

**PROPOSED AMENDMENTS TO
HOUSE BILL 2747**

1 On page 1 of the printed bill, delete lines 5 through 30 and delete pages
2 2 and 3 and insert:

3 **“SECTION 1. (1) A district school board that admits nonresident**
4 **students by giving consent as described in ORS 339.133 (5)(a) may not**
5 **consider race, religion, sex, sexual orientation, ethnicity, national or-**
6 **igin, disability, health, whether a student has an individualized edu-**
7 **cation program, the terms of an individualized education program,**
8 **income level, residence, proficiency in the English language, athletic**
9 **ability or academic records when:**

10 **“(a) Determining whether to give consent; or**

11 **“(b) Establishing any terms of consent.**

12 **“(2) A district school board that is considering whether to admit a**
13 **nonresident student by giving consent may require only the following**
14 **information prior to deciding whether to give consent:**

15 **“(a) The name, contact information, date of birth and grade level**
16 **of the student; and**

17 **“(b) Information about whether the school district may be pre-**
18 **vented or otherwise limited from providing consent as provided by**
19 **ORS 339.115 (8).**

20 **“(3) A district school board that is considering whether to admit a**
21 **nonresident student by giving consent may not:**

22 **“(a) Request or require any person to provide or have provided any**

1 of the following information related to a student prior to the district
2 school board deciding whether to give consent to the student:

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

8 “(B) Academic records, including eligibility for or participation in
9 a talented and gifted program or special education and related ser-
10 vices.

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

15 “(c) Request any information used to supplement the information
16 described in subsection (2) of this section prior to deciding whether to
17 give consent to the student.

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

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

28 “(c) A district school board may revise the maximum number of
29 students to whom consent will be given at a time other than the an-
30 nual date established by the board if there are no pending applications

1 for consent.

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

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

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

16 “(8) Nothing in this section:

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

19 “(b) Prevents a district school board from denying admission to a
20 nonresident student as provided by ORS 339.115 (8).

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

24 “SECTION 2. (1) Section 1 of this 2013 Act first applies to:

25 “(a) Nonresident students who seek admission for the 2014-2015
26 school year; and

27 “(b) State School Fund distributions commencing with the 2014-2015
28 distributions.

29 “(2) Nothing in section 1 of this 2013 Act affects the status of a
30 nonresident student who was admitted as provided by ORS 339.125 or

1 **339.133 (5)(a) prior to the 2014-2015 school year.**

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

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

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

10 “(b) Establishing any terms of consent.

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

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

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

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

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

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

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

30 “(b) Request or require the student to participate in an interview or to

1 otherwise meet with any representatives of a school or a school district prior
2 to the district school board deciding whether to give consent to the student.

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

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

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

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

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

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

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

1 to whom consent is given.

2 “(8) Nothing in this section:

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

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

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

10 **“SECTION 4.** Section 20, chapter 718, Oregon Laws 2011, is amended to
11 read:

12 **“Sec. 20.** (1) The amendments to ORS 327.006, 329.485, 332.405, 339.115,
13 339.134 and 343.151 by sections 11 to 14, 17 and 18 [*of this 2011 Act*], **chapter**
14 **718, Oregon Laws 2011**, become operative on January 1, 2012.

15 “(2) The amendments to ORS 339.133 by section 19 [*of this 2011 Act*],
16 **chapter 718, Oregon Laws 2011, and the amendments to section 1 of**
17 **this 2013 Act by section 3 of this 2013 Act** become operative on July 1,
18 2017.

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

21 **“SECTION 5.** (1) **A district school board that admits nonresident**
22 **students and charges nonresident students tuition may not consider**
23 **race, religion, sex, sexual orientation, ethnicity, national origin, disa-**
24 **bility, health, whether a student has an individualized education pro-**
25 **gram, the terms of an individualized education program, income level,**
26 **residence, proficiency in the English language, athletic ability or aca-**
27 **ademic records when:**

28 **“(a) Determining whether to accept a nonresident student; or**

29 **“(b) Establishing the amount of tuition.**

30 **“(2) A district school board that admits nonresident students and**

1 **charges nonresident students tuition may require a student seeking**
2 **to attend the schools of the school district to provide the following**
3 **information:**

4 **“(a) The name, contact information, date of birth and grade level**
5 **of the student; and**

6 **“(b) Information about whether the school district may be pre-**
7 **vented or otherwise limited from admitting the student as provided**
8 **by ORS 339.115 (8).**

9 **“(3) A district school board that admits nonresident students and**
10 **charges nonresident students tuition may not:**

11 **“(a) Request or require any person to provide or have provided any**
12 **of the following information related to a student prior to the district**
13 **school board deciding whether to admit the student:**

14 **“(A) Information about the student’s race, religion, sex, sexual**
15 **orientation, ethnicity, national origin, disability, health, whether a**
16 **student has an individualized education program, the terms of an in-**
17 **dividualized education program, income level, residence, proficiency**
18 **in the English language or athletic ability; or**

19 **“(B) Academic records, including eligibility for or participation in**
20 **a talented and gifted program or special education and related ser-**
21 **vices.**

22 **“(b) Request or require the student to participate in an interview**
23 **or to otherwise meet with any representatives of a school or a school**
24 **district prior to the district school board deciding whether to admit**
25 **the student.**

26 **“(c) Request any information used to supplement the information**
27 **described in subsection (2) of this section prior to deciding whether to**
28 **admit the student.**

29 **“(4) If a district school board decides to deny admission to a non-**
30 **resident student and to charge the nonresident student tuition, the**

1 board must provide a written explanation to the student.

2 “(5) Nothing in this section:

3 “(a) Prevents a district school board from denying admission to a
4 nonresident student as provided by ORS 339.115 (8).

5 “(b) Prevents a district school board from requesting information
6 or admitting a student in the event of an emergency to protect the
7 health, safety or welfare of the student.

8 “SECTION 6. (1) Section 5 of this 2013 Act first applies to:

9 “(a) Nonresident students who seek admission for the 2014-2015
10 school year; and

11 “(b) State School Fund distributions commencing with the 2014-2015
12 distributions.

13 “(2) Nothing in section 5 of this 2013 Act affects the status of a
14 nonresident student who was admitted as provided by ORS 339.125 or
15 339.133 (5)(a) prior to the 2014-2015 school year.”.

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