsion.

The Board may not consider nor ask for any information from the student about race, religion, sex, gender identity, gender expression, sexual orientation, ethnicity, national origins, disability, health, whether a student has an individual education program (IEP) or the terms of that IEP, identification as talented and gifted, income level, residence, proficiency in English, athletic ability, or academic records. The Board may not request or require the student to participate in an interview, tour any of the schools or facilities, or otherwise meet with any representatives of the school or district prior to the district deciding whether to give consent. Nothing prevents a student from voluntarily meeting with district personnel and touring any of the schools or facilities of a school district or from requesting or receiving any information from a school or the school district.

The Board will annually determine whether to limit the number of students to whom consent will be given. If the number of students seeking consent exceeds the number of spaces, the Board will use an equitable lottery selection process. The process may give priority to students who have siblings currently enrolled in the district. The Board may revise the maximum number of students to whom consent will be given at a time other than the annual date established by the Board if there are no pending applications for consent.

If the Board decides not to give consent to a student, the Board must provide a written explanation to the student. The Board may determine the length of time the consent is given. Any limitations in length of time must be applied consistently among all students to whom consent is given.

The district is not required to provide transportation outside the boundaries of the district. The student will be allowed to use existing bus routes and transportation services of the district. Transportation will be provided if required by federal law.

Consent of Board for the District in which the School is Located

Annually, by March 1, the Board shall establish the number of students to whom consent will be given for the upcoming school year. The Board may choose to limit consent based on school, grade, or the combination of both. The Board may decide not to give consent to any person under this process.

The Board may not deny consent, give priority, nor ask for any information from the student about race, religion, sex, gender identity, gender expression, sexual orientation, ethnicity, national origins, disability, health, whether a student has an individual education program (IEP) or the terms of that IEP, identification as talented and gifted, income level, residence, proficiency in English, athletic ability, or academic records.

Applications for consent shall be submitted no later than March 31, prior to the year of requested consent.

By May 1, the district shall provide written notification of attendance to the district of the student's legal residence.

END OF POLICY

Legal Reference(s):

[ORS 109.056](#)
[ORS 327.006](#)
[ORS 329.485](#)

[ORS 335.090](#)
[ORS 339.115 to -339.133](#)
[ORS 339.141](#)

[ORS 339.250](#)
[ORS 343.221](#)
[ORS 433.267](#)

Letter Opinions, Office of the OR Attorney General (March 15, April 18, June 30 1988).
OR. DEP'T OF EDUC., ODE EXECUTIVE MEMORANDA 23-1988-89, 42-1994-95.

Cross Reference(s):

JEC - Admissions