

Enrolled House Bill 4007

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Education)

CHAPTER

AN ACT

Relating to continuity in the enrollment of nonresident students; amending ORS 339.127 and section 2, chapter 655, Oregon Laws 2013; and declaring an emergency.

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

SECTION 1. ORS 339.127 is amended to read:

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

- (a) Determining whether to give consent; or
- (b) Establishing any terms of consent.

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

- (a) The name, contact information, date of birth and grade level of the student; and
- (b) Information about whether the school district may be prevented or otherwise limited from providing consent as provided by ORS 339.115 (8).

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

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

(i) Information about the student's race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an individualized education program, the terms of an individualized education program, income level, residence, proficiency in the English language or athletic ability; or

(ii) Academic records, including eligibility for or participation in a talented and gifted program or special education and related services.

(B) Request or require the student to participate in an interview, to tour any of the schools or facilities of the school district or to otherwise meet with any representatives of a school or a school district prior to the district school board deciding whether to give consent to the student.

(C) Request any information used to supplement the information described in subsection (2) of this section prior to deciding whether to give consent to the student.

(b) Nothing in this subsection prevents a student from voluntarily touring any of the schools or facilities of a school district or from requesting or receiving any information from a school or the school district.

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

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

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

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

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

(7)(a) For a nonresident student who receives consent to be admitted to a school district as described in ORS 339.133 (5)(a), a district school board [that gives consent as provided by ORS 339.133 (5)(a)] may determine the length of time for which consent is given. Any limitations in length of time must be applied consistently among all students to whom consent is given.

(b) For a resident student who receives consent to be admitted to another school district as described in ORS 339.133 (5)(a), a district school board may not impose any limitations on the length of time for which consent is given to the student. The board may not require the student to receive consent more than one time to be admitted to the same school district, regardless of any time limitations imposed by the district school board under paragraph (a) of this subsection.

(8) Notwithstanding any other provision of this section, a district school board that is requested to give consent as described in ORS 339.133 (5) must give consent to enable a student whose legal residence changes to a different school district during the school year to complete the school year in the school district.

[8] (9) Nothing in this section:

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

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

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

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

SECTION 2. ORS 339.127, as amended by section 3, chapter 655, Oregon Laws 2013, is amended to read:

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

- (a) Determining whether to give consent; or
 - (b) Establishing any terms of consent.
- (2) A district school board that is considering whether to admit a nonresident student by giving consent may require only the following information prior to deciding whether to give consent:
- (a) The name, contact information, date of birth and grade level of the student; and
 - (b) Information about whether the school district may be prevented or otherwise limited from providing consent as provided by ORS 339.115 (8).
- (3)(a) A district school board that is considering whether to admit a nonresident student by giving consent may not:
- (A) Request or require any person to provide or have provided any of the following information related to a student prior to the district school board deciding whether to give consent to the student:
 - (i) Information about the student's race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an individualized education program, the terms of an individualized education program, income level, residence, proficiency in the English language or athletic ability; or
 - (ii) Academic records, including eligibility for or participation in a talented and gifted program or special education and related services.
 - (B) Request or require the student to participate in an interview, to tour any of the schools or facilities of the school district or to otherwise meet with any representatives of a school or a school district prior to the district school board deciding whether to give consent to the student.
 - (C) Request any information used to supplement the information described in subsection (2) of this section prior to deciding whether to give consent to the student.
- (b) Nothing in this subsection prevents a student from voluntarily touring any of the schools or facilities of a school district or from requesting or receiving any information from a school or the school district.
- (4)(a) A district school board that admits nonresident students by giving consent as described in ORS 339.133 (5) may limit the number of students to whom consent is given. The district school board must make the determination whether to limit the number of students to whom consent is given by an annual date established by the board.
- (b) If the number of students seeking admission exceeds any limitations imposed by the district school board, the board must admit nonresident students based on an equitable lottery selection process. The process may give priority to students who have siblings currently enrolled in a school of the school district.
- (c) A district school board may revise the maximum number of students to whom consent will be given at a time other than the annual date established by the board if there are no pending applications for consent.
- (5) A district school board that is requested to give consent to allow a resident student to be admitted by another school district as described in ORS 339.133 (5) may not consider race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an individualized education program, the terms of an individualized education program, income level, residence, proficiency in the English language, athletic ability or academic records when determining whether to give consent.
- (6) If a district school board decides to not give consent to a student, the board must provide a written explanation to the student.
- (7)(a) **For a nonresident student who receives consent to be admitted to a school district as described in ORS 339.133 (5), a district school board [that gives consent as provided by ORS 339.133 (5)] may determine the length of time for which consent is given. Any limitations in length of time must be applied consistently among all students to whom consent is given.**
- (b) **For a resident student who receives consent to be admitted to another school district as described in ORS 339.133 (5), a district school board may not impose any limitations on the length of time for which consent is given to the student. The board may not require the**

student to receive consent more than one time to be admitted to the same school district, regardless of any time limitations imposed by the district school board under paragraph (a) of this subsection.

(8) Notwithstanding any other provision of this section, a district school board that is requested to give consent as described in ORS 339.133 (5) must give consent to enable a student whose legal residence changes to a different school district during the school year to complete the school year in the school district.

[~~(8)~~] **(9)** Nothing in this section:

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

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

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

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

SECTION 3. Section 2, chapter 655, Oregon Laws 2013, is amended to read:

Sec. 2. (1) [*Section 1 of this 2013 Act*] **ORS 339.127** first applies to:

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

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

(2) Nothing in [*section 1 of this 2013 Act*] **ORS 339.127** affects the status of a nonresident student who was admitted as provided by ORS 339.125 or 339.133 (5)(a) prior to the 2014-2015 school year.

(3) Notwithstanding ORS 339.127, a district school board that administers a lottery selection process may give priority for the 2014-2015 school year to nonresident students who received consent from the board as described in ORS 339.133 (5)(a) for the 2013-2014 school year.

(4) The requirements of ORS 339.127 (7)(b) apply to resident students who received consent for the 2013-2014 school year or any subsequent school year.

SECTION 4. This 2014 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect on its passage.

Passed by House February 13, 2014

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate February 20, 2014

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

.....M,....., 2014

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2014

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Kate Brown, Secretary of State