

Elgin School District 23

Code: **JECB**
Adopted: 5/13/99
Readopted: 8/19/13
Orig. Code(s): JECB

Admission of Nonresident Students

The district may enroll nonresident students as follows:

1. By written consent of the affected school boards. The student becomes a “resident pupil” of the attending district thereby allowing the attending district to receive State School Fund moneys;
2. By written consent from the school board for the district in which the school is located as provided by Board policy. The student becomes a “resident pupil” of the attending district thereby allowing the attending district to receive State School Fund moneys;
3. By unilaterally admitting with tuition a nonresident student whereby neither district is eligible for State School Fund moneys;
4. 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 shall deny regular school admission to nonresident students who are under expulsion from another school district for a weapons policy violation. The Board may, based on district criteria, deny regular school or alternative program admission to nonresident students who are under expulsion from another district for reasons other than a weapons policy violation.

Consent by Affected Boards

The Board reserves the right to accept/reject nonresident students based upon the availability of space, resources, personnel, appropriate programs and a positive review of educational records.

The Board may consider situations such as:

1. Students with unusual academic needs or abilities that can be met more readily by school services available in a nonresident school district;
2. Students living in remote areas whose school transportation can be met more conveniently and efficiently by the nonresident school district;
3. Students with unusual disciplinary or emotional problems who would have a greater ability to succeed in the environment of the nonresident school district;
4. Students whose parents move from the district during a school year; and
5. Students whose parents are employed within the nonresident district.

Consent of Board for the District in which the School is Located (open enrollment)

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 or give priority based on race, religion, sex, sexual orientation, ethnicity, national origin, disability, terms of individual education program, income level, proficiency in the English language or athletic ability.

Applications for consent shall be submitted no later than April 1, prior to the year of requested consent.

If the number of students seeking consent exceeds the number of students the Board has determined will be given consent, consent will be based on an equitable lottery selection process.

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.

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 - 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.