

House Bill 2747

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 **as introduced**.

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 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 under a con-**
6 **tract entered into as provided by ORS 339.125 or by giving consent as described in ORS**
7 **339.133 (5)(a) must adopt standards as provided by this section.**

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

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

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

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

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

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

20 **(b) Admit nonresident students based on an equitable lottery selection process if the**
21 **number of students seeking admission exceeds any limitations imposed by the district school**
22 **board. The process may give priority to students who have siblings currently enrolled in a**
23 **school of the school district.**

24 **(4) A district school board may not consider race, religion, sex, sexual orientation,**
25 **ethnicity, national origin, disability, whether a student has an individualized education pro-**
26 **gram, the terms of an individualized education program, income level, proficiency in the**
27 **English language or athletic ability when:**

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

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

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

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

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

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

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

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

15 (7) Nothing in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (4) A district school board may not consider race, religion, sex, sexual orientation, ethnicity,
45 national origin, disability, whether a student has an individualized education program, the terms of

1 an individualized education program, income level, proficiency in the English language or athletic
2 ability when:

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

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

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

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

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

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

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

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

18 (7) Nothing in this section:

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

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

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

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

27 (2) The amendments to ORS 339.133 by section 19 [*of this 2011 Act*], **chapter 718, Oregon Laws**
28 **2011, and the amendments to section 1 of this 2013 Act by section 3 of this 2013 Act** become
29 operative on July 1, 2017.

30 (3) The amendments to ORS 339.133 by section 19 [*of this 2011 Act*], **chapter 718, Oregon Laws**
31 **2011**, first apply to the 2017-2018 school year.

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