

House Bill 4007

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

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**.

Prohibits district school board from imposing time limitation on consent given to resident student to attend schools of another school district.

Requires district school board to give consent to enable student whose legal residence changes to different school district during school year to complete school year in school district.

Allows district school board that administers lottery selection process to give priority for 2014-2015 school year to nonresident students who received consent from board for 2013-2014 school year.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to continuity in the enrollment of nonresident students; amending ORS 339.127 and section
3 2, chapter 655, Oregon Laws 2013; and declaring an emergency.

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

5 **SECTION 1.** ORS 339.127 is amended to read:

6 339.127. (1) A district school board that admits nonresident students by giving consent as de-
7 scribed in ORS 339.133 (5)(a) may not consider race, religion, sex, sexual orientation, ethnicity, na-
8 tional origin, disability, health, whether a student has an individualized education program, the
9 terms of an individualized education program, income level, residence, proficiency in the English
10 language, athletic ability or academic records when:

11 (a) Determining whether to give consent; or

12 (b) Establishing any terms of consent.

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

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

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

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

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

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

27 (ii) Academic records, including eligibility for or participation in a talented and gifted program

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 or special education and related services.

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

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

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

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

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

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

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

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

29 **(7)(a) For a nonresident student who receives consent to be admitted to a school district**
 30 **as described in ORS 339.133 (5)(a),** a district school board *[that gives consent as provided by ORS*
 31 *339.133 (5)(a)]* may determine the length of time for which consent is given. Any limitations in length
 32 of time must be applied consistently among all students to whom consent is given.

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

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

43 [(8)] (9) Nothing in this section:

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

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

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

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

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

9 339.127. (1) A district school board that admits nonresident students by giving consent as de-
10 scribed in ORS 339.133 (5) may not consider race, religion, sex, sexual orientation, ethnicity, na-
11 tional origin, disability, health, whether a student has an individualized education program, the
12 terms of an individualized education program, income level, residence, proficiency in the English
13 language, athletic ability or academic records when:

14 (a) Determining whether to give consent; or

15 (b) Establishing any terms of consent.

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

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

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

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

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

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

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

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

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

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

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

44 (b) If the number of students seeking admission exceeds any limitations imposed by the district
45 school board, the board must admit nonresident students based on an equitable lottery selection

1 process. The process may give priority to students who have siblings currently enrolled in a school
2 of the school district.

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

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

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

14 **(7)(a) For a nonresident student who receives consent to be admitted to a school district**
15 **as described in ORS 339.133 (5),** a district school board [*that gives consent as provided by ORS*
16 *339.133 (5)*] may determine the length of time for which consent is given. Any limitations in length
17 of time must be applied consistently among all students to whom consent is given.

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

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

28 [~~8~~] **(9)** Nothing in this section:

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

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

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

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

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

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

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

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

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

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

1 year.

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

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

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