

Oregon School Boards Association Selected Sample Policy

Code: **JECB**
Adopted: 10/23/95
Revised:

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 district for a weapons policy violation. The Board **may, based on district criteria,** deny admission to nonresident students who are under expulsion from another district for reasons other than a weapons policy violation.

Consent by Affected Boards/**Tuition**

The Board reserves the right to accept/reject nonresident students based upon the availability of space, resources, personnel and appropriate programs ~~and a positive review of education records.~~ The Board may not consider nor ask for any information from the student about race, religion, sex, sexual orientation, ethnicity, national origins, disability, health, whether a student has an individual education program (IEP) or the terms of that IEP, identified 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.

The Board may ask for the student’s name, contact information, date of birth, grade level and whether the student is currently expelled for a weapons violation.

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 was 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.

~~The Board may not 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 district;~~
- ~~2. Students living in remote areas whose school transportation can be met more conveniently and efficiently by the nonresident district;~~
- ~~3. Students with unusual disciplinary or emotional problems who would have a greater ability to succeed in the environment of the nonresident 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

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 nor request student information related to ~~based on~~ race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an individual education program (IEP) or the terms of ~~individual education program~~ that IEP, income level, residence, proficiency in the English language, athletic ability, academic records or eligibility or participation in talented and gifted programs.

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 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.