

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3075

By COMMITTEE ON EDUCATION AND WORKFORCE DEVELOPMENT

May 30

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon insert “creating new pro-
2 visions;” and after “332.505” insert “and sections 9 and 21, chapter 718, Oregon Laws 2011.”

3 On page 4, after line 31, insert:

4 “**SECTION 5.** Section 9, chapter 718, Oregon Laws 2011, is amended to read:

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

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

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

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

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

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

24 “(4)(a) A district school board must give consent to a person who requests consent unless:

25 “(A) The board decides to not give consent to any person as allowed by subsection (2) of this
26 section;

27 “(B) The board decides to limit the number of persons to whom consent will be given and the
28 person was not selected to be given consent based on the selection process described in subsection
29 (5) of this section; or

30 “(C) The board is not required to admit the person, as provided by ORS 339.115 (8).

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

34 “(5) If the number of persons seeking consent exceeds the number of persons to whom the dis-
35 trict school board has determined will be given consent, the board shall give consent based on an

1 equitable lottery selection process. The process may give priority to persons who have siblings
2 currently enrolled in a school of the school district, but in no event may a sibling be given priority
3 to any open spot in the schools of the school district over any persons who reside within the school
4 district.

5 “(6)(a) **If a person is considered a resident of the school district as provided by this sec-**
6 **tion and the person has expressed an interest in attending the schools of another school**
7 **district before the end of the school year, the school district shall meet with the person and**
8 **encourage the person to continue to attend the schools of the school district for the re-**
9 **mainder of the school year.**

10 “(b) **If a person is considered a resident of the school district as provided by this section,**
11 **the school district may not encourage or require the person to attend the schools of another**
12 **school district as a condition of avoiding a disciplinary measure, including but not limited to**
13 **suspension or expulsion.**

14 “[(6)(a)] (7)(a) Except as provided by paragraphs (b) and (c) of this subsection, a person who
15 receives consent and who is considered a resident of a district as provided by this section shall be
16 considered a resident of the district for all educational purposes. A person who is considered a
17 resident of the district as provided by this section shall continue to be considered a resident of the
18 district until the person:

19 “(A) Graduates from high school;

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

21 or

22 “(C) Enrolls in a school in a different school district.

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

26 “(A) Must allow persons who are considered a resident of the district as provided by this section
27 to use existing bus routes and transportation services of the district. **Costs incurred for transpor-**
28 **tation provided under this subparagraph [is] are considered approved transportation costs for pur-**
29 **poses of ORS 327.013, except for costs incurred for providing transportation solely to persons**
30 **who are considered residents of the district as provided by this section if the transportation**
31 **is provided:**

32 “(i) **Outside the boundaries of the district; and**

33 “(ii) **For the purpose of transporting the persons between home and school.**

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

37 “(C) Must provide transportation if required by federal law. **Costs incurred for transportation**
38 **provided under this subparagraph are considered approved transportation costs for purposes**
39 **of ORS 327.013.**

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

44 “[(7)] (8) A district school board shall provide written notification of the attendance of a person
45 who receives consent as provided by this section to the district school board where the legal resi-

1 dence of the person is located. The written notification required by this subsection must be provided
2 no later than May 1 prior to the beginning of the school year for which consent was given.

3 “[8] (9) Nothing in this section:

4 “(a) Requires a district school board to give consent to siblings if the board determines that
5 consent will not be given to any students for a school year.

6 “(b) Prevents a school district from entering into interagency agreements to provide services to
7 persons who do not reside in the school district or are not considered residents of the school dis-
8 trict.

9 “(c) Prevents or otherwise limits a district school board from providing consent to a person who
10 has received consent from the district school board for the school district in which the person re-
11 sides, as provided by ORS 339.133 (5)(a).

12 “**SECTION 6. The amendments to section 9, chapter 718, Oregon Laws 2011, by section 5**
13 **of this 2013 Act apply to:**

14 “(1) Consent or priority given on or after the effective date of this 2013 Act; and

15 “(2) Costs incurred for transportation on or after July 1, 2013.

16 “**SECTION 7. A school district that provides consent to nonresident persons to attend the**
17 **schools of the school district as provided by section 9, chapter 718, Oregon Laws 2011, may**
18 **not expend moneys received from the State School Fund or as Local Revenues, as described**
19 **in ORS 327.011, to advertise openings for nonresident persons if the advertisements are:**

20 “(1) Located outside the boundaries of the school district, including advertisements that
21 are made by signage or billboards; or

22 “(2) Directed to persons who are not residents of the school district, including:

23 “(a) Advertisements that are targeted to nonresidents through direct mail or online di-
24 rect marketing;

25 “(b) Television or radio advertisements; or

26 “(c) Newspaper advertisements, unless the advertisement is in a newspaper that prima-
27 rily serves the residents of the school district.

28 “**SECTION 8. Section 7 of this 2013 Act applies to contracts for advertising entered into**
29 **by a school district on or after the effective date of this 2013 Act.**

30 “**SECTION 9.** Section 21, chapter 718, Oregon Laws 2011, is amended to read:

31 “**Sec. 21.** Section 9 [*of this 2011 Act is*], **chapter 718, Oregon Laws 2011, and section 7 of this**
32 **2013 Act are repealed on July 1, 2017.”.**

33 In line 32, delete “5” and insert “10”.
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