

**A-Engrossed**  
**House Bill 2747**

Ordered by the House April 4  
Including House Amendments dated April 4

Sponsored by COMMITTEE ON EDUCATION

**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.

*[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.]*

**Describes student characteristics that district school board that admits nonresident students by giving consent or that charges nonresident students tuition is prohibited from considering when determining whether to give consent or accept nonresident student or when establishing terms of consent or amount of tuition. Describes information and other factors that district school board may request or consider prior to giving consent or accepting nonresident student.**

**Allows district school board to limit number of students to whom board will give consent.**

**A BILL FOR AN ACT**

1  
2 Relating to admittance of nonresident students; creating new provisions; and amending section 20,  
3 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 students by giving con-**  
6 **sent as described in ORS 339.133 (5)(a) may not consider race, religion, sex, sexual orien-**  
7 **tation, ethnicity, national origin, disability, health, whether a student has an individualized**  
8 **education program, the terms of an individualized education program, income level, resi-**  
9 **dence, proficiency in the English language, athletic ability or academic records when:**

10 (a) **Determining whether to give consent; or**

11 (b) **Establishing any terms of consent.**

12 (2) **A district school board that is considering whether to admit a nonresident student**  
13 **by giving consent may require only the following information prior to deciding whether to**  
14 **give consent:**

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

16 (b) **Information about whether the school district may be prevented or otherwise limited**  
17 **from providing consent as provided by ORS 339.115 (8).**

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

20 (a) **Request or require any person to provide or have provided any of the following in-**  
21 **formation related to a student prior to the district school board deciding whether to give**  
22 **consent to the student:**

23 (A) **Information about the student's race, religion, sex, sexual orientation, ethnicity, na-**

**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 tional origin, disability, health, whether a student has an individualized education program,  
2 the terms of an individualized education program, income level, residence, proficiency in the  
3 English language or athletic ability; or

4 (B) Academic records, including eligibility for or participation in a talented and gifted  
5 program or special education and related services.

6 (b) Request or require the student to participate in an interview or to otherwise meet  
7 with any representatives of a school or a school district prior to the district school board  
8 deciding whether to give consent to the student.

9 (c) Request any information used to supplement the information described in subsection  
10 (2) of this section prior to deciding whether to give consent to the student.

11 (4)(a) A district school board that admits nonresident students by giving consent as de-  
12 scribed in ORS 339.133 (5)(a) may limit the number of students to whom consent is given.  
13 The district school board must make the determination whether to limit the number of stu-  
14 dents to whom consent is given by an annual date established by the board.

15 (b) If the number of students seeking admission exceeds any limitations imposed by the  
16 district school board, the board must admit nonresident students based on an equitable lot-  
17 tery selection process. The process may give priority to students who have siblings currently  
18 enrolled in a school of the school district.

19 (c) A district school board may revise the maximum number of students to whom con-  
20 sent will be given at a time other than the annual date established by the board if there are  
21 no pending applications for consent.

22 (5) A district school board that is requested to give consent to allow a resident student  
23 to be admitted by another school district as described in ORS 339.133 (5)(a) may not consider  
24 race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether  
25 a student has an individualized education program, the terms of an individualized education  
26 program, income level, residence, proficiency in the English language, athletic ability or ac-  
27 ademic records when determining whether to give consent.

28 (6) If a district school board decides to not give consent to a student, the board must  
29 provide a written explanation to the student.

30 (7) A district school board that gives consent as provided by ORS 339.133 (5)(a) may de-  
31 termine the length of time for which consent is given. Any limitations in length of time must  
32 be applied consistently among all students to whom consent is given.

33 (8) Nothing in this section:

34 (a) Requires a district school board to admit siblings if the board imposes limitations on  
35 the number of students admitted by consent.

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

38 (c) Prevents a district school board from requesting information or giving consent to a  
39 student in the event of an emergency to protect the health, safety or welfare of the student.

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

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

42 (b) State School Fund distributions commencing with the 2014-2015 distributions.

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

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

1       **Sec. 1.** (1) A district school board that admits nonresident students by giving consent as de-  
2 scribed in ORS 339.133 (5)[(a)] may not consider race, religion, sex, sexual orientation, ethnicity,  
3 national origin, disability, health, whether a student has an individualized education program, the  
4 terms of an individualized education program, income level, residence, proficiency in the English  
5 language, athletic ability or academic records when:

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 a nonresident student by giving  
9 consent may require only the following information prior to deciding whether to give consent:

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

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

13       (3) A district school board that is considering whether to admit a nonresident student by giving  
14 consent may not:

15          (a) Request or require any person to provide or have provided any of the following information  
16 related to a student prior to the district school board deciding whether to give consent to the stu-  
17 dent:

18           (A) Information about the student's race, religion, sex, sexual orientation, ethnicity, national  
19 origin, disability, health, whether a student has an individualized education program, the terms of  
20 an individualized education program, income level, residence, proficiency in the English language  
21 or athletic ability; or

22           (B) Academic records, including eligibility for or participation in a talented and gifted program  
23 or special education and related services.

24          (b) Request or require the student to participate in an interview or to otherwise meet with any  
25 representatives of a school or a school district prior to the district school board deciding whether  
26 to give consent to the student.

27          (c) Request any information used to supplement the information described in subsection (2) of  
28 this section prior to deciding whether to give consent to the student.

29       (4)(a) A district school board that admits nonresident students by giving consent as described  
30 in ORS 339.133 (5)[(a)] may limit the number of students to whom consent is given. The district  
31 school board must make the determination whether to limit the number of students to whom consent  
32 is given by an annual date established by the board.

33          (b) If the number of students seeking admission exceeds any limitations imposed by the district  
34 school board, the board must admit nonresident students based on an equitable lottery selection  
35 process. The process may give priority to students who have siblings currently enrolled in a school  
36 of the school district.

37          (c) A district school board may revise the maximum number of students to whom consent will  
38 be given at a time other than the annual date established by the board if there are no pending ap-  
39 plications for consent.

40       (5) A district school board that is requested to give consent to allow a resident student to be  
41 admitted by another school district as described in ORS 339.133 (5)[(a)] may not consider race, reli-  
42 gion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an  
43 individualized education program, the terms of an individualized education program, income level,  
44 residence, proficiency in the English language, athletic ability or academic records when determin-  
45 ing whether to give consent.

1 (6) If a district school board decides to not give consent to a student, the board must provide  
2 a written explanation to the student.

3 (7) A district school board that gives consent as provided by ORS 339.133 (5)(a) may determine  
4 the length of time for which consent is given. Any limitations in length of time must be applied  
5 consistently among all students to whom consent is given.

6 (8) Nothing in this section:

7 (a) Requires a district school board to admit siblings if the board imposes limitations on the  
8 number of students admitted by consent.

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

11 (c) Prevents a district school board from requesting information or giving consent to a student  
12 in the event of an emergency to protect the health, safety or welfare of the student.

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

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

17 (2) The amendments to ORS 339.133 by section 19 [of this 2011 Act], **chapter 718, Oregon Laws**  
18 **2011, and the amendments to section 1 of this 2013 Act by section 3 of this 2013 Act** become  
19 operative on July 1, 2017.

20 (3) The amendments to ORS 339.133 by section 19 [of this 2011 Act], **chapter 718, Oregon Laws**  
21 **2011**, first apply to the 2017-2018 school year.

22 **SECTION 5.** (1) **A district school board that admits nonresident students and charges**  
23 **nonresident students tuition may not consider race, religion, sex, sexual orientation,**  
24 **ethnicity, national origin, disability, health, whether a student has an individualized educa-**  
25 **tion program, the terms of an individualized education program, income level, residence,**  
26 **proficiency in the English language, athletic ability or academic records when:**

27 (a) **Determining whether to accept a nonresident student; or**

28 (b) **Establishing the amount of tuition.**

29 (2) **A district school board that admits nonresident students and charges nonresident**  
30 **students tuition may require a student seeking to attend the schools of the school district**  
31 **to provide the following information:**

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

33 (b) **Information about whether the school district may be prevented or otherwise limited**  
34 **from admitting the student as provided by ORS 339.115 (8).**

35 (3) **A district school board that admits nonresident students and charges nonresident**  
36 **students tuition may not:**

37 (a) **Request or require any person to provide or have provided any of the following in-**  
38 **formation related to a student prior to the district school board deciding whether to admit**  
39 **the student:**

40 (A) **Information about the student's race, religion, sex, sexual orientation, ethnicity, na-**  
41 **tional origin, disability, health, whether a student has an individualized education program,**  
42 **the terms of an individualized education program, income level, residence, proficiency in the**  
43 **English language or athletic ability; or**

44 (B) **Academic records, including eligibility for or participation in a talented and gifted**  
45 **program or special education and related services.**

1       **(b) Request or require the student to participate in an interview or to otherwise meet**  
2 **with any representatives of a school or a school district prior to the district school board**  
3 **deciding whether to admit the student.**

4       **(c) Request any information used to supplement the information described in subsection**  
5 **(2) of this section prior to deciding whether to admit the student.**

6       **(4) If a district school board decides to deny admission to a nonresident student and to**  
7 **charge the nonresident student tuition, the board must provide a written explanation to the**  
8 **student.**

9       **(5) Nothing in this section:**

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

12       **(b) Prevents a district school board from requesting information or admitting a student**  
13 **in the event of an emergency to protect the health, safety or welfare of the student.**

14       **SECTION 6.** **(1) Section 5 of this 2013 Act first applies to:**

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

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

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

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