

**PROPOSED AMENDMENTS TO  
SENATE BILL 709**

1 On page 1 of the printed bill, line 3, after the semicolon delete the rest  
2 of the line and line 4 and insert “amending ORS 339.127; and declaring an  
3 emergency.”.

4 Delete lines 6 through 31 and delete pages 2 through 16 and insert:

5 **“SECTION 1. ORS 339.127, as amended by section 1, chapter 5, Oregon**  
6 **Laws 2014, is amended to read:**

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

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

14 “(b) Establishing any terms of consent.

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

18 “(a) The name, contact information, date of birth and grade level of the  
19 student; *[and]*

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

22 **“(c) Information about whether the student may be given priority**

1 **as provided by subsection (4) of this section; and**

2 **“(d) Information about which schools the student prefers to attend.**

3 “(3)(a) A district school board that is considering whether to admit a  
4 nonresident 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 “(i) Information about the student’s race, religion, sex, sexual orientation,  
9 ethnicity, national origin, disability, health, whether a student has an indi-  
10 vidualized education program, the terms of an individualized education pro-  
11 gram, income level, residence, proficiency in the English language or athletic  
12 ability; or

13 “(ii) 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, to tour  
16 any of the schools or facilities of the school district or to otherwise meet  
17 with any representatives of a school or a school district prior to the district  
18 school board deciding whether to give consent to the student.

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

22 “(b) Nothing in this subsection prevents a student from voluntarily tour-  
23 ing any of the schools or facilities of a school district or from requesting or  
24 receiving any information from a school or the school district.

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

30 “(b) If the number of students seeking admission exceeds any limitations

1 imposed by the district school board, the board must admit nonresident stu-  
2 dents based on an equitable lottery selection process. The process may give  
3 priority to students who:

4 **“(A) Have siblings currently enrolled in a school of the school**  
5 **district[.]; or**

6 **“(B) Previously had received consent as provided by subsection (10)**  
7 **of this section because of a change in legal residence.**

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

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

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

20 “(7)(a) For a nonresident student who receives consent to be admitted to  
21 a school district as described in ORS 339.133 (5)(a), a district school board  
22 may:

23 **“(A) Determine the length of time for which consent is given[.]; and**

24 **“(B) Revoke consent for failure to comply with minimum standards**  
25 **for behavior or attendance, but may not revoke consent for failure to**  
26 **meet standards for academics.**

27 **“(b) Any limitations in length of time for consent, as allowed under**  
28 **paragraph (a) of this subsection, must be applied consistently among all**  
29 **students to whom consent is given. The length of time for which consent**  
30 **is given shall not be affected by any changes in the legal residence of**

1 **the student if the student wishes to continue to attend the schools of**  
2 **the school district.**

3 **“(c) If consent is revoked as provided by paragraph (a) of this sub-**  
4 **section, a student may not request consent from the same school dis-**  
5 **trict that revoked the consent for the school year following the school**  
6 **year in which the consent was revoked.**

7 **“[(b)] (8) For a resident student who receives consent to be admitted to**  
8 **another school district as described in ORS 339.133 (5)(a), a district school**  
9 **board may not impose any limitations on the length of time for which con-**  
10 **sent is given to the student. The board may not require the student to re-**  
11 **ceive consent more than one time to be admitted to the same school district,**  
12 **regardless of any time limitations imposed by the district school board under**  
13 **paragraph (a) of this subsection.**

14 **“(9)(a) A school district that provides consent to nonresident stu-**  
15 **dents to attend the schools of the school district may not expend**  
16 **moneys received from the State School Fund or as Local Revenues,**  
17 **as described in ORS 327.011, to advertise openings for nonresident**  
18 **students if the advertisements are:**

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

21 **“(B) Directed to nonresident students, including:**

22 **“(i) Advertisements that are targeted to nonresident students**  
23 **through direct mail or online marketing;**

24 **“(ii) Television or radio advertisements; or**

25 **“(iii) Newspaper advertisements, unless the advertisement is in a**  
26 **newspaper that primarily serves the residents of the school district.**

27 **“(b) Notwithstanding paragraph (a)(A) of this subsection, if a school**  
28 **is located outside the boundaries of the school district, the school**  
29 **district may advertise openings for nonresident students on the prop-**  
30 **erty of the school.**

1       **“(c) Nothing in this subsection:**

2       **“(A) Prohibits a school district from providing information or ad-**  
3 **vertisements to nonresident students if the parents of the students**  
4 **request the information or advertisements.**

5       **“(B) Prohibits a public charter school from advertising openings.**

6       “[(8)] **(10)** Notwithstanding any other provision of this section, a district  
7 school board that is requested to give consent as described in ORS 339.133  
8 (5) must give consent to [*enable*] a student whose legal residence changes to  
9 a different school district:

10       **“(a) During the school year, to enable the student to complete the**  
11 **school year in the school district[.]; or**

12       **“(b) During the summer prior to the school year, to enable the**  
13 **student to complete the school year following the summer in the**  
14 **school district.**

15       “[(9)] **(11)** Nothing in this section:

16       “(a) Requires a district school board to admit [*siblings*] **students for**  
17 **whom priority may be given under subsection (4)(b) of this section** if  
18 the board imposes limitations on the number of students admitted by consent.

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

21       “(c) Prevents a district school board from requesting information or giv-  
22 ing consent to a student in the event of:

23       **“(A) An emergency to protect the health, safety or welfare of the**  
24 **student[.]; or**

25       **“(B) A hardship of the student, as determined based on rules**  
26 **adopted by the State Board of Education.**

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

30       **“SECTION 2. ORS 339.127, as amended by section 3, chapter 655, Oregon**

1 Laws 2013, and section 2, chapter 5, Oregon Laws 2014, is amended to read:

2 “339.127. (1) A district school board that admits nonresident students by  
3 giving consent as described in ORS 339.133 (5) may not consider race, reli-  
4 gion, sex, sexual orientation, ethnicity, national origin, disability, health,  
5 whether a student has an individualized education program, the terms of an  
6 individualized education program, income level, residence, proficiency in the  
7 English language, athletic ability or academic records when:

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

9 “(b) Establishing any terms of consent.

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

13 “(a) The name, contact information, date of birth and grade level of the  
14 student; *[and]*

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

17 **“(c) Information about whether the student may be given priority**  
18 **as provided by subsection (4) of this section; and**

19 **“(d) Information about which schools the student prefers to attend.**

20 “(3)(a) 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 of the  
23 following information related to a student prior to the district school board  
24 deciding whether to give consent to the student:

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

30 “(ii) Academic records, including eligibility for or participation in a tal-

1 ented and gifted program or special education and related services.

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

6 “(C) Request any information used to supplement the information de-  
7 scribed in subsection (2) of this section prior to deciding whether to give  
8 consent to the student.

9 “(b) Nothing in this subsection prevents a student from voluntarily tour-  
10 ing any of the schools or facilities of a school district or from requesting or  
11 receiving any information from a school or the school district.

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

17 “(b) If the number of students seeking admission exceeds any limitations  
18 imposed by the district school board, the board must admit nonresident stu-  
19 dents based on an equitable lottery selection process. The process may give  
20 priority to students who:

21 “(A) Have siblings currently enrolled in a school of the school  
22 district[.]; or

23 “(B) **Previously had received consent as provided by subsection (10)**  
24 **of this section because of a change in legal residence.**

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

28 “(5) A district school board that is requested to give consent to allow a  
29 resident student to be admitted by another school district as described in  
30 ORS 339.133 (5) may not consider race, religion, sex, sexual orientation,

1 ethnicity, national origin, disability, health, whether a student has an indi-  
2 vidualized education program, the terms of an individualized education pro-  
3 gram, income level, residence, proficiency in the English language, athletic  
4 ability or academic records when determining whether to give consent.

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6 board must provide a written explanation to the student.

7 “(7)(a) For a nonresident student who receives consent to be admitted to  
8 a school district as described in ORS 339.133 (5), a district school board  
9 may:

10 “(A) Determine the length of time for which consent is given[.]; **and**

11 “(B) **Revoke consent for failure to comply with minimum standards**  
12 **for behavior or attendance, but may not revoke consent for failure to**  
13 **meet standards for academics.**

14 “(b) Any limitations in length of time **for consent, as allowed under**  
15 **paragraph (a) of this subsection,** must be applied consistently among all  
16 students to whom consent is given. **The length of time for which consent**  
17 **is given shall not be affected by any changes in the legal residence of**  
18 **the student if the student wishes to continue to attend the schools of**  
19 **the school district.**

20 “(c) **If consent is revoked as provided by paragraph (a) of this sub-**  
21 **section, a student may not request consent from the same school dis-**  
22 **trict that revoked the consent for the school year following the school**  
23 **year in which the consent was revoked.**

24 “[*b*] (8) For a resident student who receives consent to be admitted to  
25 another school district as described in ORS 339.133 (5), a district school  
26 board may not impose any limitations on the length of time for which con-  
27 sent is given to the student. The board may not require the student to re-  
28 ceive consent more than one time to be admitted to the same school district,  
29 regardless of any time limitations imposed by the district school board under  
30 paragraph (a) of this subsection.



1       **“(9)(a) A school district that provides consent to nonresident stu-**  
2 **dents to attend the schools of the school district may not expend**  
3 **moneys received from the State School Fund or as Local Revenues,**  
4 **as described in ORS 327.011, to advertise openings for nonresident**  
5 **students if the advertisements are:**

6       **“(A) Located outside the boundaries of the school district, including**  
7 **advertisements that are made by signage or billboards; or**

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10 **through direct mail or online marketing;**

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13 **newspaper that primarily serves the residents of the school district.**

14       **“(b) Notwithstanding paragraph (a)(A) of this subsection, if a school**  
15 **is located outside the boundaries of the school district, the school**  
16 **district may advertise openings for nonresident students on the prop-**  
17 **erty of the school.**

18       **“(c) Nothing in this subsection:**

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20 **vertisements to nonresident students if the parents of the students**  
21 **request the information or advertisements.**

22       **“(B) Prohibits a public charter school from advertising openings.**

23       **“[(8)] (10) Notwithstanding any other provision of this section, a district**  
24 **school board that is requested to give consent as described in ORS 339.133**  
25 **(5) must give consent to [enable] a student whose legal residence changes to**  
26 **a different school district:**

27       **“(a) During the school year, to enable the student to complete the**  
28 **school year in the school district[.]; or**

29       **“(b) During the summer prior to the school year, to enable the**  
30 **student to complete the school year following the summer in the**

1 **school district.**

2 “[9] (11) Nothing in this section:

3 “(a) Requires a district school board to admit [*siblings*] **students for**  
4 **whom priority may be given under subsection (4)(b) of this section** if  
5 the board imposes limitations on the number of students admitted by consent.

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

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9 ing consent to a student in the event of:

10 “(A) An emergency to protect the health, safety or welfare of the  
11 student[.]; **or**

12 “(B) **A hardship of the student, as determined based on rules**  
13 **adopted by the State Board of Education.**

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

17 “**SECTION 3. The amendments to ORS 339.127 by sections 1 and 2**  
18 **of this 2015 Act first apply to requests for consent made by students**  
19 **who attended the schools of the school district during the 2014-2015**  
20 **school year.**

21 “**SECTION 4. This 2015 Act being necessary for the immediate**  
22 **preservation of the public peace, health and safety, an emergency is**  
23 **declared to exist, and this 2015 Act takes effect on its passage.”.**

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