

D R A F T

SUMMARY

Requires district school board that admits nonresident students under contract or by giving consent to adopt specified standards for admittance.

Modifies method by which State School Fund distributions are made if nonresident student is admitted as result of contract or consent.

A BILL FOR AN ACT

1
2 Relating to admittance of nonresident students; creating new provisions; and
3 amending section 20, chapter 718, Oregon Laws 2011.

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

5 **SECTION 1. (1) A district school board that admits nonresident**
6 **students under a contract entered into as provided by ORS 339.125 or**
7 **by giving consent as described in ORS 339.133 (5)(a) must adopt stan-**
8 **dards as provided by this section.**

9 **(2)(a) A district school board that admits nonresident students**
10 **through contract or by giving consent may:**

11 **(A) Decide not to impose limitations on the number of students the**
12 **district school board will admit by entering into a contract or giving**
13 **consent; or**

14 **(B) Impose limitations on the number of students the district school**
15 **board will admit by entering into a contract, giving consent or both.**

16 **(b) Limitations allowed under paragraph (a)(B) of this subsection**
17 **may be based on school, grade or a combination of school and grade.**

18 **(3) If a district school board imposes any limitations allowed under**
19 **subsection (2) of this section, the district school board must:**

20 **(a) Announce the limitations by March 1 prior to the beginning of**

1 the school year for which the limitations are imposed.

2 (b) Admit nonresident students based on an equitable lottery se-
3 lection process if the number of students seeking admission exceeds
4 any limitations imposed by the district school board. The process may
5 give priority to students who have siblings currently enrolled in a
6 school of the school district.

7 (4) A district school board may not consider race, religion, sex,
8 sexual orientation, ethnicity, national origin, disability, whether a
9 student has an individualized education program, the terms of an in-
10 dividualized education program, income level, proficiency in the Eng-
11 lish language or athletic ability when:

12 (a) Determining whether to establish any limitations under sub-
13 section (2) of this section;

14 (b) Determining whether to enter into a contract or give consent;
15 or

16 (c) Establishing any terms of a contract or consent.

17 (5) A district school board shall provide written confirmation of the
18 admittance of a nonresident student who is admitted as provided by
19 this section to the district school board where the legal residence of
20 the student is located. The written confirmation required by this sub-
21 section must be provided no later than 30 days after a student is ad-
22 mitted.

23 (6)(a) A district school board that admits nonresident students as
24 provided by this section shall identify, locate and evaluate the students
25 to determine which students may be in need of special education and
26 related services.

27 (b) Notwithstanding the terms of any contract entered into or con-
28 sent given as provided under this section, a student who is admitted
29 to the schools of a school district under this section:

30 (A) Shall be considered a resident of that school district for pur-
31 poses of computations made under ORS 327.013 (1)(c)(A)(i) and (2) for

1 **distributions of the State School Fund; and**

2 **(B) May not be counted toward the percentage limitation identified**
3 **in ORS 327.013 (1)(c)(A)(i).**

4 **(7) Nothing in this section:**

5 **(a) Requires a district school board to admit siblings if the board**
6 **imposes limitations as allowed under subsection (2) of this section.**

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

9 **SECTION 2. (1) Section 1 of this 2013 Act first applies to:**

10 **(a) Nonresident students who seek admission for the 2014-2015**
11 **school year; and**

12 **(b) State School Fund distributions commencing with the 2014-2015**
13 **distributions.**

14 **(2) Nothing in section 1 of this 2013 Act affects the status of a**
15 **nonresident student who was admitted as provided by ORS 339.125 or**
16 **339.133 (5)(a) prior to the 2014-2015 school year.**

17 **SECTION 3. Section 1 of this 2013 Act is amended to read:**

18 **Sec. 1.** (1) A district school board that admits nonresident students under
19 a contract entered into as provided by ORS 339.125 or by giving consent as
20 described in ORS 339.133 (5)[(a)] must adopt standards as provided by this
21 section.

22 (2)(a) A district school board that admits nonresident students through
23 contract or by giving consent may:

24 (A) Decide not to impose limitations on the number of students the dis-
25 trict school board will admit by entering into a contract or giving consent;
26 or

27 (B) Impose limitations on the number of students the district school board
28 will admit by entering into a contract, giving consent or both.

29 (b) Limitations allowed under paragraph (a)(B) of this subsection may be
30 based on school, grade or a combination of school and grade.

31 (3) If a district school board imposes any limitations allowed under sub-

1 section (2) of this section, the district school board must:

2 (a) Announce the limitations by March 1 prior to the beginning of the
3 school year for which the limitations are imposed.

4 (b) Admit nonresident students based on an equitable lottery selection
5 process if the number of students seeking admission exceeds any limitations
6 imposed by the district school board. The process may give priority to stu-
7 dents who have siblings currently enrolled in a school of the school district.

8 (4) A district school board may not consider race, religion, sex, sexual
9 orientation, ethnicity, national origin, disability, whether a student has an
10 individualized education program, the terms of an individualized education
11 program, income level, proficiency in the English language or athletic ability
12 when:

13 (a) Determining whether to establish any limitations under subsection (2)
14 of this section;

15 (b) Determining whether to enter into a contract or give consent; or

16 (c) Establishing any terms of a contract or consent.

17 (5) A district school board shall provide written confirmation of the
18 admittance of a nonresident student who is admitted as provided by this
19 section to the district school board where the legal residence of the student
20 is located. The written confirmation required by this subsection must be
21 provided no later than 30 days after a student is admitted.

22 (6)(a) A district school board that admits nonresident students as provided
23 by this section shall identify, locate and evaluate the students to determine
24 which students may be in need of special education and related services.

25 (b) Notwithstanding the terms of any contract entered into or consent
26 given as provided under this section, a student who is admitted to the
27 schools of a school district under this section:

28 (A) Shall be considered a resident of that school district for purposes of
29 computations made under ORS 327.013 (1)(c)(A)(i) and (2) for distributions
30 of the State School Fund; and

31 (B) May not be counted toward the percentage limitation identified in

1 ORS 327.013 (1)(c)(A)(i).

2 (7) Nothing in this section:

3 (a) Requires a district school board to admit siblings if the board imposes
4 limitations as allowed under subsection (2) of this section.

5 (b) Prevents a district school board from denying admission to a nonres-
6 ident student as provided by ORS 339.115 (8).

7 **SECTION 4.** Section 20, chapter 718, Oregon Laws 2011, is amended to
8 read:

9 **Sec. 20.** (1) The amendments to ORS 327.006, 329.485, 332.405, 339.115,
10 339.134 and 343.151 by sections 11 to 14, 17 and 18 [*of this 2011 Act*], **chapter**
11 **718, Oregon Laws 2011**, become operative on January 1, 2012.

12 (2) The amendments to ORS 339.133 by section 19 [*of this 2011 Act*],
13 **chapter 718, Oregon Laws 2011, and the amendments to section 1 of**
14 **this 2013 Act by section 3 of this 2013 Act** become operative on July 1,
15 2017.

16 (3) The amendments to ORS 339.133 by section 19 [*of this 2011 Act*],
17 **chapter 718, Oregon Laws 2011**, first apply to the 2017-2018 school year.

18
