

House Bill 3012

Sponsored by Representative ESQUIVEL; Representatives SMITH, WEIDNER

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 to give consent to persons whose legal residence is not within school district and who seek to attend school in school district.

Applies to persons seeking consent for 2014-2015, 2015-2016 and 2016-2017 school years.

A BILL FOR AN ACT

1
2 Relating to residency of student for school purposes; creating new provisions; and amending section
3 9, chapter 718, Oregon Laws 2011.

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

5 **SECTION 1.** Section 9, chapter 718, Oregon Laws 2011, provides:

6 **Sec. 9.** (1) For purposes of ORS 339.133 (5)(b), a person whose legal residence is not within a
7 school district but who attends school in the district is considered a resident of the district in which
8 the person attends school if the person receives written consent to attend school from the district
9 school board where the school is located, as provided by this section.

10 [(2)(a) *By March 1 of each year, a district school board shall determine whether the board will give*
11 *consent to persons whose legal residence is not within the school district.*]

12 [(b) *If the district school board will give consent, the board shall establish standards by which*
13 *consent will be given. The standards must:*]

14 [(A) *Identify the number of persons to whom consent will be given for the school year. The district*
15 *school board may limit the number of persons to whom consent will be given based on school, grade*
16 *or a combination of school and grade.*]

17 [(B) *Allow persons who live within the boundaries of the school district the first opportunity to*
18 *change to a different school in the district if the district school board will be giving consent to attend*
19 *that school to persons who do not reside within the district.*]

20 [(3) *A person seeking consent as provided by this section must request consent no later than April*
21 *1 prior to the beginning of the school year for which consent is being requested. Requests may be*
22 *submitted before the district school board makes the determination and establishes the standards de-*
23 *scribed in subsection (2) of this section, but may not be considered by the board when the board makes*
24 *the determination and establishes the standards.*]

25 [(4)(a) *A district school board must give consent to a person who requests consent unless:*]

26 [(A) *The board decides to not give consent to any person as allowed by subsection (2) of this sec-*
27 *tion;*]

28 [(B) *The board decides to limit the number of persons to whom consent will be given and the per-*
29 *son was not selected to be given consent based on the selection process described in subsection (5) of*
30 *this section; or*]

31 [(C) *The board is not required to admit the person, as provided by ORS 339.115 (8).*]

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 *[(b) A district school board may not deny consent or give priority based on race, religion, sex,*
 2 *sexual orientation, ethnicity, national origin, disability, terms of an individualized education program,*
 3 *income level, proficiency in the English language or athletic ability.]*

4 *[(5) If the number of persons seeking consent exceeds the number of persons to whom the district*
 5 *school board has determined will be given consent, the board shall give consent based on an equitable*
 6 *lottery selection process. The process may give priority to persons who have siblings currently enrolled*
 7 *in a school of the school district, but in no event may a sibling be given priority to any open spot in*
 8 *the schools of the school district over any persons who reside within the school district.]*

9 **(2) A person seeking consent as provided by this section must request consent no later**
 10 **than April 1 prior to the beginning of the school year for which consent is being requested.**

11 **(3)(a) Except as provided by paragraph (b) of this subsection, a district school board must**
 12 **give consent to a person who requests consent as provided by this section.**

13 **(b) A district school board is not required to give consent to a person who requests**
 14 **consent if the board is not required to admit the person, as provided by ORS 339.115 (8).**

15 *[(6)(a)]* **(4)(a)** Except as provided by paragraphs (b) and (c) of this subsection, a person who re-
 16 ceives consent and who is considered a resident of a district as provided by this section shall be
 17 considered a resident of the district for all educational purposes. A person who is considered a
 18 resident of the district as provided by this section shall continue to be considered a resident of the
 19 district until the person:

20 (A) Graduates from high school;

21 (B) Is no longer required to be admitted to the schools of the school district under ORS 339.115;

22 or

23 (C) Enrolls in a school in a different school district.

24 (b) A school district is not required to provide transportation outside the boundaries of the
 25 district to a person who is considered a resident of the district as provided by this section, except
 26 that a district:

27 (A) Must allow persons who are considered a resident of the district as provided by this section
 28 to use existing bus routes and transportation services of the district. Transportation provided under
 29 this subparagraph is considered approved transportation costs for purposes of ORS 327.013.

30 (B) May provide a stipend for a person who is a member of a low-income family, as defined in
 31 ORS 339.147, in an amount that does not exceed the district's average cost per student for trans-
 32 portation.

33 (C) Must provide transportation if required by federal law.

34 (c) After the first year that a person is considered a resident of a district as provided by this
 35 section, the district school board may transfer the person to a different school in the district. Any
 36 transfers must be made consistent with district policy and do not affect the status of the person as
 37 a resident of the district.

38 *[(7)]* **(5)** A district school board shall provide written notification of the attendance of a person
 39 who receives consent as provided by this section to the district school board where the legal resi-
 40 dence of the person is located. The written notification required by this subsection must be provided
 41 no later than May 1 prior to the beginning of the school year for which consent was given.

42 *[(8)]* **(6)** Nothing in this section:

43 *[(a) Requires a district school board to give consent to siblings if the board determines that consent*
 44 *will not be given to any students for a school year.]*

45 *[(b)]* **(a)** Prevents a school district from entering into interagency agreements to provide services

1 to persons who do not reside in the school district or are not considered residents of the school
2 district.

3 [(c)] (b) Prevents or otherwise limits a district school board from providing consent to a person
4 who has received consent from the district school board for the school district in which the person
5 resides, as provided by ORS 339.133 (5)(a).

6 **SECTION 2. (1) The amendments to section 9, chapter 718, Oregon Laws 2011, first apply**
7 **to persons who seek consent for the 2014-2015 school year.**

8 (2) **Nothing in the amendments to section 9, chapter 718, Oregon Laws 2011, affects the**
9 **status of a person who was considered a resident as provided by section 9, chapter 718,**
10 **Oregon Laws 2011, prior to the 2014-2015 school year.**

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