

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2747

By COMMITTEE ON RULES

June 27

- 1 On page 1 of the printed A-engrossed bill, line 2, delete “and”.
- 2 In line 3, after “2011” insert “; and declaring an emergency”.
- 3 In line 18, after “(3)” insert “(a)”.
- 4 In line 20, delete “(a)” and insert “(A)”.
- 5 In line 23, delete “(A)” and insert “(i)”.
- 6 On page 2, line 4, delete “(B)” and insert “(ii)”.
- 7 In line 6, delete “(b)” and insert “(B)” and after “interview” insert “, to tour any of the schools
- 8 or facilities of the school district”.
- 9 In line 9, delete “(c)” and insert “(C)”.
- 10 After line 10, insert:
- 11 “(b) Nothing in this subsection prevents a student from voluntarily touring any of the schools
- 12 or facilities of a school district or from requesting or receiving any information from a school or the
- 13 school district.”.
- 14 After line 39, insert:
- 15 “(d) Prevents a district school board from establishing minimum standards for behavior and at-
- 16 tendance that a student must maintain to remain enrolled in the schools of the school district.”.
- 17 Delete line 45 and delete page 3.
- 18 On page 4, delete lines 1 through 12 and insert:
- 19 “**SECTION 3.** Section 1 of this 2013 Act is amended to read:
- 20 “**Sec. 1.** (1) A district school board that admits nonresident students by giving consent as de-
- 21 scribed in ORS 339.133 (5)[(a)] may not consider race, religion, sex, sexual orientation, ethnicity,
- 22 national origin, disability, health, whether a student has an individualized education program, the
- 23 terms of an individualized education program, income level, residence, proficiency in the English
- 24 language, athletic ability or academic records when:
- 25 “(a) Determining whether to give consent; or
- 26 “(b) Establishing any terms of consent.
- 27 “(2) A district school board that is considering whether to admit a nonresident student by giving
- 28 consent may require only the following information prior to deciding whether to give consent:
- 29 “(a) The name, contact information, date of birth and grade level of the student; and
- 30 “(b) Information about whether the school district may be prevented or otherwise limited from
- 31 providing consent as provided by ORS 339.115 (8).
- 32 “(3)(a) A district school board that is considering whether to admit a nonresident student by
- 33 giving consent may not:
- 34 “(A) Request or require any person to provide or have provided any of the following information
- 35 related to a student prior to the district school board deciding whether to give consent to the stu-

1 dent:

2 “(i) Information about the student’s race, religion, sex, sexual orientation, ethnicity, national
3 origin, disability, health, whether a student has an individualized education program, the terms of
4 an individualized education program, income level, residence, proficiency in the English language
5 or athletic ability; or

6 “(ii) Academic records, including eligibility for or participation in a talented and gifted program
7 or special education and related services.

8 “(B) Request or require the student to participate in an interview, to tour any of the schools
9 or facilities of the school district or to otherwise meet with any representatives of a school or a
10 school district prior to the district school board deciding whether to give consent to the student.

11 “(C) Request any information used to supplement the information described in subsection (2) of
12 this section prior to deciding whether to give consent to the student.

13 “(b) Nothing in this subsection prevents a student from voluntarily touring any of the schools
14 or facilities of a school district or from requesting or receiving any information from a school or the
15 school district.

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

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

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

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

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

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

38 “(8) Nothing in this section:

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

41 “(b) Prevents a district school board from denying admission to a nonresident student as pro-
42 vided by ORS 339.115 (8).

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

45 “(d) Prevents a district school board from establishing minimum standards for behavior and at-

1 tendance that a student must maintain to remain enrolled in the schools of the school district.”.

2 In line 35, after “(3)” insert “(a)”.

3 In line 37, delete “(a)” and insert “(A)”.

4 In line 40, delete “(A)” and insert “(i)”.

5 In line 44, delete “(B)” and insert “(ii)”.

6 On page 5, line 1, delete “(b)” and insert “(B)” and after “interview” insert “, to tour any of the
7 schools or facilities of the school district”.

8 In line 4, delete “(c)” and insert “(C)”.

9 After line 5, insert:

10 “(b) Nothing in this subsection prevents a student from voluntarily touring any of the schools
11 or facilities of a school district or from requesting or receiving any information from a school or the
12 school district.”.

13 After line 13, insert:

14 “(c) Prevents a district school board from establishing minimum standards for behavior and at-
15 tendance that a student must maintain to remain enrolled in the schools of the school district.”.

16 After line 18, insert:

17 **“SECTION 7. Section 8 of this 2013 Act is added to and made a part of ORS chapter 343.**

18 **“SECTION 8. (1) As used in this section:**

19 **“(a) ‘Long term care facility’ has the meaning given that term in ORS 442.015.**

20 **“(b) ‘Skilled nursing facility’ has the meaning given that term in ORS 442.015.**

21 **“(2)(a) Notwithstanding ORS 339.133 and 339.134, a student who is admitted to a long term
22 care facility or a skilled nursing facility shall be considered a resident of the school district
23 in which the long term care facility or skilled nursing facility is located.**

24 **“(b) The school district of which the student is a resident as provided by paragraph (a)
25 of this subsection is responsible for providing educational services to the student in the least
26 restrictive environment in which the student can be educated.**

27 **“(3) When a student is discharged from a long term care facility or a skilled nursing fa-
28 cility:**

29 **“(a) The residency of the student shall be determined as provided by ORS 339.133 and
30 339.134; and**

31 **“(b) The responsibilities imposed by subsection (2)(b) of this section terminate and be-
32 come the responsibilities of the school district of which the student is a resident.**

33 **“SECTION 9. Section 8 of this 2013 Act first applies to the 2013-2014 school year.**

34 **“SECTION 10. Section 8 of this 2013 Act is repealed on June 30, 2014.**

35 **“SECTION 11. Any distributions of State School Fund moneys made before the effective
36 date of this 2013 Act to a school district for a nonresident student admitted to a long term
37 care facility or a skilled nursing facility located within the boundaries of the school district
38 are validated and approved.**

39 **“SECTION 12. This 2013 Act being necessary for the immediate preservation of the public
40 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
41 July 1, 2013.”.**