

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2747**

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 On page 2, after line 39, insert:

4 “(d) Prevents a district school board from establishing minimum standards
5 for behavior and attendance that a student must maintain to remain enrolled
6 in the schools of the school district.”.

7 Delete line 45 and delete page 3.

8 On page 4, delete lines 1 through 12 and insert:

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

10 “**Sec. 1.** (1) A district school board that admits nonresident students by
11 giving consent as described in ORS 339.133 (5)[(a)] may not consider race,
12 religion, sex, sexual orientation, ethnicity, national origin, disability, health,
13 whether a student has an individualized education program, the terms of an
14 individualized education program, income level, residence, proficiency in the
15 English language, athletic ability or academic records when:

16 “(a) Determining whether to give consent; or

17 “(b) Establishing any terms of consent.

18 “(2) A district school board that is considering whether to admit a non-
19 resident student by giving consent may require only the following informa-
20 tion prior to deciding whether to give consent:

21 “(a) The name, contact information, date of birth and grade level of the
22 student; and

1 “(b) Information about whether the school district may be prevented or
2 otherwise limited from providing consent as provided by ORS 339.115 (8).

3 “(3) A district school board that is considering whether to admit a non-
4 resident student by giving consent may not:

5 “(a) Request or require any person to provide or have provided any of the
6 following information related to a student prior to the district school board
7 deciding whether to give consent to the student:

8 “(A) Information about the student’s race, religion, sex, sexual orien-
9 tation, ethnicity, national origin, disability, health, whether a student has
10 an individualized education program, the terms of an individualized educa-
11 tion program, income level, residence, proficiency in the English language
12 or athletic ability; or

13 “(B) Academic records, including eligibility for or participation in a tal-
14 ented and gifted program or special education and related services.

15 “(b) Request or require the student to participate in an interview or to
16 otherwise meet with any representatives of a school or a school district prior
17 to the district school board deciding whether to give consent to the student.

18 “(c) Request any information used to supplement the information de-
19 scribed in subsection (2) of this section prior to deciding whether to give
20 consent to the student.

21 “(4)(a) A district school board that admits nonresident students by giving
22 consent as described in ORS 339.133 (5)[(a)] may limit the number of students
23 to whom consent is given. The district school board must make the determi-
24 nation whether to limit the number of students to whom consent is given by
25 an annual date established by the board.

26 “(b) If the number of students seeking admission exceeds any limitations
27 imposed by the district school board, the board must admit nonresident stu-
28 dents based on an equitable lottery selection process. The process may give
29 priority to students who have siblings currently enrolled in a school of the
30 school district.

1 “(c) A district school board may revise the maximum number of students
2 to whom consent will be given at a time other than the annual date estab-
3 lished by the board if there are no pending applications for consent.

4 “(5) A district school board that is requested to give consent to allow a
5 resident student to be admitted by another school district as described in
6 ORS 339.133 (5)[(a)] may not consider race, religion, sex, sexual orientation,
7 ethnicity, national origin, disability, health, whether a student has an indi-
8 vidualized education program, the terms of an individualized education pro-
9 gram, income level, residence, proficiency in the English language, athletic
10 ability or academic records when determining whether to give consent.

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

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

17 “(8) Nothing in this section:

18 “(a) Requires a district school board to admit siblings if the board im-
19 poses limitations on the number of students admitted by consent.

20 “(b) Prevents a district school board from denying admission to a non-
21 resident student as provided by ORS 339.115 (8).

22 “(c) Prevents a district school board from requesting information or giv-
23 ing consent to a student in the event of an emergency to protect the health,
24 safety or welfare of the student.

25 “(d) Prevents a district school board from establishing minimum standards
26 for behavior and attendance that a student must maintain to remain enrolled
27 in the schools of the school district.”.

28 On page 5, after line 13, insert:

29 “(c) Prevents a district school board from establishing minimum standards
30 for behavior and attendance that a student must maintain to remain enrolled

1 in the schools of the school district.”.

2 After line 18, insert:

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

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

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

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

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

14 **“(b) The school district of which the student is a resident as pro-**
15 **vided by paragraph (a) of this subsection is responsible for providing**
16 **educational services to the student in the least restrictive environment**
17 **in which the student can be educated.**

18 **“(3) When a student is discharged from a long term care facility or**
19 **a skilled nursing facility:**

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

22 **“(b) The responsibilities imposed by subsection (2)(b) of this section**
23 **terminate and become the responsibilities of the school district of**
24 **which the student is a resident.**

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

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

28 **“SECTION 11. Any distributions of State School Fund moneys made**
29 **before the effective date of this 2013 Act to a school district for a**
30 **nonresident student admitted to a long term care facility or a skilled**

1 **nursing facility located within the boundaries of the school district are**
2 **validated and approved.**

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

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