

House Bill 3008

Sponsored by Representative WILLIAMSON; Representatives BUCKLEY, CLEM, DEMBROW, DOHERTY, FREDERICK, GREENLICK, HOLVEY, HOYLE, JENSON, NATHANSON, UNGER, WITT, Senators KRUSE, MONNES ANDERSON, STEINER HAYWARD

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 allows student to attend school of other school district under contract or by giving consent to adopt specified standards for admittance.

Sunsets open enrollment provisions for nonresident students on July 1, 2014.

A BILL FOR AN ACT

1
2 Relating to admittance of nonresident students; creating new provisions; and amending sections 20,
3 21 and 22, 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 allows a student of the school district to**
6 **attend a school of another school district by entering into a contract as provided by ORS**
7 **339.125 or by giving consent as described in ORS 339.133 (5)(a) must adopt standards as pro-**
8 **vided by this section.**

9 (2) **The standards adopted under this section must include:**

10 (a) **A description of the process by which a student may request the district school board**
11 **to enter into a contract or give consent, including timelines for responding to a request that**
12 **the board enter into a contract or give consent.**

13 (b) **A requirement that a district school board provide written notice to the student of**
14 **the board's decision whether to enter into a contract or give consent. If the district school**
15 **board decides not to enter into a contract or give consent, the written notice must be pro-**
16 **vided within 30 days of the decision and must include an explanation of the reason for not**
17 **entering into the contract or giving consent.**

18 (c) **An appeals process if a district school board decides to not enter into a contract or**
19 **give consent.**

20 (d) **A requirement that when a contract is entered into or consent is given, the affected**
21 **school districts shall enter into an agreement that identifies how payments will be made for**
22 **the costs of transporting the student.**

23 (e) **A prohibition against giving consent or entering into a contract unless the school**
24 **district board of the school district where the student will be attending school:**

25 (A) **Is able to verify that the average class size of the school district will not increase**
26 **as a result of admitting additional students as a result of the contract or consent; and**

27 (B) **Is able to identify the manner in which the needs of the student will be met, if the**
28 **school district does not have higher average scores on assessments than the school district**
29 **in which the student resides.**

30 (3) **A district school board may not consider race, religion, sex, sexual orientation,**

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 ethnicity, national origin, disability, terms of an individualized education program, income
2 level, proficiency in the English language or athletic ability when:

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

4 (b) Establishing any terms of a contract or consent.

5 (4) Nothing in this section:

6 (a) Prevents a district school board from entering into interagency agreements to provide
7 services to students who do not reside in the school district or are not considered residents
8 of the school district.

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

11 **SECTION 2.** (1) Section 1 of this 2013 Act first applies to students who seek admission
12 for the 2014-2015 school year.

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

15 **SECTION 3.** Section 21, chapter 718, Oregon Laws 2011, is amended to read:

16 **Sec. 21.** Section 9 [of this 2011 Act], chapter 718, Oregon Laws 2011, is repealed on July 1,
17 [2017] 2014.

18 **SECTION 4.** Section 22, chapter 718, Oregon Laws 2011, is amended to read:

19 **Sec. 22.** (1) Nothing in the amendments to ORS 339.133 by section 19 [of this 2011 Act], chapter
20 718, Oregon Laws 2011, and the repeal of section 9 [of this 2011 Act], chapter 718, Oregon Laws
21 2011, by section 21 [of this 2011 Act], chapter 718, Oregon Laws 2011, affects the status of a person
22 who was considered a resident as provided by ORS 339.133 (5)(b) prior to the [2017-2018] 2014-2015
23 school year.

24 (2) Notwithstanding section 9 [of this 2011 Act], chapter 718, Oregon Laws 2011, a school dis-
25 trict is not required to take any action under section 9 [of this 2011 Act], chapter 718, Oregon
26 Laws 2011, for the [2017-2018] 2014-2015 school year.

27 **SECTION 5.** Section 20, chapter 718, Oregon Laws 2011, is amended to read:

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

31 (2) The amendments to ORS 339.133 by section 19 [of this 2011 Act], chapter 718, Oregon Laws
32 2011, become operative on July 1, [2017] 2014.

33 (3) The amendments to ORS 339.133 by section 19 [of this 2011 Act], chapter 718, Oregon Laws
34 2011, first apply to the [2017-2018] 2014-2015 school year.